

THE EFFECTS OF CHANGING PATTERNS OF EMPLOYMENT ON REPORTING OCCUPATIONAL INJURIES AND MAKING WORKER' COMPENSATION CLAIMS

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Abstract - In the past 20 years there has been a significant growth in those working in self-employment, in micro small businesses, or under casual, part-time, subcontract, franchised, telework or homeworking arrangements in Australia. These employment status groups are now commonly known as precarious workers; principally because their continued employment and income is uncertain. The available research indicates that the probability of a work-related injury is greater for precarious workers. This paper focuses on the extent to which precariously employed Australian workers formally report their work-related injuries and illnesses and claim workers' compensation.

While Australia has comprehensive – although fragmented – workers' compensation insurance systems, this formal coverage does not correlate with the propensity to make workers' compensation claims. Findings from a series of Australian precarious worker studies are summarised in this paper and a detailed analysis of workers' compensation claims experiences from our latest research project on long distance truck drivers is presented. We argue that even those precarious workers covered by workers' compensation insurance are less likely to claim than other workers for two key reasons: uncertainty of coverage and fear of consequences if a claim is made. Thus injured precarious workers are more reliant on their own resources after injury, to externalise injury treatment costs onto taxpayer funded resources, or to leave injuries and illness untreated with a potential to develop into chronic conditions.

INTRODUCTION

In the past 20 years there has been a significant growth in those working in self-employment, in micro small businesses, or under casual, part-time, subcontract, franchised, telework or homeworking arrangements in Australia. These employment status groups are now commonly known as precarious workers; principally because continuity of employment and income is uncertain. This shift in employment status amongst the workforce has been seen within virtually all OECD countries (less so in Italy, Canada and Luxembourg) (Ferrie et al, 1999; Walters & James, 1998:9-10; Campbell & Burgess, 1997; Kochan et al, 1994:63). Australia has one of the highest proportions – and this is likely to increase in the future as around 85% of net employment growth is now in precarious employment categories (Quinlan, 1999:3 & 1998:7; Burgess & Campbell, 1998a:10, 1998b; Moorehead et al 1997).

A number of studies have been conducted across the industrialised world on the relationship between precarious employment and occupational health and safety (OHS) outcomes. Nearly all OHS studies find that injury and illness outcomes are worse for precarious workers and the presence of many of them on a site exacerbates OHS risks for other employees. Further, the available data indicate that when an injury occurs, precariously employed workers are less likely to claim workers' compensation and access treatment and rehabilitation (Goudswaard et al, 1999:20; Kochan et al, 1994: 71-72).

This paper focuses specifically on the propensity and ability of some groups of precariously employed Australian workers to report their work-related injuries and illnesses and claim workers' compensation. A series of Australian interview-based surveys covering 1,588 workers in 13 different occupations is reviewed; the overwhelming majority of participating interviewees were precariously employed (small business operators, contractors and subcontractors, self-employed, casual and temporary workers). In three studies, non-precariously employed workers undertaking the same job tasks could be compared against those who were precarious (transport, clothing manufacture, and subcontracting/outsourcing). Findings were also benchmarked against an Australian Bureau of Statistics (1996) survey of the extent and reasons for *eligible* injured workers not applying for workers' compensation benefits. In order to place these findings in context, a brief review of international research on injury reporting and compensation claims from precariously employed workers were also examined.

THE GROWTH OF PRECARIOUS EMPLOYMENT AND OHS CONCERNS

The shift to precarious employment has been most marked amongst women and young workers. The most comprehensive assessment of new forms of work was completed by Bielenski et al (1999; 1993) who gathered employment data through interviews with 3,520 managers and 1,621 employee representatives in 3,520 establishments across eight European countries. They found that the increase in precarious labour occurred because employers required greater flexibility; because some workers preferred it (eg those with domestic duties); and because legislative and social security policies facilitated the new forms of work (Bielenski, 1999: 23; Bielenski et al, 1993:290). This study provided very useful background information on patterns of precarious employment across Europe. In Australia, Burgess and Campbell (1998a; 1998b) and Campbell and Burgess (1997) have provided the most comprehensive data about the changes on this continent. Documentation of how these changes impact on work-related injury and illness outcomes, treatment, access to prevention information, and workers' compensation availability and uptake has, however, been left to just a few OHS researchers.

Positive and negative OHS impacts from precarious employment

Changes to employment patterns in recent years have had positive OHS consequences for some groups of workers. Positive effects include the shift in employment away from the more hazardous heavy manufacturing industry sector, greater automation leading to fewer manual handling injuries, and modern management practices which are eliminating many of the historical risks. Indeed, in the EU, precarious workers were found to have better *health and stress*-related outcomes than did full-timers, although they had more musculo-skeletal problems (Benavides & Benach cited Goudswaard et al, 1999:27; EF, 1998:1). Similarly Australian analysis has suggested that part-time work may be comparatively healthier in terms of *some* indices such as stress: '*...work intensification appears to be more pronounced amongst full-time permanents*' (Hall et al, 1998:78).

However, a growing body of Australian and international research evidence indicates precarious labour is associated with increased fatalities, injuries, illnesses and occupational violence incidents in various industry sectors across a number of countries (Morris, 1999; Mayhew & Quinlan, 1999; Quinlan 1999:10; van Waarden et al, 1997:48-52; Kochan et al, 1994). While the evidence is fragmentary in some occupational groups, in other sectors the patterns are compelling. Self-employed and subcontract workers, in particular, face a significantly higher risk of serious injury and death than do standard employees. In Spain, 60% of work injuries occurred to temporary workers, with the rate nearly three times that of those in permanent jobs (Artiles & Alos-Moner, 1999:5,56). A Dutch report found a major negative impact on OHS (Hesselink et al, 1999:46). In Italy, increased injuries and illnesses were found amongst fixed-term contract workers due to traditional industry risks being exacerbated by increased work intensity (Negrelli et al, 1999:10,44,59,80). A series of Australian OHS studies over the past five years have systematically compared precarious workers and employees in a number of industries (Mayhew and Quinlan, 2000; Mayhew and Quinlan, 1999; Mayhew & Quinlan, 1998; Mayhew & Quinlan 1998; Mayhew, 1997; Mayhew et al, 1997; Mayhew et al 1996; Mayhew, 1995). In Sweden, Aronsson (1999) surveyed a stratified sample of 1,564 and found weak labour market position dampened work environment

criticism. Thus the European Foundation (1998:1) summarised that: '*While poorer working conditions are largely explained by the profile of the jobs concerned, precarious status undoubtedly worsens the work situation*'. Even the positivistic psycho-medical focused Platt et al (1999:6,97) study found: '*...substantial evidence of significant health impacts associated with current labour market condition...European governments should subject their labour market policies to routine health impact assessment...*'.

Notably these increased risks for precarious workers were *not* found in Germany, arguably because preventive measures were implemented by OHS experts who were more independent (Deib, 1999:4,21). Similarly in France, Davillerd and Favaro (1995:3) found that increased autonomy for OHS staff was correlated with fewer serious injuries. That is, some strategies may *contain* the increased risks associated with precarious employment, but few of these strategies have been scientifically evaluated and widely aired and debated.

Impacts from precarious employment on workers' compensation insurance

Precariously employed workers face a number of difficulties in obtaining workers' compensation cover, in making claims, and in accessing treatment after an injury. Direct consequences follow for the accuracy of workers' compensation-based databases, their representativeness for the working population as a whole, for public policy options based on these databases, and for taxpayer-funded resources which may be accessed by temporarily or permanently disabled or ill workers. For the sake of clarity we have tried to separate these different impacts in the discussion below, although aspects clearly overlap.

(a) Exclusion of workers from workers' compensation insurance cover

The self-employed and contractors/subcontractors are often formally excluded from workers' compensation insurance cover, and only a small proportion may take out adequate private insurance cover when injury insurance is not compulsory (Egger, 1997:8; Mayhew et al, 1997). These workers may be concentrated in specific industry sectors or sub-sectors. For example, a survey in South Australia found 76.4% of the working population believed they were covered by workers' compensation, but only 35.7% of those in primary production and mining were (ABS, 1996:1). Notably both primary production and mining are 'high-risk' jobs (Driscoll et al, 1999).

(b) Insurance excess payments and economic pressures to keep working

Self-employed and contract/subcontract workers covered by private insurance may be reluctant to make claims because of economic pressures to keep working (Mayhew & Quinlan, 1997). For example, there may be a two-week (or even six-week) excess period before claims can be lodged. Two Australian studies found that the *chronic* injuries of self-employed workers were especially likely to be under-reported (Mayhew, 1999; Mayhew, 1995).

(c) Fear of consequences of reporting

There is a significant level of non-reporting amongst some groups of precarious workers who *are* covered by workers' compensation insurance (such as casual and part-time workers), frequently because of job loss fears (Morris, 1999; Mayhew & Quinlan, 1998; Davillerd & Favaro, 1995:4; Francois & Lievin, 1995:8; DWH&S, 1994). It is possible that people employed by labour hire agencies will be similarly reluctant, however no substantive studies have been identified. For example, the Australian AWIRS study found 17% of workers experienced an injury or illness in the year prior to the survey, although only half took time off work for recovery (cited in NOHSC, 1998:xi). Some of these were major injuries, for example 61% of those with fractures received workers' compensation (AWIRS cited NOHSC, 1998b: 45). The South Australian study (ABS,1996:1) found 55.1% of those injured did not apply for compensation and one third did not take time off work, most commonly because the injury was minor.

(d) Non-recognition of long latency diseases and conditions

Workers holding a succession of short-term precarious jobs will find it harder to claim workers' compensation benefits for occupational diseases that typically develop slowly over time. Occupational disease is already significantly under-represented in the workers' compensation systems (Kerr et al, 1996). However the complicated work histories of precarious labour make it even more difficult to identify causal links between exposure to hazardous substances in one of a number of jobs and the development of an occupational illness - or over-exertion in one job and development of a chronic musculo-skeletal injury later.

(e) Conflict of interest for OHS Inspectors

The merging of prevention and compensation agencies in some countries (such as Canada) and some states of Australia (e.g. NSW and Victoria) may inadvertently lead to a reduction of Inspectorate time spent with precariously employed workers. An emphasis on claims management within merged agencies may drive Inspectorate activities towards 'economies of scale' visiting larger sites with many traditional employees, rather than time-intensive visiting of multiple small-scale dispersed sites where precarious labour more frequently work (Quinlan, 1997:42). Such tendencies are almost inevitable for those Inspectorates with tight resources and expanding service demands.

(f) Adequacy of workers' compensation data bases

If, as just discussed, a smaller proportion of precariously employed workers make workers' compensation claims (irrespective of whether more injuries occur or not), fewer injuries and illnesses will be recorded. Thus as the precarious workforce expands and fewer workers are hired as standard employees, workers' compensation claims statistics will become progressively less representative guides to the *incidence* and *severity* of injury, illness and fatality across all Australian workplaces (*patterns/types* of injury may remain similar). Gaps in workers' compensation data are only partly offset by other sources such as hospital admission and general practitioner data (see Britt et al, 1999; Mayhew, 1999: 105-115). For example, a South Australian survey found that fewer part-timers knew they were covered by workers' compensation (63.6%) compared with full-timers (81.6%) (ABS, 1996:2). Further, more part-time workers were unsure of their coverage (15.1%) compared with 3.5% of full-timers (ibid). Hence growth of the precarious workforce will almost certainly exacerbate existing limitations of OHS statistics. However, the development of the National Coronial Information System has the potential to provide a more accurate picture of the true extent of *fatalities* in the future. This coronial data base will be reliant on coronial inquests – rather than workers' compensation claims or hospital treatment and admission statistics.

(g) The potential for increased externalisation of injury costs

In most industrialised societies a significant level of cost externalisation from work-related injury occurs. In Australia, the Industry Commission (now Productivity Commission) estimated employers bore around 30% of the total costs of occupational injury, injured workers and their families about 30%, and taxpayers around 40% (IC, 1995:392-3). In the case of serious injury, the proportionate cost burden on workers and the community was even greater (IC, 1995:102). Because many injured and ill precarious workers fall outside the net of workers' compensation insurance, more of their OHS costs can be expected to be externalised via the social security system and Medicare. For example, it has recently been claimed that 1 in 5 of those on disability support pensions are unfit for work because of stress or musculo-skeletal injuries (Cumming, 1999:33). Another study estimated about 2.7% of all conditions seen by General Practitioners were work-related (Britt et al, 1999:13,24). With a growing proportion of the labour force being precarious, externalisation of costs is therefore likely to increase.

(h) Loss of taxation revenue

The growth of precarious forms of labour also contributes to substantial losses in taxation revenue due to an enhanced ability to engage in tax avoidance, and expansion of the 'black economy' e.g. through cash-in-hand payments. The Australian Taxation Office recently estimated that in the clothing industry alone, the shifting of production to outsourced workers resulted in an annual tax revenue loss of between \$A80-100 million (Quinlan, 1997:51; Mayhew & Quinlan, 1998:21). Thus a proportionate growth in the precarious workforce is liable to simultaneously erode the tax base. In Europe a shifting of the cost burden away from employers and towards taxpayers, injured workers and their families has already been noted (van Warden et al, 1997).

AUSTRALIAN STUDIES OF PRECARIOUS WORK AND WORKERS COMPENSATION

The authors either together or singly have conducted a series of studies that included 1,588 workers in 13 different occupations in Australia. One aspect of these surveys was to assess their knowledge of workers' compensation coverage and eligibility.

The overwhelming majority of these workers were precariously employed (small business owner/operators, contractors and subcontractors, the self-employed, casual and temporary workers). In three studies non-precariously employed workers undertaking the same job tasks were included; this allowed comparisons to be made on the basis of employment status. Findings were also benchmarked against a survey undertaken by the

Australian Bureau of Statistics which examined the extent and reasons for injured workers not applying for workers' compensation as well as other studies of compensation claims behaviour.

An overview of these studies can be seen in Table 1. In each research project face-to-face interviews were conducted with individuals. The instrument used had closed and open-ended questions and collected both quantitative and qualitative data. Data could be compared both within and across studies and for the different occupational groups covered.

Table 1 : Percentage of 1,588 precariously employed Australian workers with workers' compensation coverage

	<i>None</i>	<i>workers' compensation</i>	<i>insurance policy</i>	<i>not sure</i>	<i>other</i>	<i>no response</i>
<i>Long haul transport¹⁾</i>						
<i>Owner/drivers (n=99)</i>	6.1	38.4	42.4	9.1	6.1	-
<i>Small fleet (n=104)</i>	-	78.8	4.8	15.4	2.9	-
<i>Large fleet (n=85)</i>	-	89.4	12.9	8.2	4.7	-
<i>Other (n=12)</i>	8.3	41.7	8.3	33.3	8.3	-
<i>Young casuals in fast food industry²⁾ (n=304)</i>	2	52	-	39.1	8.2	-
<i>Clothing manufacture³⁾</i>						
<i>factory-based(n=100)</i>	12	59	2	26	-	1
<i>outworkers (n=100)</i>	72	7	2	13	-	4
<i>Interventions⁴⁾</i>						
<i>Building (n=150)</i>	15.3	19.3	70	0.7	1.3	-
<i>Cabinetmakers(n=150)</i>	19.3	32.7	62.7	2	2.7	-
<i>Demolishers (n=31)</i>	19.3	19.3	58.1	-	3.2	-
<i>Barriers⁵⁾</i>						
<i>Garage (n=73)</i>	20.5	21.9	57.5	-	-	-
<i>Café (n=70)</i>	17.1	61.4	8.6	8.6	-	4.3
<i>Newsagent (n=70)</i>	17.1	44.3	18.6	7.1	5.7	8.6
<i>Printing (n=35)</i>	28.6	42.9	22.9	5.7	-	-
<i>Subcontracting/ Outsourcing⁶⁾</i>						
<i>Childcare (n=78)</i>						
<i>Employee</i>	11	87	3	-	-	-
<i>outsourced</i>	51	-	49	-	-	-
<i>Hospitality (n=64)</i>						
<i>employee</i>	9	83	-	--	9	-
<i>outsourced</i>	43	27	30	-	-	-
<i>Transport (n=32)</i>						
<i>employee</i>	12	88	-	--	-	-
<i>outsourced</i>	27	27	47	-	-	-
<i>Building (n=31)</i>						
<i>employee</i>	-	92	8	-	-	-
<i>outsourced</i>	11	6	78	-	6	-

1. Mayhew, C. and Quinlan, M (2000). This study involved face-to-face interviewing of 300 long distance truck drivers. (17 truck drivers interviewed ticked more than one box on their questionnaires.)
2. NOHSC (2000). This study assessed OHS amongst 304 young casual workers in company-owned and franchised outlets of a major fast-food chain across 3 states of Australia.
3. Mayhew, C. and Quinlan, M. (1999). This research project involved comparison of OHS indices between 100 factory-based employees and 100 outworkers who manufactured clothes from home.
4. Mayhew, C. Young, C. Ferris, R. and Harnett, C. (1997). This research project was designed to assess the relative impact of three different prevention interventions on OHS outcomes amongst 331 self-employed and micro small business owner/managers: an intensive mailed OHS campaign, on-site visits by an inspector, and a legal change.
5. Mayhew, C. (1997). This study was focused on small business owner/managers comprehension of three major OHS areas: manual handling, OHS legislation, and hazardous substances.
- 6) Mayhew, C. Quinlan, M. and Bennett, L. (1996). Approximately half those interviewed in this project were direct employees; the others were outsourced. It was found that industry/job task risk was the prime determinant of injury. Outsourcing had an important secondary negative impact on OHS outcomes.

FINDINGS

The overall finding from these studies is that knowledge of workers' compensation entitlements is problematic in many industries where precariously employed workers are concentrated. The different studies listed in Table 1 indicated that knowledge of coverage varied greatly both between industry sectors and between the different employment status groups.

Those most aware that they were covered by workers' compensation insurance were:

- Employee drivers in large and small fleets in the recent transport study
- Factory-based employees in the clothing manufacture study
- Owner/managers of café micro small businesses in the 'Barriers' study
- Employee workers in each of the four industry sub-sectors in the subcontracting/outsourcing study

Those most frequently reliant on insurance policies were:

- Owner/drivers in the recent transport study
- Builders, cabinetmakers and demolishers in the "Interventions" study
- Owner/managers of garage micro small businesses in the 'Barriers' study
- Outsourced workers in each of the four industry sub-sectors in the subcontracting/outsourcing study

Those most unsure about coverage by workers' compensation insurance were:

- 'Other' employment status drivers in the recent transport study
- Young casual workers in the fast food industry

Those who most frequently had no workers' compensation or insurance cover were:

- Outworkers in the clothing manufacture industry
- Owner/managers of micro small businesses in the 'Barriers' study

Precariously employed workers were often ignorant or confused about their eligibility for workers' compensation benefits following a work-related injury or illness. Where comparisons were possible, it was found that precariously employed workers had significantly less knowledge of their entitlements than non-precariously employed workers undertaking similar tasks in the same industry sectors. For groups of workers where workers' compensation insurance coverage was not compulsory (such as small business owner/managers and subcontractors) it was found that more than 20% usually had no private injury insurance. The qualitative data in the surveys also revealed that, irrespective of their formal entitlements, a significant number of precariously employed workers were reluctant to make workers' compensation insurance claims due to economic pressures to continue working, or fear that making a claim would prejudice future employment prospects or contracts.

Thus it is very likely (given the extension of precarious employment in Australia) that growing proportions of the workforce will have ambiguous workers' compensation insurance cover, will be without any form of injury insurance cover, and will be reluctant to make use of their entitlements. The most recent of the studies is discussed in detail below. Arguably long distance truck driving exemplifies the strains associated with precarious employment, not only for those owner/drivers bidding for short-term or one-off haulage contracts but also for all other employee drivers whose working conditions are being eroded.

Long Haul Transport

The most recent study conducted involved face-to-face interviewing of 300 drivers employed in the long haul trucking industry. During May and June in the year 2000, a survey of truck drivers was undertaken across the Australian state of New South Wales (Mayhew and Quinlan, 2000). In all 300 drivers were interviewed face-to-face and completed a detailed questionnaire with closed and open-ended questions. These 300 truck drivers were interviewed at a minimum of 2 truck stops, freight-forwarding yards or truck resting areas on each of the 6 major state highways. In all, 33% were owner/drivers, 34.7% were employed in small fleets with 20 or fewer trucks, 28.3% worked in large fleets, and 4% had some other employment status, for example, one owner/driver had handed back his truck to the finance company the day before interview.

Work-related injury and illness patterns

Each of the 300 truck drivers was asked a series of questions about their injury and illness experience during the past 12-month period, any chronic injuries they carried, recent experiences of occupational violence, and truck crashes. Both injuries in past 12-month period and truck smashes in the last year have been separated into two rough severity categories: those that did not require driving work to cease and those that did. These are all summarised in the table below. For the sake of brevity, a detailed discussion of injury patterns is not provided.

Table 2 Work-related injury and illness experience in past 12-month reported by 300 interviewed drivers

	<i>owner/drivers</i> (n=99)	<i>small fleet</i> <i>drivers</i> (n=104)	<i>large fleet</i> <i>drivers</i> (n=85)	<i>other</i> (n=12)
<i>acute injury</i>	6.1%	15.4%	15.3%	-
<i>minor injury that did not stop work</i>	15.1%	10.6%	12.9%	-
<i>chronic injury</i>	55.5%	48.1%	54.1%	25%
<i>occupational violence</i>	54.5%	45.2%	42.3%	33.3%
<i>major road crash</i>	10.1%	12.5%	5.9%	8.3%
<i>minor road crash that did not stop work</i>	3%	4.8%	7.1%	-

Around 25% of all the truck drivers interviewed had had a work-related injury or illness in the past 12-month period. There were no apparent variations in the *types* of injuries across the different employment status groups. It was noted that there was a marked similarity in the apparent severity of injuries that required time-off work and those that did not. The most obvious explanation was that owner/drivers, in particular, were under significant economic stress and were forced to continue working with quite major injuries, for example, fractures.

Chronic injuries were self-reported at around double the rate of acute ones. Back injuries, hearing loss, and other permanent disabilities such as knee and shoulder movement limitations were very common. Those employed in large fleets more commonly cited hearing loss, probably because facilities for testing were more frequently available on these sites.

Occupational violence in the form of verbal abuse and road rage was very common, although threats and assaults were rare. It was found that the basis for this violence varied significantly: verbal abuse and road rage was most commonly perpetrated by other motorists and had potentially serious consequences in a few cases. In contrast the cause of occupational violence at freight-forwarding yards and on customer sites was usually found to be economic and time stresses.

Truck crashes in cities typically involved cars at roundabouts or red lights, with many motorists having limited understanding of truck stopping and turning requirements. The consequences were frequently severe for cars – but not for trucks. In contrast, truck smashes on rural highways typically involved animals on the road at night, running ‘up the back’ of vehicles, or occasional fatigue-related runs off the road; all of which often resulted in significant damage to the truck – and large insurance company pay-outs. The lower crash ratio amongst large fleet drivers was believed to be related to improved time-scheduling, implementation of fatigue management programs, and less extensive working hours.

Workers' compensation coverage and claiming patterns

In the event of a work-related injury or illness, or truck crash, drivers may require time-off work for treatment, recuperation, and rehabilitation. In addition, owner/drivers may have to wait for their truck to be repaired after a smash before they can return to work. Hence access to workers' compensation insurance or personal injury insurance that covers medical costs and loss of income can be an important consideration, particularly if the driver is under financial stress, for example, an owner/driver paying off a \$300,000 loan on a vehicle and rig.

To ascertain the extent of insurance protection, each of the 300 truck driver interviewed was asked: 'if you get injured at work will your injury bills be paid by workers' compensation insurance?' The possible response boxes on the questionnaire included: 'no', 'workers' compensation', 'insurance policy', 'not sure', and 'other'. The compiled responses appear in the table below.

Table 3 Workers' compensation and injury insurance coverage of 300 interviewed drivers

	<i>owner/drivers</i> (n=99)	<i>small fleet</i> <i>drivers</i> (n=104)	<i>large fleet</i> <i>drivers</i> (n=85)	<i>other</i> (n=12)
<i>No</i>	6.1%	-	-	8.3%
<i>workers' compensation</i>	38.4%	78.8%	89.4%	41.7%
<i>Insurance policy</i>	42.4%	4.8%	12.9%	8.3%
<i>not sure</i>	9.1%	15.4%	8.2%	33.3%
<i>Other</i>	6.1%	2.9%	4.7%	8.3%

As the above table shows, there is a significant difference in workers' compensation and injury and illness insurance coverage between the different employment status groups. Nevertheless, around 80% of all drivers had some form of protection to fall back on if a severe injury occurred. This has to be a heartening finding. (A few indicated that they had more than one form of support available in the event of an injury or illness.)

The pattern seen in the above table is that large fleet drivers (89.4%) and those in small fleets (78.8%) are more certain of workers' compensation insurance coverage in the event of a work-related injury, crash-related injury, or illness. This pattern is undoubtedly related to the fact that these fleet drivers are predominantly employees with standard workers' compensation insurance cover. However drivers in small fleets (15.4%) were more likely to be unsure of their workers' compensation and insurance coverage; perhaps because many were in an ambiguous employment situation, or on short-term contracts, and may not have been fully aware of all details of their agreements. Nearly 13% of the large fleet drivers, but only 4.8% of those employed in small fleets also had some other insurance protection.

Both the quantitative and qualitative data showed that the owner/drivers were least likely to have workers' compensation coverage (38.4%), and were more reliant on insurance (42.4%). Those in an 'other' employment situation had a similar pattern of workers' compensation coverage to owner/drivers – but far fewer had insurance cover.

Although there was no request to describe situational coverage, a number wrote comments about difficulties they had experienced following an injury; some direct quotations that exemplify situations are described below. (It is important to again note that around 80% had some form of injury insurance protection.)

- **Additional injury insurance cover:** a number of the drivers in all employment status groups took out private injury insurance cover, or fatality cover, as well as workers' compensation insurance. For example: 'pay for that myself as we cover our own insurance' (owner/driver 61); 'have a death benefit as well as workers' compensation' (large fleet driver 97); 'income protection to top us up' (large fleet driver 199); and 'death cover' (owner/driver 259).
- **Lack of coverage:** as already noted around 20% of all workers interviewed had no workers' compensation or insurance cover, which resulted in financial stress for many following an injury: 'I got nothing' (owner/driver 54); and 'nothing' (small fleet driver 108).
- **Cost barriers:** the qualitative data suggested cost was a barrier to some financially stressed owner/drivers and others in insecure income situations taking out insurance cover. For example: 'can't afford it. That's why I've got to get rid of the truck – got to have an operation' ('other' employment

status 38); and 'just have to wear it as I can't afford my own insurance' (owner/driver 297). Presumably these truck drivers 'fell back' on the taxpayer-funded social security and Medicare systems for treatment and support.

- **Lack of awareness of cover – or no cover:** some drivers believed that the freight-forwarders they worked for were responsible for all their injury insurance cover. Many others, particularly those on short contracts, were unsure of their entitlements. However, sometimes they found out that this was absent or inadequate following an injury. Thus the terms and conditions of insurance policies are of crucial importance to owner/drivers. For example: *'because I work for 1 bloke, he's supposed to cover for me'* (owner/driver 20); and *'with a lot of these big companies, they don't disclose this type of information and flaunt the system to get around it when the time comes'* (large fleet driver 86).
- **Fear of reporting and claiming compensation:** some drivers indicated that they were afraid to make claims on their policies in case this affected continued employment or future contracts, as the following quotation indicates: *'if you get injured enough, they kick you out'* (large fleet driver 10). For others, making a claim resulted in greater financial costs than did paying for an injury treatment or time-off through the loss of a non-claim bonus: *'I'm too scared to claim on my workers' compensation as they'll only put it up'* (owner/driver with a chronic back injury 51).
- **Potential cost externalisation:** a few drivers were suspicious of the workers' compensation insurers and potential cross-over of costs onto their own private health insurance or personal superannuation policy. For example: *'WorkCover – if they can slip you into Hospital Benefits on your own cover, a lot of them do'* (small fleet driver 6); and *'if serious they contribute to super scheme with a medical clause'* (large fleet driver 8).

CONCLUSION

The surveys conducted amongst a range of groups of precariously employed Australian workers revealed that many were ignorant or confused about their eligibility for workers' compensation following a work-related injury. Where comparisons were possible, it was found that precariously employed workers had significantly poorer knowledge of their entitlements than did non-precarious workers undertaking similar job tasks. For groups of workers where workers' compensation coverage was not compulsory (such as small business owner/managers and subcontractors) it was found that, on average, more than 20% had no private insurance or other form of coverage. The surveys also revealed that, irrespective of their formal entitlements, a significant number of precariously employed workers were reluctant to make workers' compensation or insurance claims due to economic pressure to continue working, or fear that a claim would prejudice future employment prospects, future contracts, or no-claim bonuses.

In this paper a more detailed discussion about the injury and compensation experiences of long-haul truck drivers was provided. Again it was found that at least 20% had no workers' compensation or injury insurance cover, with those most precariously employed (the owner/drivers) least protected. The high levels of chronic disability identified in Table 2, suggest that the lack of early preventive intervention may lead to substantial later costs – both for the individual workers and the supporting medical services.

In sum, irrespective of levels of risk, formal workers' compensation coverage does not correlate with claiming patterns. Overall our findings indicate that knowledge of workers' compensation entitlements is problematic in the industries where precarious workers are concentrated. There is also evidence of growing numbers of workers whose coverage is ambiguous, who are without any form of insurance cover, or who are very reluctant to make any use of their entitlements. Precarious workers need clarification of their workers' compensation coverage, more comprehensive knowledge of their entitlements, and removal of ambiguous clauses and statements that lead employee workers to believe that their personal health insurance policies might be utilised if they are injured at work.

These findings suggest that the growth in precariously employed workers in Australia is contributing to a widening gap in terms of formal coverage by workers' compensation, a reduction in injury claims by those who are eligible, and consequent non-reporting of occupational injuries. These findings have potentially serious implications for the accuracy of work-related injury data banks, externalisation of injury costs onto taxpayer-funded resources such as Medicare and social security, and decreased levels of early intervention to stop the development of long latency conditions. There are also potentially serious implications for the administration of workers' compensation and the management of work-related injury more generally.

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