

1

CCIQ Submission Queensland Workers' Compensation Certificate of Capacity

Office of Industrial Relations, Queensland Government

CHAMBER OF COMMERCE AND INDUSTRY QUEENSLAND SUBMISSION

19 February 2016

Chamber of Commerce & Industry Queensland



1.0 Introduction

- 1.1 The Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to provide input into the Office of Industrial Relations' review of current Workers' Compensation Capacity Certificates.
- 1.2 CCIQ is pleased to provide comment regarding the introduction of a new capacity certificate that aims to realize a policy shift towards greater emphasis on functional capacity and earlier return to work for injured workers.
- 1.3 CCIQ is highly supportive of the introduction of a certificate of capacity in replacement of a medical certificate for injured workers.
- 1.4 CCIQ believes the introduction of a capacity certificate represents a win for employees, employers, and WorkCover Queensland.
- 1.5 As the peak body for Queensland business, CCIQ believes that capacity certificates will:
 - Better facilitate earlier access to returning injured employees to ensure they are able to continue to make a contribution to the workplace;
 - Increase the likelihood of less compensation being paid by WorkCover and in turn less impact on employer's premiums as a result of an early return to work focus;
 - Encourage the implementation of better awareness strategies for employers to ensure adequate and sustainable return to work arrangements are in place; and
 - Promote greater communication between affected parties resulting in the adoption of a partnership approach to support the injured worker to recover at work.
- 1.6 CCIQ has been heavily involved in the development of the new capacity certificate as part of the Office of Industrial Relations' consultation processes, including participation in the Stakeholder Steering Committee on Workers' Compensation Capacity Certificate.
- 1.7 The following submission outlines key reasons for CCIQ's support of this important reform; the impact of application in comparable jurisdictions; and discusses the requirements for effective implementation.

2.0 Functional capacity and return to work

- 2.1 CCIQ supports the Office of Industrial Relations' overarching guiding principles for the introduction of capacity certificates in Queensland namely, a focus on functional capacity and return to work for injured workers.
- 2.2 CCIQ appreciates that a shift in focus on work capacity is the best way to encourage and assist injured workers to stay at work as part of their rehabilitation.
- 2.3 Being away from work can have lasting effects on the physical, mental, social, and financial well-being of the injured worker. Evidence clearly shows the earlier the return to work the better off an individual is in their mental wellbeing and contribution to society.
- 2.4 Early return to work is the best possible outcome for someone injured in the course of their employment as work plays a vital role in any rehabilitation process. Being off work for a long period can significantly reduce the likelihood of an injured worker ever returning to work and can have a negative effect on the worker, the workplace and the employer.
- 2.5 Research indicates that if a person is off work for even 20 days, the chance of ever getting back to work reduces to 70%. If time off extends to 70 days, the chance of the worker ever returning to work reduces to as little as 35 per cent.
- 2.6 This has serious repercussions for small business owners who rely heavily on their employees, more so than in larger businesses, as resources are often squeezed.
- 2.7 A medical certificate focused on capacity would contribute to improved return to work rates by promoting the importance of work for health and the role work can play in rehabilitation and recovery from injury.
- 2.8 Facilitating the worker's capacity for work through capacity certificates will: ensure continued participation in the workforce promotes recovery, reduce the risk of long-term disability or eventual loss of employment; and improve quality of life and well-being for the injured worker.
- 2.9 Certificates of capacity will also:
 - Encourage the medical practitioner to focus on what the worker can do to remain in or return to work;
 - Afford business owners the opportunity to commit the employee to tasks in the workplace within the scope of the worker's capacity to perform nominated duties;

- Optimise the communication of information essential to support the worker's return to work; assist in articulating the worker's progress and ongoing needs, and
 - Help insurers to make informed decisions about the worker's claim for workers' compensation.
- 2.10 CCIQ is of the view that overall, it is the employer that is best placed to identify duties within their workplace that will accommodate the worker's work restrictions due to their injury.
- 2.11 CCIQ believes the introduction of capacity certificates will go a long way in assisting the employer to ensure tasks continue to be performed in their businesses without the unqualified loss in productivity due to the time off accrued by an injured worker.
- 2.12 Employers are equally enthused that a renewed focus on returning to work will significantly decrease the chances of an increase in worker's compensation insurance premiums.
- 2.13 In an economic environment where input and operating costs continue to rise, employers welcome any policy measure that helps to reduce or stabilise input costs for their business.

3.0 Comparable jurisdictions

- 3.1 It is important to businesses that operate across multiple jurisdictions for government policies and procedures to be in line with comparable jurisdictions, particularly in the context of progress towards national consistency in all Safe Work initiatives.
- 3.2 The proposed reforms will bring Queensland in line with recent changes made in Victoria, New South Wales, Western Australia, South Australia, and the Northern Territory, who have all implemented capacity certificates that are focused on functional capacity and returning to work.

4.0 Implementation

- 4.1 Although CCIQ wholeheartedly supports the introduction of capacity certificates, the Chamber emphasises the need for effective implementation of the changes.

- 4.2 Firstly, it is imperative that the Office of Industrial Relations ensure all parties are equipped with the necessary resources and materials so that the employer, the injured-employee, WorkCover and nominated medical practitioner are able to set clear expectations regarding the roles and responsibilities of each party.
- 4.3 CCIQ notes that there can potentially be a dramatic contrast between an employees' viewpoint on what duties they are fit for and an employer. The early stages of any claims management process will require close coordination between the employee, employer, WorkCover, and the medical practitioner. It is essential that efficiencies are achieved to streamline this complex process.
- 4.4 The implementation of a capacity focused claims management approach must ensure all parties are able to participate in the design of return work programmes with ease and any decision-making be timely, informed and evidence-based.
- 4.5 A clear claims management approach that prioritises the coordination of all interested parties to ensure an integrated and multi-disciplinary focus on returning the worker to work is essential to success of these reforms.
- 4.6 To this end CCIQ believes a single online portal for the notification, reporting and management of a workplace injury would achieve a significant red tape reduction for employers, employees, WorkCover Queensland, Office of Fair and Safe Work Queensland, and doctors.
- 4.7 CCIQ believes that there is significant benefit to this proposal and should be investigated in greater depth.
- 4.8 In the absence of this coordination, the proven benefits of capacity certificates will inevitably be lost.
- 4.9 Lastly, equally critical to the success of the proposed changes will be effective transitional arrangements such as providing educational resources to time-poor medical practitioners and the training of medical practitioners through CPD-style incentives to ensure behavioural change in terms of using the new certificate in the way that is intended occurs.

5.0 Conclusion

- 5.1 CCIQ commends the Office of Industrial Relations on working closely and consultatively with stakeholders to develop and introduce a Queensland workers' compensation certificate of capacity.

- 5.2 The focus on functional capacity and returning to work ensures all parties engaged in a WorkCover claim are encouraged to ensure the injured worker is back at work as part of the rehabilitative process, which is a win-win for the employer, employee, and WorkCover.
- 5.3 Provided the Office of Industrial Relations is able to effectively implement the proposed changes, the small business community will welcome the reforms.
- 5.4 To this end, CCIQ pledges its full support to the proposed changes as they will inevitably secure a raft of benefits for small business employers in Queensland.