
3. WORKERS' COMPENSATION UPDATE

Teachers' mental health is not for sale

The NSW Government has embarked on a rushed and poorly drafted Exposure Workers Compensation Bill which seeks 'reform' of how mental health injuries are assessed and compensated.

It's nothing but a cost-cutting exercise from NSW Treasury which seeks to shift the burden from government to injured teachers and other workers.

In evidence at the Parliamentary Inquiry on 'Proposed changes to liability and entitlements for psychological injury in NSW', icare NSW admitted that only 27 individuals would reach the proposed 31% impairment (WPI) threshold. There are currently around 12,000 claims.

These proposed changes will do nothing for the prevention of workplace injuries. There are better ways to fix the system through prevention and supported return to work.

Mental health injuries are real. Cutting off support for our teachers who suffer them, noting the gendered nature of the profession is a betrayal.

A teacher from western Sydney stated:

"I would not have returned to work at all if I had not been approved for Workers Comp and received treatment for the psychological injury. To be honest, with my mental health being the worst it had ever been, I would not be alive. I had never experienced panic attacks before all this occurred. I have been back at work full time since."

Doctors, lawyers, mental health experts, social services and many other individuals and organisations have all come out in opposition to the proposed changes alongside unions.

The draft Exposure Workers Compensation Amendment Bill includes the following proposed changes:

- Thresholds for seriously injured workers to receive income support and medical benefits for the long-term care and support for injured teachers are proposed to more than double
- Thresholds for lump-sum payments and work injury damages will increase from 15% to 31%
- A new definition of psychological injury which excludes several current psychosocial hazards, including workload
- Teachers will be required to have a finding from either a newly established NSW Bullying & Harassment (including sexual harassment) jurisdiction at the Industrial Relations Commission or the existing jurisdiction at the Fair Work Commission **before** being able to make a claim which includes accessing medical interventions
- Additional legal requirements on 'close connection' to a traumatic event
- A new definition of 'reasonable management action', narrowing the current scope
- Limited medical benefits only for work pressure claims.

Federation will continue to support Unions NSW campaign including, but not limited to:

- campaign advertising highlighting the impact on essential workers
- ongoing media interactions to inform and engage the broader community
- communications and lobbying of government, opposition and crossbench MPs
- engagement in parliamentary processes
- Rallies to be held on **Wednesday 21st and Thursday 22nd May** at 8am and 4pm
- **Monday 26th May** rally outside government offices in the Sydney CBD

Federation will:

- call on all Federation Representatives and Workplace Committees to inform their workplaces through an URGENT union meeting
- continue to keep the membership informed, engaged and activated on this critical campaign affecting their working conditions
- make the Professional Learning 'Understanding Psychosocial Hazards' available to all Federation Representatives
- distribute the Unions NSW research from over 10,000 member survey '*Cast Adrift: Cuts to Workers compensation for psychological injury*' Report

Federation's senior officers will continue to work with Unions NSW and in concert with other unions to monitor and develop campaign directions and strategies. This will include the potential escalation of statewide action should this be required to protect and support Federation members and other affected workers across NSW.
