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.....accent on the employer

Vol 1, Issue 3

Welcome to the third release of our employer focused newsletter. Once again the past two months have flown by and they have been packed with reform, reform, reform....and just in case the reforms did not touch you, they are putting in more reforms!

WorkCover, as you will see below, have been busy little people, as too have the federal and state governments, especially with the IR reforms that I am sure you all know about.

Between OHS reforms, PDS reforms (if you can call it that), Worker's compensation reforms and IR reforms, its safe to say that most employers heads are spinning out of control. Hopefully the information in this edition will at least slow down if not stop the spinning.

On the Accent front, we continue on business as usual. In addition to our IR, HR and Occupational Rehabilitation services Accent is increasing and expanding its health services to the community at large. These services include home modification consultation, occupational therapy for adults and children, spinal injury and the like. To keep the community informed, Accent will be developing and releasing a community newsletter in the next 3 months explaining all the services available as well as useful health tips and tricks. If you are interested in receiving this information, would like to make enquiries or know of anyone who may benefit from our community/clinical services, **please contact Meagan Elder on 4731 5009.**

Once again I trust you find this newsletter useful. Your feedback on future articles or information is much appreciated. You can send your feedback or suggestions to: mail@accentonhealth.com.au

Enjoy!

Daniel De Paoli
Managing Director

WorkCover reforms.....

WorkCover's scheme design reforms continue to be a hot topic of discussion amongst employers, insurers and rehabilitation providers.

Accent continues to keep its clients and associates as updated as possible with the changes as they are publicised, and, more importantly, we outline the possible effects they have on you.

The start of the new financial year sees the commencement of many of the changes being put into action. Though there are no ACTUAL dates of commencement of any of the items listed below, we know that they will start some time between now and December with as little as 2 weeks notice for some.

The items listed below are current as of mid June 2005.

1. Five of the six current insurers will remain in the new system. As of July 1 2005, Vero ceased its workers compensation licence. Vero will continue to manage its current files until December 2005. The remaining insurers are now referred to as 'agents'
2. Two to three new agents will be entering the market – their names have not been announced publicly however we anticipate that Melbourne and possibly internationally based agents are a possibility.
3. Vero's market share will be divided amongst the new agents before they cease managing the files in December
4. The new agents will receive a portion of the current insurer/agents files:
 - a. some time between now and December

- b. in lots of 1000
 - c. will only included tail claims at this stage (injury pre December 2003)
 - d. which files and from which agents have not been determined as yet
 - e. employers will have NO choice as to which files are moved and to who they go to.
 - f. Employers and providers will receive 2 weeks notice as to which files will move
5. ALL policies have been frozen from 30 June 2005 until some time next year! This means that as an employer you can not move your policy from one agent to another at this time.
 6. All agents will be more regulated and monitored by WorkCover. This includes funding and outcomes.
 7. Agents will be funded based on outcomes predominantly. They will receive 80% of the funds of managing a file on receipt of the claim. They will then receive the remaining 20% on outcome. A good outcome will also attract a bonus.
 8. There will be situations whereby an employer is forced to deal with 2 or more agents for the management of files.

Implications for employers:

- Agents, especially the new ones will be out to prove that they can achieve the outcomes they have stated they can achieve in their tenders to WorkCover. They will be looking to get long term injured back to employment of any form and fast. They may also be looking to send your files to a rehabilitation provider for assistance
- Employers and workers still have the right and power to use the provider of their choice. Do not be swayed into changing to a provider of the agents choice if you are content that your current provider is performing well for you.
- The biggest implication of all is that employers do not have a say in where Vero's and tails claim market shares will be moved to. Keep your eye on your files or consider moving them under the management of your provider NOW to ensure that you have say in their future management. *Accent can assist with this process if you require.*

These are the main changes that we are aware of to date. There are small changes also occurring simultaneously however they will have little impact on the employer.

If you require any more information on the reforms, please contact Daniel on 4731 5009.

Here today...gone tomorrow: PDS

As most of you are aware by now, on 15 June 2005, the Minister of Industrial Relations, John Della Bosca announced that as of June 30 2005, the PDS ceased to exist!

WorkCover circulated discussion papers in April 2005 requesting feedback on the PDS as a scheme and specifically feedback on the proposed changes to a flat 5% discount but on an ongoing basis rather than the current 15% for 3 years.

Obviously the response to this was scattered and mixed, primarily due to the fact that employers were balancing the numbers to determine if a 5% discount ongoing would be more beneficial then a 15% discount in three years, considering the cost of the PDS audit itself and the OHS systems implementation required up front.

Arguing the benefits of either scheme is now futile however WorkCover took the mixed response to mean that employers were mixed on the PDS as a whole and decided to can it outright...an unprecedented cessation of the scheme rather than a gradual removal.

The announcement has caused some confusion for those employers whose premium was renewed on June 30 2005. In summary, the following should save some of the confusion:

- If your premium renewal was June 30 2005 – you are no longer able to commence the PDS, regardless of the work put in to date or the fact that you may have booked in an audit in the next 6 months.
- If your premium is any time after June 2005 and before January 2006 AND you have already completed audit 1, year one before June 30 2005, then you can continue with audit 2, year one and then you cease.
- If you are in year 2 or 3, and your audit is due in the next 6 months, you can continue the year you are in only (year 2 can not continue to year 3).
- Your PDS auditor (auditor and principal) must have AS/NZ ISO 19011:2003 accreditation or the discount will not be awarded. *Accent auditors DO have this accreditation.*

For those who continue in the scheme between now and December, we look forward to arranging audit dates with you soon.

For any further information regarding the PDS please call Daniel on 4731 5009.

They always come in three's.....WorkCover reforms the OHS act as well!

The OHS Act 2000 is to be reviewed to identify if the Act's objectives remain valid.

Some of the areas to be reviewed that will be of interest to all business owners are:

1. Consultation under an "other agreed consultation agreement". The suggestion is that this should be lodged with a third party. This will affect **all** businesses who do not have an OHS Committee or an elected OHS Representative
2. Liability of directors of a company under Section 26 where currently a breach of the Act or Regulation by a company is taken to be a breach by **each** director of the company **and** each person concerned in the management of the company with only limited defences. This may include the development of a code of practice.
3. Employee rights and responsibilities
4. Penalty provisions
5. Compliance with approved industry codes of practice and if they can be used as evidence to demonstrate that you have discharged your general and risk management duties

The discussion paper itself is very detailed and seeks comment on a number of industry-based questions. To view the paper copy the following link into your browser:

http://www.workcover.nsw.gov.au/NR/rdonlyres/9BFF31E0-61DB-40B3-B48A-CCA1509DF78D/0/review_ohs_act_2000_discussion_paper_4631.pdf

WorkCover convened public seminars in June and July. Public comment will close on 18 August 2005. After that we should know more in November 2005 as to the progression of these suggestions. As usual, Accent will keep you informed of the progress.

Federal governments turn.....IR reforms!

As you are more than aware by now, the federal government is also full steam ahead with its proposed IR reforms.

We have all seen the marketing and advertising around us both for and against the reforms. In short, the unions oppose it, the Labour State Governments are shady about them and most employers/directors/CEOs to some degree, welcome the reforms.

From the employers perspective, there will be some balance introduced regarding unfair dismissal claims but on the flip side, there will be loop holes that cowboy employers will see straight through.

A possibility surrounding unfair dismissal is the chance that those employees, who can no longer claim unfair dismissal may go through discrimination or workers compensation acts to make their claim. My assumption would be that this is a definite possibility however it may not come to the surface for at least 12-18 months after the introduction of the reforms.

We can only wait now to see what come out of it when the dust settles.

Until then if you have any questions regarding the IR reforms or any general questions regarding IR especially the grey area of where IR legislation crosses with Workers Compensation Legislation, please call Lynn Westwell on 4731 5009. Lynn has over 16 years experience in the industry and has had working experience on the employers side of the table. She has excellent IR knowledge and is kept up to date with latest reforms through her Masters in HR/IR coursework.

Training Calender

Month	Topic	Comments
October & Nov 2005 (24,26,31 Oct & 2 Nov)	OHS Committee Training – 4 days	Run over 2 consecutive weeks, this training is WorkCover Accredited and is targeted to OHS committee members who are new to their committee (and therefore must attend) or OHS representatives RSVP: Ruth Crilly, ph: 4731 5009 by 10 October 2005 Cost: \$550 per head incl. GST Accent can tailor the course and provide it in house for those employers with larger committee member numbers. Quote on application.
September 2005 (dates TBA)	RTW coordinator – 2 days	Run over 2 concurrent days, this training is WorkCover Accredited and is targeted to employees or business owners whose role is to coordinate or manage workers compensation claims at an employer level. Enquiries: Ruth Crilly, ph: 4731 5009 Cost: \$450 per head incl. GST
<p>Other training courses available through Accent:</p> <ul style="list-style-type: none"> • Advanced RTW coordinator • OHS responsibilities for Supervisors and Managers • Manual Handling • Stress Management • Effective Meetings <p>Please call Daniel or Veronica regarding any of the above. Courses can be run publicly or in house according to interest, needs and numbers!</p>		

What's New

Accent apologises for the delay in establishing a pre employment assessment service but with the reforms as outlined above, we can be forgiven for having priorities elsewhere.

We are happy to announce though that we are back on the planning track and will look at starting the service in November 2005. In the meantime, if you would like to make enquiries about the assessment tool, the structure, how to register yourself or make referrals, the proposed outlay and what you will get for your money, **please call Daniel on 4731 5009.**

Snap Shots

Negligence:

The NSW Court of Appeal has upheld a finding that a Pizza Haven franchise breached its duty of care to an employee who was robbed at gunpoint, after it failed to call off a suspicious delivery.

Union activity

The Building Industry Taskforce has failed in a court action against the CFMEU for misusing safety issues to gain entry to workplaces, with the Federal Court today dismissing its case against a union organiser.

I have personally heard of a case recently where unions have demanded access to a site on the basis of OHS breaches. It is believed that the purpose was to insist on increasing union membership prior to IR reforms are introduced

Workers common sense should have prevented the injuries.:

In an important ruling for employers of mobile workers, the NSW Court of Appeal has upheld a ruling that two companies were not liable for a back injury suffered by a worker who had to regularly carry a laptop and printer.

Thank you for taking the time to read this newsletter.

For a full list of our services please visit our website:

www.accentonhealth.com.au