



Navigating Employment and Insurance

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Since 1919

**Wage
equality for
aborigines**



**Campaign
for 40 hour
working week**



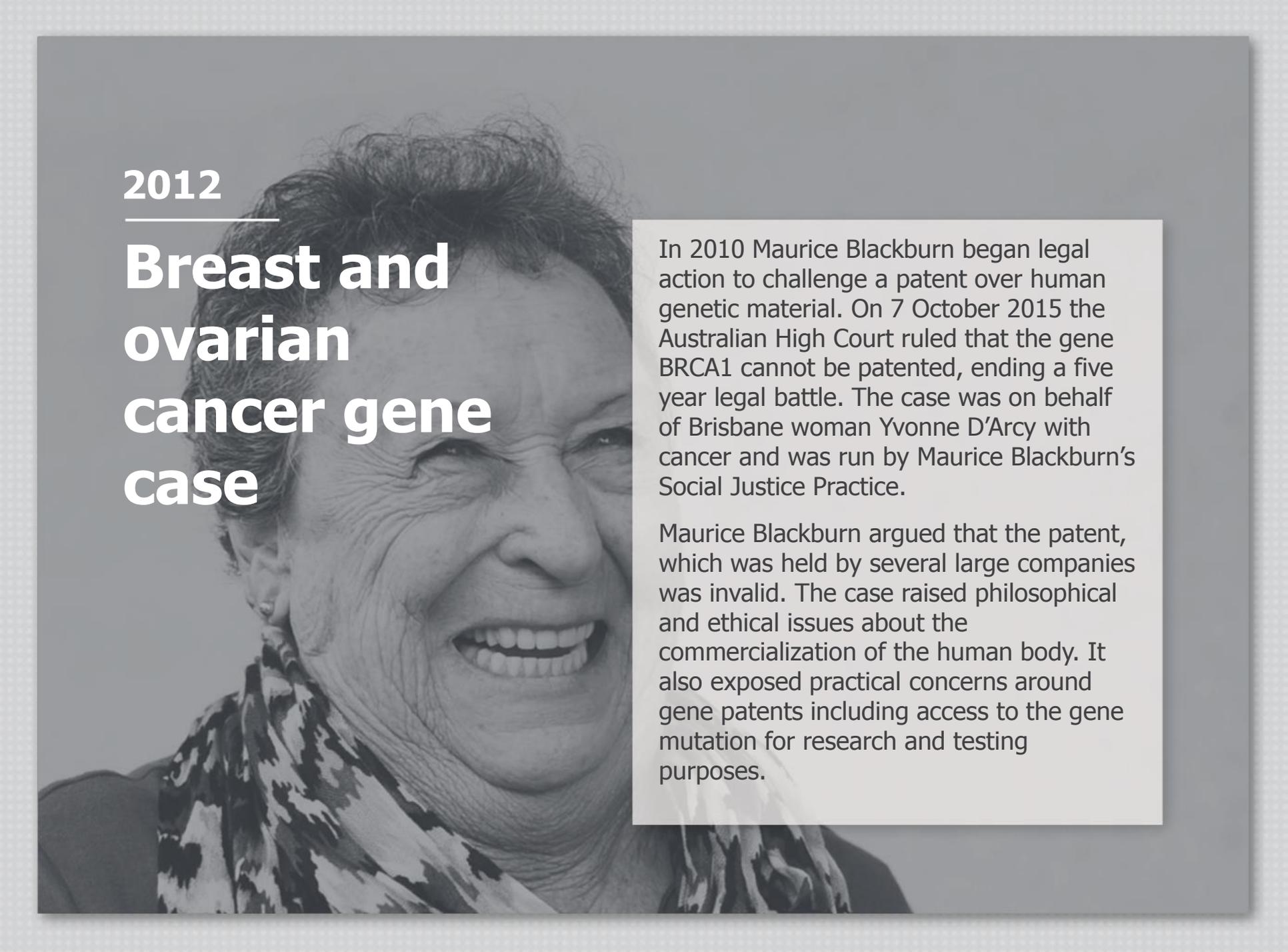
**Exploitation and
underpayment
of workers**



**Equal pay
for women**



**MWA waterfront
worker mass sackings**



2012

Breast and ovarian cancer gene case

In 2010 Maurice Blackburn began legal action to challenge a patent over human genetic material. On 7 October 2015 the Australian High Court ruled that the gene BRCA1 cannot be patented, ending a five year legal battle. The case was on behalf of Brisbane woman Yvonne D'Arcy with cancer and was run by Maurice Blackburn's Social Justice Practice.

Maurice Blackburn argued that the patent, which was held by several large companies was invalid. The case raised philosophical and ethical issues about the commercialization of the human body. It also exposed practical concerns around gene patents including access to the gene mutation for research and testing purposes.

Employment and Insurance

- **Insurance in Super**
- **Life Insurance – applications and duty of disclosure**
- **Employment Issues**

Superannuation

Key dates

1992

Compulsory
Super Guarantee
Contributions (SGC)

2005

Super Choice

2014

MYSUPER

9.5%

55-60

Preservation age

55 for anyone born before 1 July 1960, increasing yearly to 60 for anyone born after 1 July 1964.

65

Retirement age

You can access all your super regardless of working status once you reach retirement age.

Insurance through superannuation

Group Life Policy

**Default
Cover**

**Automatic
Eligibility**

Life Insurance

- **Consumers purchase typically via financial advisors, insurance brokers, financial institutions**
- **Different to Group Life Policy**
- **Individual underwriting on application**
- **Disclosure requirements**

Life & Disability Insurance

- Income Protection (IP)
- Total and Permanent Disability (TPD) Benefit
- Death Benefit
- Terminal Illness Benefit
- Defined Benefit Fund
- Private and Employer Based Insurance
- Trauma Insurance

E.g. via an EBA or employment contract,
or Private Life & Disability insurance policy
sourced directly from an insurer.



Do I have to disclose the results of genetic testing

- **Currently no Australian case law**
- **Discrimination laws**
- **The Overseas experience – UK and USA**

Genetic testing and disclosure in Australia

- **Discrimination legislation**
- **Insurance Contracts Legislation**
- **FSC Standard no. 11**

Employment issues

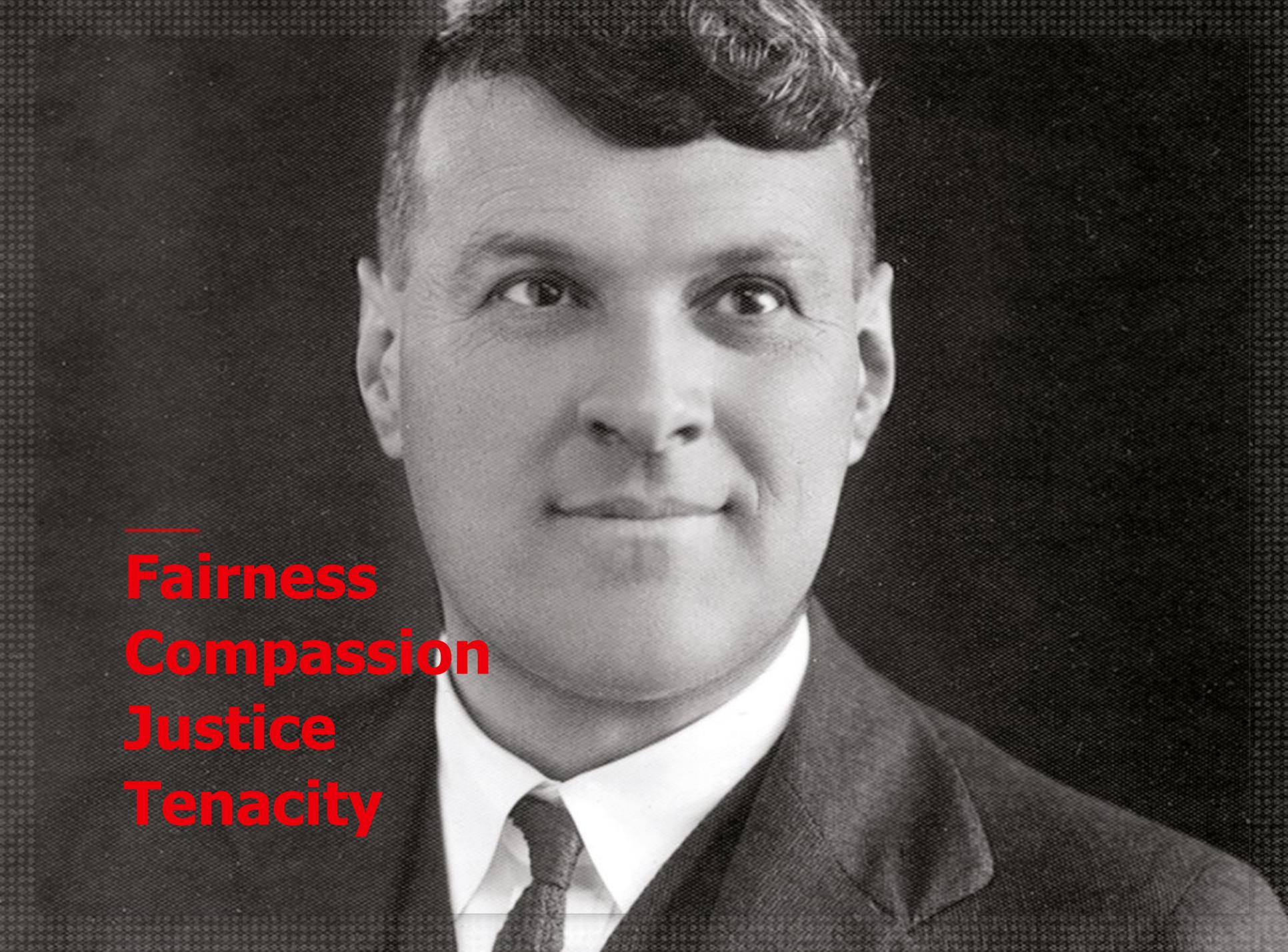
- **Disclosure of diagnoses**
- **Health and safety issues**
- **Legislative requirements – can an employer lawfully discriminate**

How we can help - Insurance

- **Group insurance**
- **If you stop work we can check if you have cover**
- **We can check if member of more than one fund and access more than one insurance**
- **No win no charge**
- **Legal help through the complex claim process**
- **Retail Insurance**
- **If insurance rejected can advise on discrimination**

How we can help - Employment

- **If unfairly dismissed – Fair Work Commission 21 days**
- **If discriminated against – we can assist**
- **Call 1800 810 812 for legal help.**



Fairness
Compassion
Justice
Tenacity



Thank you.

☎ 1800 810 812

➤ mauriceblackburn.com.au