

# **Greens NSW**

## **Worker's Compensation and Personal Injury Policy**

Revised November 2006

### **Principles**

The Greens NSW believe:

1. Access to fair compensation for injuries sustained in the workplace is a fundamental right for all working people;
2. Compensation for injuries must be provided on a consistent, fair and affordable basis;
3. Injured workers have a right to have their claims for compensation heard before an independent tribunal, be legally represented and to be awarded compensation which allows them to live with dignity and in comfort;
4. The law must provide for consistent thresholds, damages, and procedures for the recovery of damages for all injuries to reduce legal complexity, limit arbitrary outcomes and increase certainty for injured people in NSW;
5. The present system is arbitrary, inaccessible, complicated and unfair and needs reform;
6. Payments made from the Workers compensation statutory fund must be made and administered by a public authority in the public interest and not by private insurers acting as independent agents;
7. Workers compensation benefits must be made affordable by increasing the focus on workplace safety and safe return to work rather than on reducing benefits to injured workers;
8. Workers compensation should be paid by an equitable levy on all employers taking account of each employer's risk, workplace safety and history of workplace injury; and
9. Fault based injury schemes should be underpinned by an affordable "no-fault" form of public insurance for seriously injured people.

### **Goals**

The Greens NSW will work to:

10. Restore workers benefits under the Workers Compensation Act;
11. Ensure that workers compensation disputes are heard before an independent tribunal with independent tribunal members who hold tenure;

12. Provide one consistent and consistent mechanism for determining damages based on the Civil Liability Act;
13. Establish a single, simple and consistent procedure for the recovery of damages for all fault-based injuries;
14. Ensure that injured persons may have their claims heard before an independent tribunal or court with full legal representation; and
15. Establish a no-fault injury insurance scheme for all non-workplace injuries that will provide fair and reasonable benefits to all seriously injured people regardless of fault that ensures seriously injured people can live with dignity and independence in the absence of fault or injury at work.

## **Policy Detail**

The Greens NSW will work to:

16. Abolish the Workers Compensation Commission and replace it with a truly independent tribunal with tenured members whose employment cannot be affected by the WorkCover Authority, the Registrar or the Minister;
17. Restore injured workers' lump sum benefits under the Workers Compensation Act based on a statutory formula that considers the individual worker's actual loss and damage, including psychiatric loss and damage, as assessed by an independent tribunal member with the benefit of independent medical opinions;
18. Provide a single threshold to access general damages for all fault-based claims based on the current 15% of a most extreme case threshold in the Civil Liability Act (taking account of the physical restrictions caused by the injury and its impact on a person's mental health and pre-injury life);
19. Allow access to recovery of lost wages and other expenses without a threshold;
20. Provide a single and simple pre-litigation procedure for the assessment and determination of fault-based claims based on the CARS motor accident assessment scheme for all non-work injuries with the right to all parties to have full legal representation;
21. Provide for the capacity of injured persons to appeal any such assessment to the civil courts;
22. Provide for a single basis for the assessment of all fault-based injury damages including medical expenses, economic loss, home care, the cost of rehabilitation and housing and transport assistance based on the present scheme under the Civil Liability Act;
23. Investigate methods for the fair and reasonable financing of a non-fault based injury compensation scheme for all serious non-work related injuries including by financing from a levy or levies on NSW insurance products;

24. Increase investment in occupational health and safety to make NSW a world leader in technologies and techniques of a safe workplace;
25. Ensure that all workers, including casual workers, receive training on occupational health and safety at the employers' expense;
26. Maintain an accurate database of workplace injuries and their causes to identify and modify all unsafe workplace practices; and
27. Ensure that employers pay their correct workers compensation premiums.