The National Branch of the Electrical Trades Unions Submission for the response to the National Injury Insurance Scheme

April 2015



1. **Introduction**

The Electrical Trades Union – National Branch (ETU) welcomes the opportunity to comment on the National Injury Insurance Scheme.

1. **Key concerns**

The ETU’s key concerns are:

* Data that the productivity commission identified as a reduction in catastrophic workplace accidents as a result from ‘gains’ in workplace health and safety measures cannot be quantified. The ETU believes that there are a number of recalcitrant employers that under report workplace injuries as a result of the impact of increased premiums.
* Attempts to harmonise workers’ occupational health and safety laws has proved to be very difficult to date and has failed to be implemented nationwide. We believe that the implementation of the compensation insurance scheme would also be extremely difficult. To the extent that jurisdictions are able to reach agreement it would likely result in a watered down scheme where fewer workers are eligible and where eligible workers are entitled to lower service levels than occur under some existing state based schemes.
* We believe that the National Injury Insurance Scheme, which was proposed by the Productivity Commission in 2011, may curtail individuals’ rights to seek appropriate compensation for injuries that have occurred at work.
* The reality is that few people are catastrophically injured in Australia in a way that is not someone else’s fault .The cost of setting up an entire new administrative scheme does not make sense. This cost could instead be poured into the NDIS, to ensure that more people have access to the support that they need. We believe that removing liability through creating a ‘no fault’ system, in reality, creates a ‘no liability’ system. This leads to reductions in safety, transparency and responsibility.
* The minimum benchmark gives each jurisdiction the ability to make the necessary changes to ensure that their scheme aligns with the minimum benchmark. This has the ability to ensure that the states, territories and the commonwealth have at minimum the same provisions for assisting injured workers. The paper shows that currently there are major differences in which these schemes are currently implemented.

1. **Conclusion**

The ETU agrees with the conclusions of the RIS . It is clear that any attempt to harmonise workers’ compensation insurance scheme would be extremely difficult. To the extent that jurisdictions are able to reach agreement it would likely result in a watered down scheme where fewer workers are eligible and where eligible workers are entitled to lower service levels than occur under some existing state based schemes.

Workers should be entitled to a lifetime of support regardless of their age, and should not need to navigate two schemes. The costs of the increased entitlements would be paid by employers through increased premiums under the minimum benchmarks. More focus should be placed on ensuring that employers meet their obligation under their respective Occupational Health and Safety legislation.