



WORKEXPERENCE/PLACEMENT INSURANCE COVERS FOR NSW CATHOLIC SCHOOLS

Revised 18 January 2016

This Statement provides a general overview of available insurance cover; it does not represent legal advice. For precise advice, please consult the relevant CCI or QBE Insurance Policy Documents. This advice replaces all earlier advice.

1. POLICIES

For NSW Catholic diocesan schools and most congregational schools¹, two separate policies provide work experience/ placement cover for students and their host employers:

- CCI School Care Personal Accident and Disability or Students' Work Experience Personal Accident Policy with Catholic Church Insurances (CCI) (or equivalent)
- Work Experience/Work Placement Public Liability Policy with QBE Insurance (Australia) Limited (effective 31 January 2016).

Under Commonwealth legislations, these policies cannot pay for any Medicare services including the Medicare gap. These services should be claimed through Medicare and or private health insurance where available. Work placement students are not eligible for coverage through workers compensation.

1.1 CCI School Care [Personal Accident and Disability] Policy or Student Work Experience Personal Accident Policy

Each school or Diocese purchases these policies or equivalent. School staff organising work placements need to confirm the nature of their particular policy with their diocesan office or school bursar and provide advice to employers / brokers. These policies cover students for personal injury sustained whilst engaged in Work Experience/Placement activities. Students are covered whilst directly travelling to and from work places.

The Policies Cover:

- a) Death by accident;
- b) Permanent disablement compensation dependent on injury of up to maximum e.g. \$750,000 or \$275,000 depending on SchoolCare policy chosen (*please refer to your policy to confirm extent of your coverage*)
- c) Non Medicare expenses - e.g. dental, counselling, emergency transport, travel expenses or lump sum payments for certain injuries such as fractures, burns and dislocations (limits apply)
- d) Damage to student's clothing or artificial aids resulting from an injury (limits apply).

¹ Congregational schools which do not take out employer liability cover through these policies make equivalent insurance arrangements and will provide relevant documents to host employers and brokers.

Catholic Church Insurances (CCI) advised on 24/01/2011 of an endorsement to the NSW SchoolCare Policies to allow certain students to use motor bikes as follows:

It is hereby noted that Exclusion 2.1.6 is deleted in respect of students undertaking accredited vocational education and training (VET) courses in the HSC Primary Industries Framework for their Higher School Certificate (HSC) only.

1.2 **QBE (Australia) Insurance Work Experience/ Work Placement Public Liability Insurance Policy (Policy Number AN-0014866-PLB)**

Catholic Education Commission NSW (CECNSW) purchases this policy on behalf of participating Catholic Schools. For further details and documentation, including the Certificate of Currency and participants, please contact CECNSW as listed below or online at:

<http://www.cecnsw.catholic.edu.au/dbpage.php?pg=view&dbase=programs&id=37>

This policy provides indemnity for the student, the employer and participating schools involved in Work Experience/Placement activities.

The Policy Covers:

- a) Indemnity for legal liability of students and employers for Personal Injury caused to a Third Party (limit \$20,000,000 any one occurrence);
- b) Indemnity for legal liability of employers for Personal Injury to students (limit \$20,000,000 any one occurrence)
- c) Indemnity for legal liability of Property Damage to an employer's property (limit \$20,000,000 for any one occurrence)
- d) Indemnity for legal liability of Errors and Omissions (E&O) **in relation to the participation by students in Certificate II in Sports (Coaching) Certificate II in Outdoor Recreation and Certificate III in Sports Fitness only** (Limit \$1,000,000 any one Occurrence and in the aggregate in respect of claims made, costs inclusive). Any E&O claim or incident which might result in a claim must be reported through CECNSW to QBE as soon as the school becomes aware of it during the current Period of Insurance, and some additional exclusions apply.

For each claim the QBE Insurance policy has set a deductible cost (i.e. excess) of \$1,000 except for E&O cover where the deductible remains at \$5000. The policy requires that CECNSW, acting for the Catholic sector of schools, will provide for the payment of any deductible cost. The CECNSW reserves the right to recover the cost of the excess from a Diocese or Congregational school.

2. CONDITIONS AND EXCLUSIONS

2.1 Some Key Exclusions

The school, the student and the employer will not be insured for the following activities:

- 2.1.1 Travel by Private and Charter Aircraft other than those providing a regular Public Transport Service (CCI provides cover as a passenger in a fully licensed commercial aircraft operated by a licensed airline over an established air route)
- 2.1.2 Travel by helicopter
- 2.1.3 Radioactivity/Nuclear material/Fuel/Ionising Radiations
- 2.1.4 Scuba/deep sea diving
- 2.1.5 Attendance at abattoirs (killing areas)
- 2.1.6 Driving any registered or unregistered motor vehicle (and engaging in motor cycling whether as driver or passenger). except as part of the BOS HSC Primary Industries Curriculum Framework (and then only when students have been appropriately instructed and supervised and the vehicle is properly maintained). *See also Section 2.4.5.*

- 2.1.7 Activities involving guns or firearms except as part of an approved and supervised Australian Defence Force activity
- 2.1.8 Watercraft exceeding 20 metres in length
- 2.1.9 Travel outside the 12 nautical mile limit at sea and undertaking construction work on structures in marine environments
- 2.1.10 Results from AIDS or HIV (direct or indirect)
- 2.1.11 Asbestos and tobacco or tobacco smoke
- 2.1.12 Activities involving service of alcohol unless the student is aged over 18, and the activity is essential to the placement and it has been agreed to by the school and TAFE NSW Institute and the student has completed the Responsible Service of Alcohol (RSA) Training Course
- 2.1.13 Sporting activities/events except as part of the Certificate II in Sports (Coaching) Certificate II in Outdoor Recreation and the Certificate III in Sports Fitness (and then only under instruction and supervision)
- 2.1.14 'High risk construction work' as defined in the NSW OHS Regulation (2001) – see 2.4.3 below: i.e. construction work involving the use of explosives; work near traffic or mobile plant; and work in and around major gas and electrical installations
- 2.1.15 Demolition work requiring more than the simple stripping of walls
- 2.1.16 Any excavation work at a depth of one metre or more; at a depth under one metre without direct supervision by a competent person; near utilities
- 2.1.17 Work on a roof or in a roof cavity
- 2.1.18 Work on caissons or coffer dams (permanent or temporary structures respectively, used to enable construction and excavation work)
- 2.1.19 Fines or penalties, and/or liquidated, punitive, aggravated, exemplary and/or multiple damages imposed by law
- 2.1.20 Occurrences as a result of the insured person being under the influence of intoxicating liquor or any narcotic or drug unless taken in accordance with the direction and prescription of a legally qualified medical practitioner
- 2.1.21 Total exclusion of claims arising from sexual and/or child molestation
- 2.1.22 Claims arising from repair, replacement or recall of products
- 2.1.23 Damage to insured premises/ property in the physical and legal control of the insured (property not belonging to the insured may be covered up to a limit of \$1,000,000 for any one occurrence)
- 2.1.24 Professional Indemnity for negligent advice given by any student (except for those in Sports Coaching, Outdoor Recreation and Fitness courses for which separate E&O cover has been negotiated)
- 2.1.25 Any consequence of war, invasion, act of foreign enemy, hostilities (whether war be declared or not), civil war, rebellion, revolution, insurrection or military or usurped power of confiscation, nationalization, requisition, destruction of or damage to property by or under the order of any government or public or local authority.

2.2 Activities Requiring Special Approval

The following activities are excluded unless specially approved for each placement. Please contact CECNSW to request approval.

- 2.2.1 Activities involving the handling of animals, other than exempted sites and/or participation in BOS Stage 6 Primary Industries Course. For further information, refer to CEC Diocesan Directors' memo 08/14 at:
http://www.cecnsw.catholic.edu.au/images/0814_Work_placements_involving_animal_handling.pdf
- 2.2.2 Mining/Quarrying/Tunnelling;
- 2.2.3 Timber getting/Sawmilling.
- 2.2.4 Abattoirs and meat processing plants (other than killing areas)

- 2.2.5 Placements outside the territory of the Commonwealth of Australia. Overseas placements are not advised. Placements in the USA or Canada and countries subject to their jurisdiction are not permitted. Any considerations of overseas placements should take into account the federal government website www.smarttraveller.gov.au and also consider the insurance regulations of the proposed country. Any proposed placement must be referred to the insurer QBE through CECNSW prior to approval.

2.3 Scope and Conditions of Cover

If the following requirements are not observed, available insurance may be rendered void.

- 2.3.1 Students must be at least 14 years of age and be participating in a school approved activity/placement. Students under 15 years of age must not undertake workplace learning before 7.00am or after 6.00pm.
- 2.3.2 Cover is available throughout school holiday periods, provided the work placement is arranged and supervised by the school. Year 12 students cease to be insured by their school once they complete their last HSC examination.
- 2.3.3 Interstate placements are permitted, if arranged and supervised by the school. Placements outside the territory of the Commonwealth of Australia require special approval from the insurer, through CECNSW and are not encouraged. (See 2.2.5)
- 2.3.4 Insurance cover may be voided (lost) by serious and wilful misconduct by a student while attending a work site.
- 2.3.5 The employer must have in all cases provided appropriate and reasonable instruction and/or supervision with respect to each Work Experience/Placement student.

2.4 Special requirements for higher risk industries and occupations

- 2.4.1 All students proceeding to a construction workplace for work placement or work experience must hold a construction industry induction card (CIC) issued by WorkCover in accordance with Part 6.5 of the Work Health and Safety Regulation 2011. To be issued with the certificate, students must provide evidence to WorkCover from a registered provider of satisfactory completion of the National Unit of Competency CPCOHS1001A Work Safely in the Construction Industry.
- 2.4.2 The employer and school must comply with all Department of Industrial Relations and WorkCover requirements (including reporting requirements) for Work Experience/Placement Programs and observe any prohibited activities or WorkCover regulations (including any age restrictions and requirements for safety equipment / personal protective equipment e.g. helmets and harnesses).
- 2.4.3 Prescribed or dangerous machinery must only be used in accordance with WorkCover requirements, and only then in the context of appropriate training, supervision and risk assessment. Particular care is needed to comply with the OHS requirements for scheduled work as set out in Chapter 9 of the NSW OHS Regulation (2001), to be replaced by the model code of practice "*Managing risks in construction work*" when endorsed by the Minister.
- 2.4.4 Any electric, oxy-acetylene or similar welding or cutting and allied processes must be done in full compliance with Australian Standard 1674 "Safety in Welding and Allied Processes".
- 2.4.5 Placements involving student operation of golf carts, tractors or farm vehicles such as motor bikes/ quad bikes are permitted only for students enrolled in the BOS HSC Primary Industries Framework. If the student does take part, he or she must have successfully completed a relevant formal training course or the related course competencies or have demonstrated substantial experience in the safe operation of such vehicles. The student still needs to be closely supervised.
- 2.4.6 A person undertaking work placement or work experience and over the age of 18 and working in occupations classed as "child-related employment" (e.g. placement with pre-schools, child welfare services, youth clubs etc) are required to complete a "Working with Children Check". The Working with Children Check is a prerequisite for paid and unpaid child-related work. Under Part 2, section 6 of the *Child Protection (Working With Children) Act 2012*. Child-related work is defined as work in a specific,

child-related role or face-to-face contact with children in a child-related sector. This Check is available on-line at <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>

- 2.4.7 You are advised to clarify any such student placement requirements with the Catholic Commission for Employment Relations and/or your child protection "Head of Agency".

3. WHEN AN INCIDENT OCCURS

Any incident which may result in a claim against the employer or the school in respect of a work experience/placement student must be immediately notified (within 7 working days) in writing to the student's school. The school then notifies CEC, NSW either directly or through the school's Diocesan Office. Suspected spinal injuries must be notified to CECNSW within 24 hours.

- The Insurer must have full conduct and control of the claim against the employer and or the school. The employer and the school must fully co-operate with the Insurer in the conduct of any such action.
- When an incident occurs no undertaking or promise of settlement/payment may be made, since compensation decisions are a matter for assessment by the insurance company(ies). It may be possible in certain circumstances to make an apology but advice must first be obtained from the insurer through CECNSW.

CECNSW CONTACT: Gerard Delany, State Coordinator, Vocational Education, CECNSW: PO Box 20768, World Square NSW 2002 Telephone: (02) 9287 1549 Fax: 9264 6308 Mobile: 0412 151 953