

THE  AGE

Injuring workers' rights

A CHARACTER in Robert Penn Warren's novel on American politics, *All the King's Men*, compared the law to a blanket which was always somewhat shorter than the person it was meant to cover. This week the Victorian Government, in announcing its plans to overhaul WorkCover, the state's workers' compensation scheme, set out to tear away a large piece of the blanket. It outlined legislation to arbitrarily abolish the common-law rights of injured workers to sue their employers, all in the name of efficiency and cost-saving.

WorkCover is certainly due for some reorganisation, but a wide coalition of lawyers, trade unionists and others are right to warn of the dangers of reducing common-law safeguards, and they are right to say that the changes are driven by financial imperatives rather than justice.

The Finance Minister, Mr Roger Hallam, deserves credit for his efforts to keep WorkCover costs — still the lowest in Australia — under control. Under the proposed changes, employers' contributions would rise from 1.8 to 1.9 per cent of payrolls, the definition of which would be extended to include superannuation. Maximum payouts under common law reached \$1.1 million. With the right to sue abolished, the maximum payout would be \$300,000, based on an impairment level of 80 per cent. Weekly benefits would



be reduced after 13 weeks instead of 26. The new cap for payments would rise from \$680 to \$850 a week. Once the legislation is proclaimed, only those injured in the workplace in the previous three years could claim under common law.

The Premier, Mr Jeff Kennett, told Parliament the changes would ensure that seriously injured workers could get larger lump sums and would be looked after for life by the WorkCover Authority. He said about \$112 million had gone from WorkCover to lawyers making claims on behalf of injured workers. "We are redirecting that to the injured worker," Mr Kennett said. "No one

should have anything to fear by it. It will be a good system."

But the Opposition Leader, Mr John Brumby, called the proposed changes the most heartless of the Government's five years — "a decision which punishes injured workers". And, as Mr Brumby made clear, this is not an arcane argument about civil liberties and the role of the legal system and the courts. There are individuals killed and injured in workplaces around Melbourne with agonising regularity. A recent death and a series of injuries in the Transfield-Obayashi section of the City Link project has been a focus of union concern. One construction worker was killed and another severely injured when part of a concrete dome collapsed at the Broadmeadows Hospital on Tuesday — the same day the WorkCover changes were outlined.

The Government's plan for a five-fold increase in fines for negligent employers (up to \$50,000 for individuals and \$250,000 for corporations) won't redress the loss of common-law rights or make worksites safer. If the WorkCover changes go through, people injured at work will be conciliating from a position of weakness at a time, historically, and personally, when they are not in a good position to stand up for themselves. Their common-law rights should be defended, not abolished.

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