



# Southern Queensland Branch News

24<sup>th</sup> June 2010

## POAGS DISPUTE

A serious dispute developed at POAGS AAT site during the evening and night shifts of Tuesday 22<sup>nd</sup> and Wednesday 23<sup>rd</sup> June. The membership had concerns regarding POAGS Management allocating Labour Hire employees. Firstly the level of training given to the Labour Hire employees and secondly the lack of consultation in relation to their engagement.

The membership considered that there would be “a reasonable concern about an imminent risk to their health and safety” should they turn to with untrained personnel. Members requested that the appropriate statutory authority be called to the site to make a ruling. This request was denied by Management and the membership were told that they were placed off pay and would not be re-rostered until such time as the Company saw fit.

Other members at the site acted in solidarity with their fellow comrades and were also placed off pay. The adage of ‘unity is strength’ was certainly brought to the forefront and the members are to be congratulated for their steely resolve in holding their ground when being under threat from possible termination of employment, particularly given that approximately 70 members were placed off pay in all.

Members who attended for work on day shift Wednesday were either circumvented from entering or leaving the site. New start day shift labour refused to turn to without their fellow comrades.

After consultation at a national level and a further meeting at a local level, members decided to return to work at 10.15am Wednesday, given no Labour Hire were engaged.

The Branch would also like to thank those members who immediately reacted to the SMS request to establish a community protest in the AAT car park. In a show of solidarity, Patrick General Stevedoring members endorsed a resolution congratulating their immediate neighbours regarding their actions during the dispute.

National Office and the Branch will be seeking to establish alternative labour arrangements which will be further discussed with the committees of POAGS and DP World.

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## BRANCH MONTHLY MEETING

The Branch monthly meeting will be held on –

**TUESDAY 29<sup>TH</sup> JUNE 2010**

commencing at 9am

in the Union Rooms

73 Southgate Avenue, Cannon Hill

Your attendance, if possible, would be appreciated.

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# WORKERS COMPENSATION

Members it is recommended that you retain a copy of this *Branch News* for the records:

The *Branch News* has reported numerous articles associated with Workcover, which have been repeated on several occasions. Some employers seek to introduce policies in relation to incidents/injuries sustained at the workplace which seek to compel the workers to attend on, or to Company appointed medical practitioners.

The Branch sought legal advice in relation to these latest projected policy changes and were advised:

“Whilst an employer may legitimately require attendance at a qualified practitioner such as a Doctor or Occupational Therapist for the purposes of rehabilitation and return to work process, they have no legal power to compel a worker to see their practitioners only i.e. instead of the worker’s own doctor/s.”

Members should be aware that lodging an Incident report in accordance with the Policy at the respective workplace, usually leads to a less complicated approval of the Workcover claim.

It is also timely to reiterate our previous advice that irrespective if the claim is lodged at the Doctor’s surgery or with the Company in the first instance, that members should **attend** the Union Office to either provide copies of their Workcover claim and/or complete the application in the Union rooms.

This allows for the member to also complete a standard form that allows the MUA to act as an agent for the member (due to privacy legislation).

It also allows for the member to have solace in the fact that all records associated with Workcover remains on the member’s file. WorkCover is a complex area and as such any member who has any doubts about the process should not hesitate to contact the Branch for advice.

In addition to the above, medical certificates for Workers Compensation have the option for the treating Medical Practitioner to tick (v) a box – which states:

“I require suitable duties programme to be provided to me for approval.”

The MUA strongly recommends that members have this authorisation from their Doctor.

In addition to the above, some members have contacted the Branch to ascertain their level of compensation. This is covered by 174.(1) of the Workcover Queensland Act.

“Total Incapacity:

The compensation payable to a totally incapacitated worker whose employment is governed by an industrial instrument is, for each week –

- a) For the first 26 weeks of the incapacity the greater of the following.
- a) i) 85% of the employee’s normal weekly earnings;
- ii) the amount payable under the worker’s industrial instrument.

In essence this means that Permanents on a salary, receive their salary.

All other categories of employees get 85% of normal weekly earnings (previous 12 month’s earnings).

The Branch will attend a QCU Workshop on Workers Compensation and Rehabilitation on Wednesday 30<sup>th</sup> June and a further Forum on 6<sup>th</sup> July regarding the review of the structured arrangements around Worker’s Compensation in Queensland.