

Workforce Reform Bill 2013

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Introduction

The *Workforce Reform Bill 2013* (the “Bill”) seeks to amend the *Industrial Relations Act 1979* (the “Act”) by way of requiring the Western Australian Industrial Relations Commission (WAIRC), “when making public sector decisions, to take into consideration the Public Sector Wages Policy Statement, the financial position and fiscal strategy of the State...; and the financial position of the public sector entity”¹. The Bill also seeks to amend the Act by limiting the jurisdiction of a Public Service Arbitrator, a Public Service Appeal Board and a Railways Classification Board when enquiring into or dealing with decisions made under specific sections of the *Public Sector Management Act 1994*².

Whilst this submission of the WA Police Union (WAPU) does not propose a stance on these particular modifications to the Act, WAPU proposes that one of two amendments is enacted:

- That Schedule 3 of the Act is amended to exclude police officers from the Government’s Wages Policy by inserting a new subsection; *or*
- That subsection 2.(3) is removed from Schedule 3 of the Act.

An amendment is sought in recognition of the uniqueness of the working conditions and industrial rights of police officers when compared to other public sector workers. The justification for an amendment is explored within the background to police officer employment conditions and the proposed additional subclause for inclusion in Schedule 3 of the Act is explained within the recommendations.

¹ *Workforce Reform Bill 2013*, Explanatory Memorandum, Government of Western Australia. p. 1. < [http://www.parliament.wa.gov.au/Parliament/bills.nsf/CE265E1918DB4D9248257C0D001A4A7E/\\$File/EM%2B42-1.pdf](http://www.parliament.wa.gov.au/Parliament/bills.nsf/CE265E1918DB4D9248257C0D001A4A7E/$File/EM%2B42-1.pdf) > accessed 23 December 2013.

² *Ibid*, p. 2.

Background

In order to understand the context of the WAPU proposed amendment to the Act, it is pertinent to reflect on several notable employment conditions of police officers, which are unique and different to other public sector employees, including other emergency service employees.

Police Officers and the *Industrial Relations Act*

In 2000, the Act was changed (as a result of the *Industrial Relations Amendment Act 2000*) to ensure that police officers were recognised as employees of the Commissioner of Police with access to the WAIRC, under the jurisdiction of the Public Service Arbitrator. Further, to protect past awards, agreements and interpretations which have issued from the WAIRC since the first WA Police (WAPOL or “the Agency”) award was registered in 1927, the amendment also inserted that “before coming into operation of the *Industrial Relations Amendment Act 2000* this Act is taken to have applied to and in respect of a police officer, and to have had effect accordingly, as if:

- the police officer were an employee; and
- the Minister of Police were the employer of the police officer.³”

Despite this provision, an Arbitrator does not have “jurisdiction to inquire into or deal with, or refer to the Commission in Court Session or the Full Bench, any matter relating to or arising from the transfer, reduction in rank or salary, suspension from duty, removal, discharge or dismissal under the *Police Act 1892* of a police officer”⁴. Conversely, all other government officers are entitled to have an Arbitrator inquire into similar industrial matters. This means that police officers are the only group of WA government employees with legislated restricted access to the WAIRC.

Restricted access to the WAIRC means that the Commissioner of Police has unfettered power to transfer police officers as he sees fit. The Commissioner (or whomever acts in his authority) has the discretion to pose time limits (tenure) on the portfolios and districts in which police officers are stationed. Police officers have no formal independent and impartial forum to mediate, conciliate and/or arbitrate should they have reason to dispute management’s decision to transfer (or conversely, not to transfer). There are no industrial avenues to appeal the Agency’s arbitrary transfer and tenure

³ *Industrial Relations Amendment Act 2000*, no. 58 of 2000, as at 4 December 2000, p. 3 < [http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:4940P/\\$FILE/IndusRltnsAmAct2000_00-00-02.pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:4940P/$FILE/IndusRltnsAmAct2000_00-00-02.pdf?OpenElement) > accessed 31 December 2013.

⁴ Ibid.

policies: an Agency-wide management culture exists that expects police officers to be ready to move once their tenure at a station or section is complete.

The ramifications this has on a police officer, their family and the wider community is immense. No recourse to appeal management's decision to transfer creates a sense of insecurity and instability for an officer. It impacts family units by:

- placing pressure on the partners of officers who must move in tandem with management and policy edicts;
- creating a financial impost for families who must sell homes in depressed markets or who lose income as the non-police partner leaves one job to find another;
- uprooting children from their schooling, sporting and social commitments; and
- generating unnecessary emotional costs which arise from frequently packing up and unpacking a home.

The transfer and tenure policies affect community ties by creating inconsistencies in the teams that service the local community. The bonds that police officers develop with disaffected youths, Indigenous elders and cultural/religious leaders are developed over a length of time. Transferring officers out of locations where the development of these community ties is essential to disseminating information, understanding behaviours and effecting change only serves to dislocate these community relationships.

WAPU is overwhelmed with calls for assistance from Members regarding the application of the transfer and tenure policies. Over the years, WAPU has supported Members to the best of its ability yet has witnessed the following:

- one non-operational police officer was threatened with a transfer as he had been stationed for several years in an area where many non-operational officers worked. He received (over the course of a year) emails and informal 'threats' from management that he had exceeded his maximum tenure and would be placed somewhere else. The officer, who had suffered a work-related injury which made him non-operational, had to take time off work due to the stress and anxiety as a result of the uncertainty he faced;
- on a whim, and without consultation with WAPU, the Agency's tenure policy changed so that Leonora, a regional, remote and undesirable location, introduced a maximum tenure. An officer who had moved to Leonora prior to the amendments purchased a home in the town with the intention of establishing long term roots. Application of the new policy

meant that officer had to leave the town and his community within six months as well as try to sell his home in a depressed local market;

- one police officer, who sought to be transferred from the South West to the Pilbara based on his wife's transfer with the Department of Child Protection to Roebourne, was told his circumstances were not exceptional enough to warrant a compassionate transfer. After six months of requesting a transfer and applying for vacancies, all the while separated from his wife, the officer in question had no choice but to retire after 35 years of policing.

Police Officers and Workers Compensation

Police officers experience more stress-related physical and psychological complaints than workers in most other professions, and this is assumed to be a result of the violence that is predominant in their work culture⁵. Police officers suffer immeasurable stress as they not only face a high risk of assault and harm through exposure to communicable diseases (that may be “transferred through attacks with syringes, bottles saliva or airborne cough droplets”) but are constantly exposed to “danger, traumatic events, prisoner threats, conflicting task demands, short-staffed stations, court appearances, departmental enquiries and work in isolated rural areas”⁶. This unique blend of requisite police duties and occupational risks imply that special considerations must be taken with respect to police occupational health and safety.

However, unlike other State and Federal police forces, a Western Australian police officer is only covered by the *Workers' Compensation and Injury Management Act 1981* (“Workers Compensation”) if he or she “suffers an injury and dies as a result of the injury”⁷. Police officers have, instead, sick pay provisions that cover work and non-work related medical expenses and leave (as outlined in their Industrial Agreement) that can be extended at the Commissioner's discretion⁸. The difference in access to Workers Compensation between police officers and all other government employees is outlined in more depth at Appendix 1.

⁵ E Kendall, P Murphy, V O'Neill & S Bursnall, “Occupational Stress: Factors that Contribute to its Occurrence and Effective Management”, Centre for Human Services, Griffith University, 2000, pp. 48-49.

⁶ R Guthrie, “The Industrial Relations of Sick Leave and Workers Compensation for Police Officers in Australia”, National Research Centre for Occupational Health and Safety Regulation, the Australian National University, 2009, pp. 9-10.

⁷ Section 5 of the *Workers' Compensation and Injury Management Act 1981* notes that the term “worker” does not mean a police officer or Aboriginal police liaison officer appointed under the *Police Act 1892* save for when the police officer or Aboriginal police liaison officer dies as a result of their injury. *Workers' Compensation and Injury Management Act 1981*, State Law Publisher, Government of Western Australia, p. 16. <

[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25362P/\\$FILE/Workers%20Compensation%20And%20Injury%20Management%20Act%201981%20-%20\[10-h0-00\].pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25362P/$FILE/Workers%20Compensation%20And%20Injury%20Management%20Act%201981%20-%20[10-h0-00].pdf?OpenElement) >

accessed 31 December 2013.

⁸ Guthrie.

Two arguments are worth noting when considering a police officer's and public sector worker's Workers Compensation entitlements. Firstly, *Police Force Regulations 1979* stipulate at Regulation 1308 that a police officer is excluded from any entitlement to sick leave and/or payment of medical expenses where illness or injury is attributable to the officer's own fault or misconduct⁹. For other government employees, Workers Compensation payments may be disallowed in the event of a worker's wilful misconduct¹⁰, but compensation is payable regardless of the fault of the worker¹¹. Secondly, several Regulations require that an officer must submit evidence of medical fitness before returning to work, undergo medical examinations if required by the Commissioner of Police and attest to one's fitness for duty to a medical board should the Commissioner have doubts about that officer's state of health (see Regulations 1311, 1312 and 1402 respectively)¹². These Regulations "arguably do not provide any incentive for the Commissioner or [WAPOL] to engage in injury management procedures which are central to workers compensation arrangements" across Australia¹³.

Given the dangerous nature of their work, police officers are often depicted as taking more annual sick leave days than their public sector counterparts¹⁴. In the 2012 Annual Report, it was noted that the average number of leave days sick across WAPOL per FTE was 11.7 days¹⁵. However, there is no demarcation between work related and non-work related sick leave when compiling this data. Data about the frequency of sick leave days within other public sector agencies points to:

- an increase (of approximately three per cent) in recent years in the "incidence of lost-time injuries and diseases" in the public sector¹⁶;
- an increase in the amount public sector agencies paid for workers' compensation insurance *and* claims (of approximately 30 per cent and 12 per cent respectively)¹⁷; and
- between six to eight sick leave days per FTE in the public sector¹⁸.

⁹ Guthrie, p. 23.

¹⁰ As per section 22 of the *Workers' Compensation and Injury Management Act 1981*, p. 32.

¹¹ Guthrie, p. 23.

¹² Guthrie, p. 24.

¹³ Ibid.

¹⁴ Guthrie, p. 31.

¹⁵ *WA Police Annual Report 2012*, Government of Western Australia, 2012, p. 161. < <http://www.police.wa.gov.au/LinkClick.aspx?fileticket=%2bMKOnSgsE98%3d&tabid=935> > accessed 8 January 2014.

¹⁶ Western Australian Auditor General's Report, *Management of Injured Workers in the Public Sector*, Government of Western Australia, 2013, p. 7. < https://audit.wa.gov.au/wp-content/uploads/2013/05/report2013_03.pdf > accessed 7 January 2014.

¹⁷ Ibid, p. 5.

¹⁸ Recent data was difficult to access – as such, data from 1995-96 indicating WA averaged 6.1 days per FTE public sector worker and data from the WA Auditor General's 2013 report *Management of Injured Workers in the Public Sector* that cited RiskCover data has been utilised. C Mulvey & R Kelly, *Flexibility in Sick Leave*, The Centre for Labour Market Research, The University of Western Australia, 2002, p. 21. <

It has been reported that the “non-work related sick leave component for Western Australian police is 20 per cent to 30 per cent lower” than government-released figures¹⁹. Considering the reported data that police officers account for one-fifth of hospital admissions Australia wide²⁰, their sick leave absences appear similar to their public sector counterparts yet they are not afforded the comparable Workers’ Compensation entitlements.

Finally, the *Police Assistance Compensation Act 1964* (WA) provides for payment of compensation to persons who are injured whilst assisting police in the execution of their duty and these entitlements are equivalent to that which is provided to a worker under Workers Compensation²¹. This means, ironically, that police officers who are injured in the execution of their duty are not covered under the *Workers Compensation and Injury Management Act 1981*, yet civilians who assist them are entitled to equivalent Workers Compensation coverage²².

Police Officers and the *Occupational Safety and Health Act*

Police officers are covered by WA Occupational Safety and Health legislation²³, however, unlike other emergency service workers in WA (such as ambulance officers and firefighters) who perform similar dangerous duties and who can exercise their right to refuse dangerous work, police officers are not able to utilise Section 26 of the *Occupational Safety and Health Act 1984* (the “OSH Act”) in covert or dangerous operations²⁴. Section 4A of the OSH Act expressly states that:

“(2) A police officer cannot refuse to work as mentioned in Section 26(1)²⁵ if the refusal to work would adversely affect, or could reasonably be expected to affect adversely, a covert operation or dangerous operation”²⁶.

http://business.curtin.edu.au/local/docs/2002.1_FlexibilityinSickLeave.pdf > accessed 9 January 2014; WA Auditor General’s Report, *Management of Injured Workers in the Public Sector*.

¹⁹ Guthrie, p. 31.

²⁰ D Smith, ‘Psychological occupational health issues in contemporary police work; a review of the research evidence’, *Journal of Occupational Health and Safety ANZ*, Vol 21 No. 3, pp. 217-228 as cited in Guthrie, p. 13.

²¹ See section 5 of the *Police Assistance Compensation Act 1964*, namely parts (1) and (2)(b). Ibid, p. 30.

²² Ibid.

²³ Section 3 of the *Occupational Safety and Health Act 1984* notes that a police officer is treated as an employee (of the Crown) for the purposes of the Act. *Occupational Safety and Health Act 1984*, State Law Publisher, Government of Western Australia, p. 6. <

[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25167P/\\$FILE/Occupational%20Safety%20And%20Health%20Act%201984%20-%20\[07-f0-00\].pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:25167P/$FILE/Occupational%20Safety%20And%20Health%20Act%201984%20-%20[07-f0-00].pdf?OpenElement) > accessed 2 January 2014.

²⁴ A dangerous operation is broadly and non-specifically identified within the OSH Act as performing the functions of a police officer in a situation that is reasonably necessary and is not possible without exposing the officer to imminent danger or serious injury or harm. Ibid, p. 11.

²⁵ An employee can refuse to work “where he or she has reasonable grounds to believe that to continue to work would expose him or her or any other person to a risk of imminent and serious injury or imminent and serious harm to his or her health”. Ibid, p. 51.

²⁶ Ibid, p. 12.

Dangerous tasks are inherent in the duties of emergency workers and service men and women accept that dangerous duties are part and parcel of their work. However, there are different expectations (which are evidenced in the aforementioned legislation) placed on police officers than any other group of emergency worker. For example, if a firefighter reasonably and fairly appraises a dangerous operation as presenting an imminent threat to their safety, that fire fighter is protected by Section 26 of the OSH Act and can refuse to enter into the dangerous situation. An example of this would be attending a fire at a business premise where the business manager requests the firefighter to enter the building and recover an item of value.

Police faced with a similar situation are prevented from exercising this entitlement due to the provisions stipulated in Section 4A of the OSH Act. In fact, if a police officer does refuse to work as he or she has appraised the dangerous operation as presenting an imminent danger to their health and safety, then that officer jeopardises their employment by refusing to obey a lawful order or direction (whether or not it is unreasonable is not always a consideration). An example of this would be a single officer who is stationed in a remote location being directed to attend a violent domestic with poor communications and no immediate back up. If the officer were to refuse to undertake such dangerous work, they would face punitive and/or disciplinary actions from management.

Other Working Conditions Unique to Police Officers

There are several other industrial conditions that highlight the difference between police employment conditions and those of their public sector counterparts. Firstly, police officers are unable to strike in support of their bargaining claims²⁷. Being absent a “legal and moral right to strike” poses a challenge should officers seek effective means of defending their occupational interests²⁸. In the Western Australian industrial climate, industrial agreement negotiations are traditionally complex and drawn out, due in part to the fact that WAPU members cannot strike in objection to the Government’s expansive and aggressive agenda of efficiency and reform.

Secondly, police officers are the only public sector group who, as a holder of the office of Constable, has a responsibility to uphold the law at all times²⁹. Unlike other public sector workers, police officers

²⁷ G Carabetta, “Senate Education, Employment and Workplace Relations Committee Inquiry into *The Conditions of Employment of State Public Sector Employees and the Adequacy of Protection of their Rights at Work*”, submission paper, 2013, p. 5.

²⁸ G Carabetta, “Police Bargaining Disputes and Third-Party Intervention in Australia: Which Way Forward?”, *Deakin Law Review*, Vol. 18 No. 1, 2013, p. 67.

²⁹ J Carabetta, “Employment Status of the Police in Australia”, *Melbourne University Law Review*, 2003.

“exercise special discretionary powers which they derive directly from the law itself and not indirectly by delegation from some other source, such as a minister for police. A police officer, therefore, is the servant of no-one, ‘save of the law itself’ and ‘answerable to the law and to the law alone’”³⁰.

The powers conferred on a police officer are reflected in the officer’s oath of office (subscribed upon their appointment), an affirmation which attests to the importance of serving and protecting the community at all times (see Appendix 2 for the full oath of office). There is a community expectation that where police intervention is required, whether an officer is on duty or off duty, members of the police force will *always* come to the aid of anyone requiring assistance. The implications for an officer, should they fail to act appropriately when off duty, are far reaching, with the threat of punitive and/or disciplinary actions from management inevitable.

Thirdly, Members of WAPOL (including police officers, Aboriginal police liaison officers and police auxiliary officers) are not employed under the *Public Sector Management Act 1994* (as all other government employees are appointed) but are employed under the *Police Act 1892*. The notable difference about being employed under the *Police Act 1892* instead of the *Public Sector Management Act 1994* is that the public sector standards that apply to all public sector appointments are not applicable for police officers. Therefore the Commissioner’s arbitrary, unilateral decisions about certain employment matters cannot be tested against a minimum standard for compliance or reasonableness. The standards against which police officers cannot be measured alongside other public sector employees include:

- employment matters such as recruitment, selection, secondment, transfer and temporary deployment;
- performance management;
- grievance resolution;
- redeployment;
- termination; and
- discipline³¹.

For example, a public sector employee is entitled to return to the same position upon return to work from parental leave (or a position that is commensurate with the position that was held prior to

³⁰ J Carabetta, p. 3.

³¹ “Public Sector Standards in Human Resource Management”, Government of Western Australia, 2012. < <http://www.publicsector.wa.gov.au/publications-resources/instructions-standards-and-circulars/public-sector-standards-human-resource-management> > accessed 15 January 2014.

commencing parental leave *if that original position no longer exists*). That public sector employee has the assurance that they will be working in exactly the same workplace from which they departed on leave and that anyone who has occupied their position whilst on leave has done so temporarily. A police officer who takes the same parental leave entitlement is only assured that they will be placed somewhere within the same region or portfolio. Not only is the officer placed in Temporary Holdings (Parental Leave Unit) whilst on leave but another officer may be appointed to their vacant position. It cannot be guaranteed that on the officer's return they will be placed at the same station, let alone within a similar proximity.

Finally, unlike other public sector agencies who have been forced to consider 'capping' their employment growth due to the current economic climate, WAPOL continue to recruit police officers and police auxiliary officers. The Government have recognised, in this instance, that police are a unique group of employees who are vital to protecting and serving the community. In order to meet ever-increasing community demands and expectations, in addition to local recruiting the Agency has directed its recruitment drives both interstate and overseas. However, in order to alleviate the time and resource pressures faced by a strained police force, WAPU believes that WAPOL and Government need to ensure that all employees, both newly recruited and current, are incentivised to remain with WAPOL. The Government has already recognised that some attraction and retention problems exist within WAPOL and have subsequently introduced the Regional Incentive Scheme. Impending police severances and the aforementioned employment 'exceptions' (unequal access to the WAIRC, OSH and Workers Compensation restrictions, the inability to strike combined with a dangerous, demanding and often unpredictable working environment) do not assist the Agency in its attempt to retain skilled police officers. As such, other special employment considerations that acknowledge the dangerous and unique work of police officers must be enacted to ensure that community demand for this service is met.

Recommendations

Police officers' working conditions are unique and different to other public sector employees, including other emergency services employees. They have legislated restricted access to the WAIRC, which means that there are no formal, independent avenues to appeal decisions that arise from an officer's tenure, transfer or promotion. Police officers are specifically excluded from Workers Compensation unless they suffer an injury and die as a result of that injury. Police officers are covered by the OSH Act but, again, are singled out as being unable to exercise Section 26 of the OSH Act when performing dangerous work in a covert or dangerous operation. Police officers, who are employed under the *Police Act 1892* and not the *Public Sector Management Act 1994*, are not only required to uphold the law *at all times* but are not afforded one of the basic means of defending their occupational interests, being the right to strike³².

The traditional approach to police employment regulation in Australia, most certainly within Western Australia, has been to simply 'group' police with other public sector workers but then make exceptions based on the requirements of operational policing³³. Whilst WAPU believes this approach does not fully recognise the uniqueness of police officers' working conditions, it has been illustrated within this submission that these exceptions do not present as beneficial 'concessions' to undertaking the dangerous and difficult work of police officers.

As the Bill seeks to make amendments to the Act, WAPU proposes that one of the two following amendments be enacted to reflect the unique and distinctive employment conditions of WA police officers.

Option One

WAPU proposes that the Legislative Council make an amendment to Schedule 3 of the *Industrial Relations Act 1979* to exclude police officers from the Government's Wages Policy by inserting a new subsection after subsection 2.(3). WAPU proposes the following wording:

"2.(4) Despite any other provision in this Act, the provisions of subsections 2(A), 2(B), 2(C), 2(D) and 2(E) in Section 26 shall not apply to Police Officers, Police Auxiliary Officers, Aboriginal Police Liaison Officers or Special Constables appointed under the *Police Act 1892*".

³² G Carabetta, 2013.

³³ *Ibid*, p. 7.

The subsections indicated in this paragraph refer to the proposed amendments for Section 26 contained within the Bill³⁴.

Inserting this new subsection not only supports the Government's traditional approach to police employment regulation (applying exceptions to public sector standards with respect to police officers in order to accommodate the requirements of operational policing) but acknowledges that the dangerous and unique work undertaken by police officers should be considered beyond the scope of the Public Sector Wages Policy Statement.

Option Two

In the case that Option One is not to be applied, WAPU proposes that the Legislative Council remove, in its entirety, subsection 2.(3) from Schedule 3 of the *Industrial Relations Act 1979*. By removing the legislated restricted access to the WAIRC, police officers would be afforded the same treatment as other public sector workers, including access to the independent third party arbiter for disputes arising from all facets of their employment.

If the Public Sector Wages Policy is to apply to all government employees, including police officers, then some concession must be made for the dangerous and unique work that police officers face on a daily basis. This 'concession' ought then take the form of full access to the WAIRC for police officers' employment matters, providing a consistent whole of government approach for *all* employment matters for *all* public sector workers.

³⁴ Outlined within Clause 4 of the *Workforce Reform Bill 2013*, pp. 1-2.

Appendices

Appendix 1

Entitlement	Workers compensation (limited to work related injury and disease)	Western Australian police sick leave and medical regulations (covers work and non-work related conditions)
Weekly payments	Provided for under the <i>Workers Compensation and Injury Management Act 1981</i> (WA) up to a maximum of the prescribed amount of \$206,742.00 as at 1 July 2013	Regulation 1304 provides for 168 days wages with an extension subject to the Commissioner's discretion. Entitlements cease on termination of employment: Regulation 1402(4)
Medical expenses	<i>Workers Compensation and Injury Management Act 1981</i> (WA) up to a maximum of the prescribed amount of \$62,023.00 as at 1 July 2013 ³⁵	Paid for work- and non-work related conditions. Non-work related medical entitlements cease on termination of employment. See also <i>Western Australian Police Industrial Agreement 2011</i> WAIRC 01097 (clauses 35–37) Reasonable work related medical expenses are provided for by the <i>Police (Medical and Other Expenses for Former Officers) Act 2008</i> .
Rehabilitation allowances	<i>Workers Compensation and Injury Management Act 1981</i> (WA) up to a maximum of the prescribed amount of \$14,472.00 as at 1 July 2013	No structured assistance; some departmental assistance for return to work
Employment protection provisions	<i>Workers Compensation and Injury Management Act 1981</i> (WA) section 84AA. 12-month	No formal protection while on sick leave, although some protection under industrial laws

³⁵ An additional amount of up to \$50,000 may be ordered by an arbitrator where a worker's social and financial circumstances justify it. An additional amount, up to \$250,000 and beyond the \$50,000 may be ordered by an arbitrator in circumstances described in Schedule 1, subclause 18A(2aa) of the *Workers Compensation and Injury Management Act 1981* (WA). *Variations in Prescribed Amount and Other Worker's Compensation Payments*, WorkCover WA, Government of Western Australia, 2013, p. 1. < http://www.workcover.wa.gov.au/NR/rdonlyres/B399D1E6-D024-478B-A3BE-6BEDB09D5BAE/0/Prescribed_Amount_Schedule_201301.pdf > accessed 6 January 2014.

	prohibition on dismissal while on compensation	
Injury management policy and procedures	<i>Workers Compensation and Injury Management Act 1981</i> (WA) provides a statutory obligation to attempt to return worker to work subject to worker's capacity.	No formal obligation in relation to return to work
Payment of lump sums for permanent impairment	<i>Workers Compensation and Injury Management Act 1981</i> (WA) provides for payment up to \$206,742.00. Available to all workers; calculated in accordance with medical assessment and statutory schedules.	No provision for this entitlement
Payment to dependants on death of worker	Provided for under <i>Workers Compensation and Injury Management Act 1981</i> (WA)	Provided for under <i>Workers Compensation and Injury Management Act 1981</i> (WA)
Journey claims coverage (to and from work)	Not covered under <i>Workers Compensation and Injury Management Act 1981</i> (WA)	Regulation 1306 provides coverage. Entitlements cease on termination of employment. See also <i>Western Australian Police Industrial Agreement 2011</i> WAIRC 01097 clauses 35–37

This table has been extracted and updated from R Guthrie, "The Industrial Relations of Sick Leave and Workers Compensation for Police Officers in Australia", National Research Centre for Occupational Health and Safety Regulation, the Australian National University, 2009, pp. 21-23.

Appendix 2

10. Engagement to be subscribed by officers and constables

No person shall be capable of holding any office, or appointment in the Police Force, or of acting in any way therein, until he shall have subscribed the following engagement, namely –

“I, A.B, engage and promise that I will well and truly serve our Sovereign Lady the Queen, in the office of [*Commissioner of Police, inspector, sub-inspector, or other officer, or constable, as the case may be*], without favour or affection, malice, or ill-will, until I am legally discharged; that I will see and cause Her Majesty’s peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that, while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.”

Extracted from the *Police Act 1892*, State Law Publisher, Government of Western Australia, as at 2 May 2011, pp. 5 – 6. <

[http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:21204P/\\$FILE/POLICE%20ACT%201892%20-%20\[14-d0-02\].pdf?OpenElement](http://www.slp.wa.gov.au/pco/prod/FileStore.nsf/Documents/MRDocument:21204P/$FILE/POLICE%20ACT%201892%20-%20[14-d0-02].pdf?OpenElement) > accessed 16 January 2014.

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