

WorkCover Update

**Jackie Cumming
Regional Manager
8 May 2013**

Agenda

- Common law Case updates
- Statutory update (solar claims)
- Electronic Files
- Provider Update



Common law Cases

Heywood v Commercial Electrical Pty Ltd [2013] QSC 52

Martin J

11 March 2013

The worker was an electrical apprentice who severed his ulnar nerve when he descended a ladder and his elbow came into contact with a U shaped piece of metal that he, the worker, had cut and placed on his tool box near the ladder. The worker's evidence was that he wasn't thinking about the piece of metal as he descended the ladder; he was thinking about his next task.

The Judge found that the employer had not breached its duty of care to the worker. Some of the relevant considerations were: the task was not a difficult one; The worker knew how to do the task; the worker created the risk of injury himself by placing the sharp metal exposed on the toolbox close to the ladder he was working on. The Judge found that there was no obligation to warn of this obvious risk and that the injury was the result of the worker's own actions. The worker's claim was dismissed.

Common law Cases

Schonell v Laspina, Trabucco & Co Pty Ltd [2013] QSC 90

Martin J

11 April 2013

The worker was a block layer at a construction site. He was working on platform set up on ladders. The worker alleged that he stepped off the platform onto the ladder, the ladder gave way causing him to injure his left knee. Liability and quantum were in issue.

The Court saw the Plaintiff failed to establish negligence against his employer. They found that his foot was not caught between planks but rather his left knee twisted as he attempted to return to the platform. The Court accepted that the measures adopted by the employer were reasonable.

Common law Cases

Weaver v Endeavour Foundation [2013] QSC 93

McMeekin J

12 April 2013

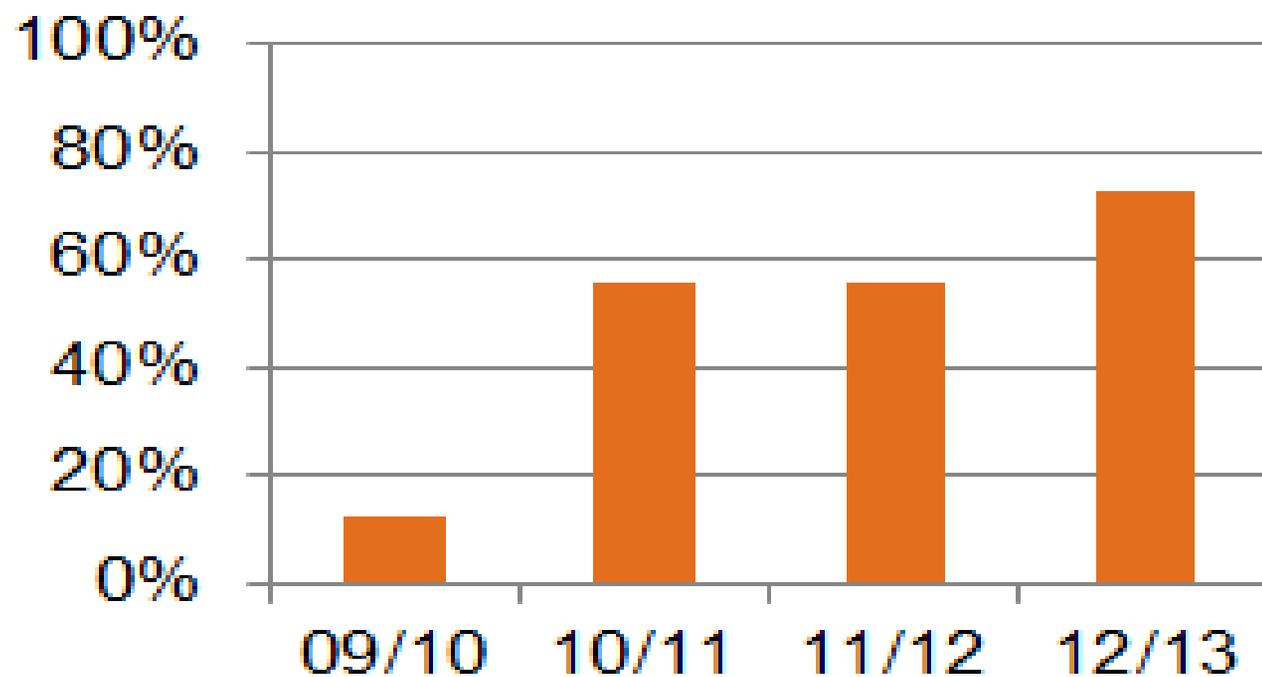
The Plaintiff, Ms Weaver, was employed as a senior support worker for the employer, and sustained a lumbar spine injury (and secondary psychological injury) on 1 May 2008 in Rockhampton when she was facilitating a PART course (Professional Assault Response Training). She was demonstrating a “Back Steps” manoeuvre when she fell and landed on her buttocks.

Liability was vigorously contested in circumstances where it was considered that there was no negligence on the part of the employer.

Judgment was delivered for the Plaintiff in the sum of \$369,000.02. The negligence found in this case was that, the Plaintiff was not trained to do this manoeuvre moderately or slowly.

Common law

Trial successes



Consolidation of Offices

- Progressing with Industry Alignment model and end to end customer management.
- WorkCover's smaller operations will be consolidated into the larger Customer Service Centres located at Brendale, Cannon Hill, Oxley and Logan.



Statutory Update - Definition of Worker

Workers will be employees as recognised by the Australian Taxation Office (ATO) for PAYG tax withholding.

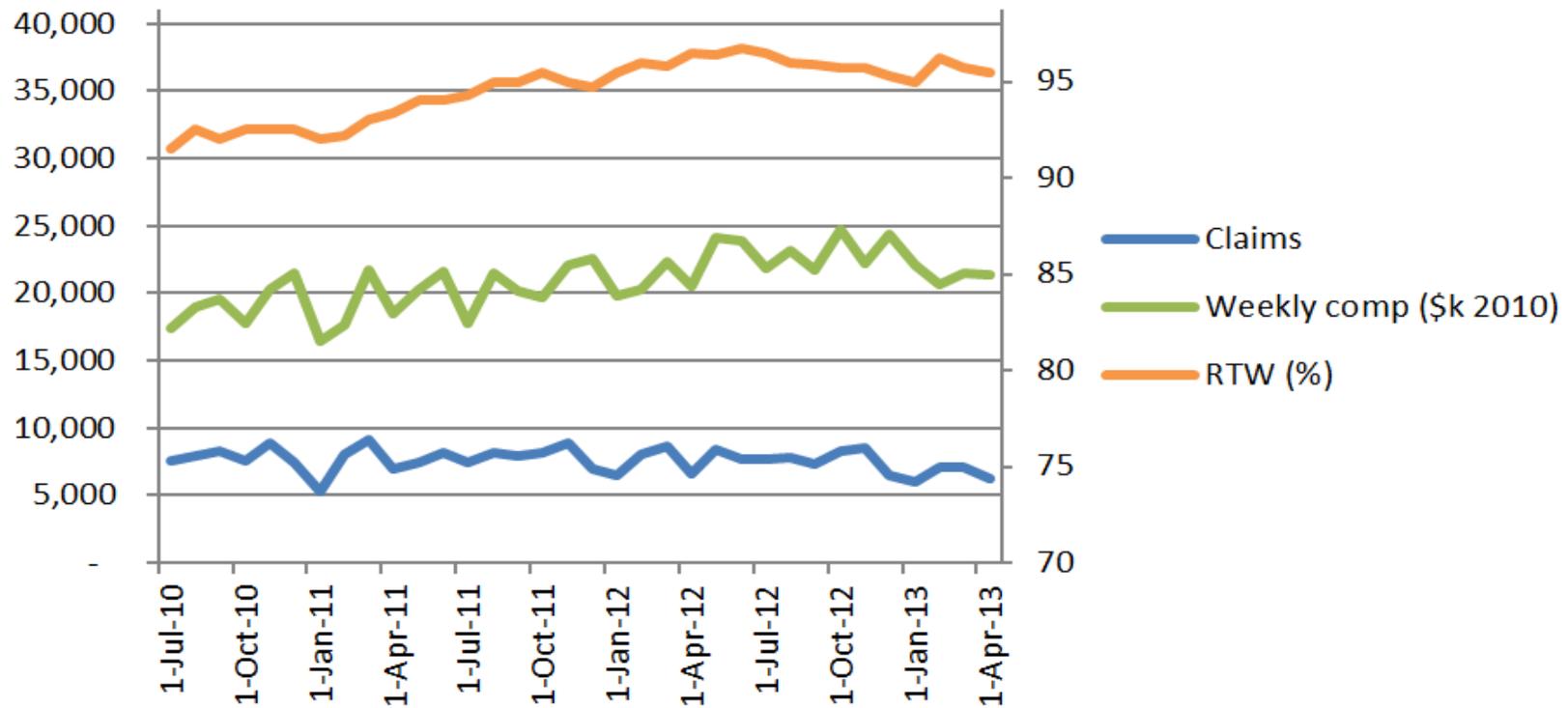
Key changes:

- Essentially the assessment comes back to the common law determination of a contract of service v's contract for services.
- ATO guidelines may exclude individual contractors who provide substantial plant e.g. bob cat operators.
- ATO guidelines may exclude substantially labour only individual contractors who quote for jobs, rectify defects and provide tools of their trade.
- All partnerships will be excluded, including partnerships of individuals.

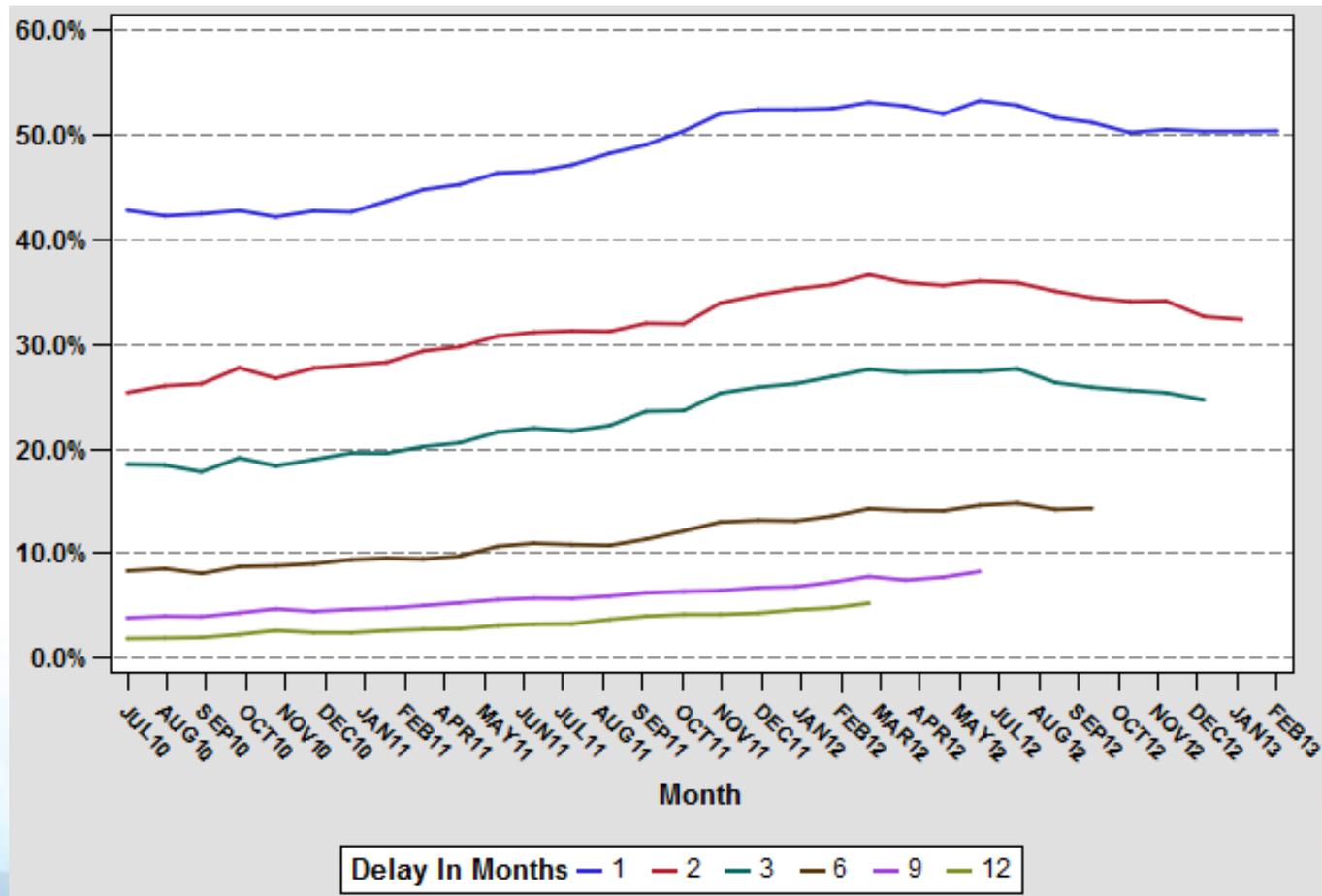
These changes will make it easier for businesses and workers to know who is covered.

Most industries will not be impacted – mainly construction and transport.

Statutory Update - Weekly Compensation

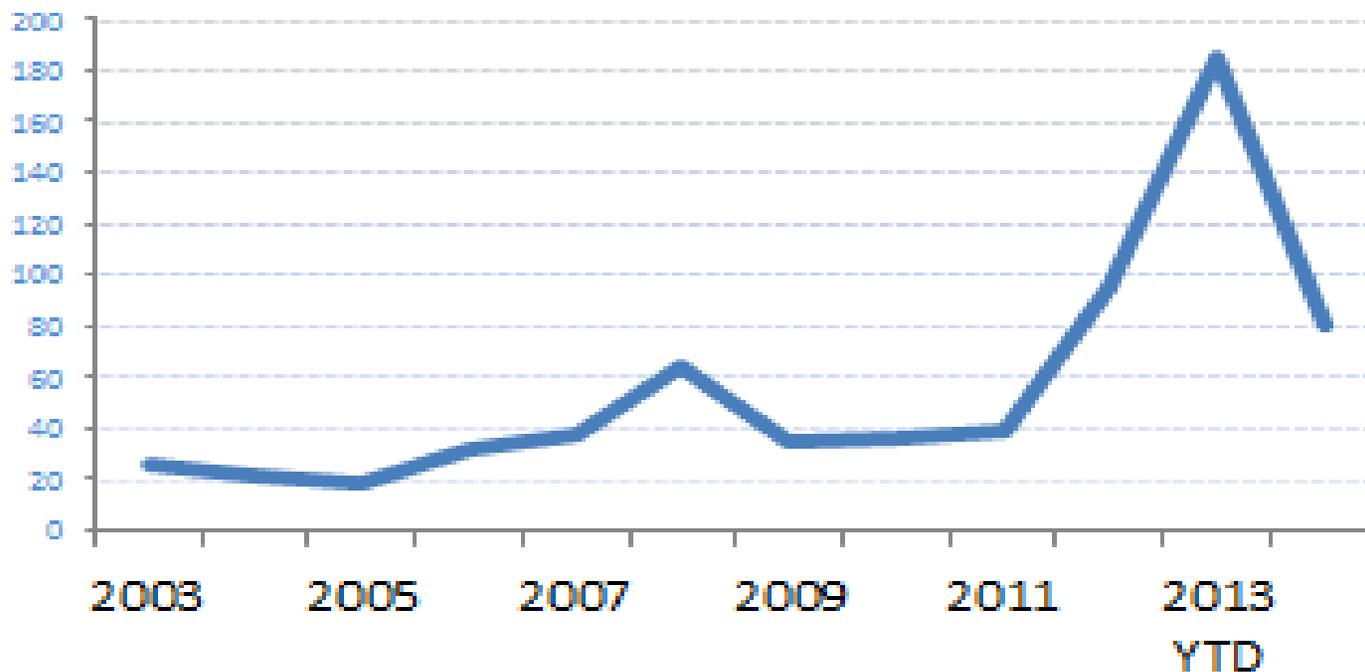


Statutory Update – Weekly Compensation Labour Hire Industry



Latent onset issues –Solar Claims

Solar Claim Registrations



WorkCover QUEENSLAND Electronic Files

Claim List

excellence | integrity | responsiveness | respect

Home Claims Policies Parties Queues Work Other Tools

User Selection

Quick Link

Summary **List** Search

Filter By Search

You have 31 claims assigned to you.

Claimant	Priority	Risk	Employer	Primary Injury	Age (Lodgement)
S12AW0131	●	●	WAB1207975	Unspecified locations Not known	26 Weeks
S11AW0131	●	●	WAD0707785	Ψ Psychological system in general Post-traumatic stress disorder	25 Weeks
S12AW0047	●	●	WSA1102582	Shoulder : Left Traumatic tearing from muscle, avulsion	30 Weeks
S11AW9847	●	●	WAA8512989	Elbow : Right Epicondylitis	41 Weeks
S12AW0361	●	●	WAA0603362	Lower back Soft tissue due to trauma/unknown mech.	12 Weeks
S12AW0042	●	●	WEA8606046	Lower back Muscle/tendon strain (non-traumatic)	31 Weeks
S12AW0169	●	●	WNA0207131	Lower back Back pain, lumbago, sciatica	24 Weeks
S12AW0524	●	●	WCA9707791	Fingers : Right Laceration not involving amputation	4 Weeks
S12AW0126	●	●	WAA8201687	Ψ Psychological system in general Anxiety/stress disorder	26 Weeks
S12AW0361	●	●	WAA0603362	Wrist : Right Carpal tunnel syndrome	14 Weeks

Return to Work Service Providers

Why are we reviewing Return to Work Service provider list?

- Make it easier for us to find a suitable provider close to where the service is needed
- Make it easier for new providers to join our provider list
- Help us share the work more equitably and monitor service
- Reduce our travel costs

Where are we at?

- Application processes are open
- Final communication to associations and providers about the SLS and application process
- The list will be effective from July 2013