Dear Member,

Newman Government Removes your Workers’ Compensation Rights

Through all the commotion the recently passed "Bikie Legislation" has created, you could be forgiven for missing the changes to workers’ compensation legislation that are going to have a very serious impact on you and your rights at work.

At a late night Parliamentary session it was determined that the Workers’ Compensation and Rehabilitation Act was to be amended without it so much as catching a mention in the Courier Mail. The amendments are cruel, unnecessary and completely in contradiction to the recommendations put forward by their own Committee that was appointed to enquire into the regime.

The changes are in force now and will apply to all employees injured at work as of 15 October 2013:

- A 5% total person disability threshold has been imposed for those wishing to make a common law claim. Whilst on the face of it, this might seem insignificant, consider this:
  - A man who has been a builder all his life loses half of his finger due to negligence on the part of the employer. He is no longer able to hold a hammer and cannot work. He is assessed as having a 1% total person disability.
  - A single mother is employed as a bus driver and has a fall which occurs as a result of negligence by her employer injuring her vertebrae thus preventing her from being able to continue in her job. She is assessed as having a 4% total person disability.

  Under the new legislation, they cannot bring a common law claim against their negligent employers and they cannot return to work. Even in Victoria where there is a similar threshold, there are exceptions to the threshold where you can claim 'exceptional circumstances' which may allow recognition of such a potentially life shattering impact. There is no such exception in Queensland.

- Employers are now able to request your claims history directly from WorkCover and this will include any common law claims that have been made.

- Latent onset injuries such as Mesothelioma and other asbestos related illnesses will not be claimable unless there is a terminal diagnosis.

- There will be no lump-sum payments for people who suffer from "prescribed disfigurement" (scarring) as a result of an injury at work. This will have a massive impact on people who may be burnt in the line of duty. The Fire-Fighters who protect our homes will be excluded from any lump sum payments to assist with expensive creams and burns-clothing.

- Some employers are no longer required to have a ‘return to work’ coordinator or a rehabilitation officer.

- Employers are no longer required to have a workplace rehabilitation policy or procedure.

- As of that date, a prospective employer is entitled to ask you for your history in terms of any medical condition you suffer from or have suffered from; or any injury that you have suffered in the past or suffer from now.
You are required by law to disclose all information in respect of this honestly and not in a misleading manner.

If you are knowingly dishonest or you mislead a prospective employer, you may be excluded from making a workers’ compensation claim in relation to that illness, condition or injury.

These changes make it far less likely that anyone who has ever had an injury or medical condition in the past, will want to move into another job, it will give an employer the ability to effectively discriminate against anyone who has ever been injured or who has suffered from a medical condition, whether it be work-related or not.

These changes are already in force. The Government did not consult with stakeholders in relation to these changes and they were made under the cover of darkness by hiding them behind the smokescreen of the bikie legislation.

**What can you do?**

Petition your local Member of Parliament. Tell them that you are not happy about the changes. Tell them how this could impact on you and your family. Tell them that this is not the sort of Government any of us expected.

**What can you do if you are injured at work?**

More immediately, if you are injured at work, before you even make a workers’ compensation claim, talk to us. We will arrange for you to receive appropriate legal advice to ensure your claim is framed correctly to secure the greatest chances of success. This is a free service for RTBU members.

Most importantly, stay safe out there!

Unity is Strength

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Owen Doogan  
**State Secretary**  
Queensland Branch