



# Brokerwise™

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## Christmas Surprises

### THEY'RE NOT ALWAYS PLEASANT

We all love a surprise at Christmas and the excitement of imagining what's under the tree. What we don't want is the surprise and upset of storms and other nasty happenings at this time of year. There are a few simple things you can do to limit the potential of a spoiled Christmas at your place:

**Intruder proof it:** Remove all those burglar-friendly aids lying about around your yard and garden - a chair gives them a leg up, the ladder easy access to your highest windows. Put away those tools - the edge of a spade makes an effective jemmy.

Intruder protection basics like installing deadlocks and window locks on all external doors and windows were done at your place years ago, right? How about these tried and tested burglar deterrents:

- Installation of motion sensor lighting – very cost effective.
- Installation of a monitored alarm system – even better.
- Consider the installation of a closed circuit TV camera – gives a good chance of catching the perpetrators and getting your stuff back if you do get burgled, as does...
- Security marking of valuables... and photographs of them kept in a secure place.
- Up-to-date valuations of valuables to determine insurance cover required.

**Storm proof it:** Christmas in our part of the world means the risk of damage delivered by storms is at its peak. Preparation is everything. Clean out the gutters, trim back your trees and ask your neighbour to do the same. Put away those potential flying object items sitting

in your yard, on your deck or verandah.

Finally, if all your precautions come to nothing and you are hit by weather events or visits from unsavoury individuals, at least your home and contents insurance will put things right financially. If you're not sure you have enough cover, contact your insurance broker account manager without delay. ■



## Anti-social, Social Media

### IT'S ALL ABOUT YOU

Yes, we know they can be great fun and are very cool but social media platforms can be a wolf in sheep's clothing setting you up for a shake-down.

Joining most social media sites is free which means operating revenue has to come from elsewhere. And the bulk of the funding comes from targeted advertising to users based on their personal information. Naturally, social media sites encourage registered users to provide as much information as possible and this can expose users to identity theft and fraud. Additionally, as these platforms

are a rich source of juicy user information, they are also vulnerable to outside attack. Recent reports claim Google recently patented an algorithm to rate individual's influence within social media. Once publicised, it seems likely to encourage greater participation by active users in order to boost their influence score.

With the increased global use of social media, there are more opportunities than ever before to steal identities or perpetrate fraud online. For example, status updates posted on social media sites can be used by criminals. If you post that you're out of town on holiday,

you've opened yourself up for burglary. If you mention that you're away on business for a few days, you may leave your family open to assault or robbery. When it comes to stalking or stealing an identity, use of photo and video sharing sites can provide deeper insights into you, your family, your hobbies, your house – what it looks like – upmarket prestigious? Furnished with expensive goodies? A plum ripe for picking.

Social networking sites have great potential for abuse. While everyone knows they should never share key personal

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information, many social networking sites ask for it under the theory of the “ask and you shall receive” principle and more often



than not, they get it – oodles of sensitive information about you that can be used against you in a variety of malicious ways.

But before you jump online and cancel all of your social media accounts, consider that there are ways to be smart about what you share and who

you share it with. By following the best practices outlined below, you can enjoy the benefits of social media without making yourself a target for criminals.

- Never, ever give out your driver's license number.
- Consider unique user names and passwords for each profile.
- Vary your passwords and change them regularly.
- Don't give out your username and password to third parties (even if it helps you connect to others and build your network).
- Minimise the use of personal information on your profiles that may be used for password verification or phishing attacks.
- Avoid listing certain information publicly: date of birth, home address, year of high school or tertiary graduation, primary e-mail address.

- Only invite people to your network that you know or have met, as opposed to friends of friends and strangers.
- For password security verification questions, use a password for all answers (rather than the answer to a specific question, like “What is your mother's maiden name?”).
- When age-shifting to protect your real birthday, keep the date close; otherwise, you may expose yourself to age discrimination.
- Google yourself regularly and monitor your credit rating using the free annual report or monthly monitoring services.

Finally, even if you ignore most of the above, at least do this....watch where you post and what you say, as it can be used against you later. As many a hapless candidate discovers when the door of employment opportunity slams shut. ■

## Discrimination In The Workplace

### DEFINITIONS, POLICIES AND PROCEDURES

The Queensland Anti-Discrimination Act 1991 (the Act) promotes fair treatment and equality of opportunity by protecting everyone from unfair discrimination, sexual harassment and vilification in employment.

Discrimination occurs when someone is treated unfairly or badly in certain respects. Not all discrimination is against the law, even if it is unfair. In Queensland the Anti-Discrimination Act 1991 determines what kind of discrimination is unlawful by identifying particular attributes and areas (see below).

Discrimination happens because people have stereotypical or prejudiced ideas or beliefs about other people because they happen to belong to a particular group of people or because they have certain personal characteristics or attributes. This kind of direct

discrimination is often the result of failing to treat each person as an individual regardless of their sex, age, race etc.

Discrimination can also happen in a more indirect way. Sometimes treating everybody the same can be unfair because it disadvantages a whole group of people. For example, an arbitrary rule that employees must not wear headaddress may inadvertently exclude people of a particular ethnic or religious origin. Unless such a rule is necessary or reasonable in all the relevant circumstances it will be indirect discrimination and against the law. Indirect discrimination is not usually intentional but is often the result of failing to think about the impact of rules and requirements on different people.

The Anti-Discrimination Act 1991 says that it is against the law to discriminate against people because of their:

- Family responsibilities
- Sexuality
- Gender identity
- Sex (whether they are female or male)
- Relationship or parental status (whether they are married, single, widowed, divorced, separated or living with someone as if they were married (de facto, including same sex de facto), and whether they have children or not)
- Race
- Age (whether they are young or old)
- Impairment (whether they have or had a physical, intellectual, psychiatric or mental disability, injury or illness, including whether they are HIV+, or use a guide dog, wheelchair or some other remedial device)

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- Religious belief or activity
- Political belief or activity
- Trade union activity
- Lawful sexual activity ( a lawfully employed sex worker)
- Pregnancy or breastfeeding
- Association with or relation to someone who has any of these listed attributes or personal characteristics

An employer that doesn't have a clear policy on how employees should report harassment and discrimination complaints is asking for trouble. Every employer should have a clear policy setting out how and to whom employees report any complaint of discrimination or harassment.

An effective complaint policy and procedure serves two purposes: First,

it ensures that an employer is aware of any employee complaints so that it can promptly investigate them and take any action necessary to correct the situation. The best way to prevent any potential liability under equal opportunity laws is to ensure that the workplace is free of discrimination and harassment. Second, having an effective policy is critical if the employer is later faced with discrimination, harassment or retaliation claims because it allows the employer to show what the employee could or should have done to address the situation.

Employment Practices Liability ("EPL") insurance policies protect businesses from the financial costs incurred from employment-related lawsuits filed for a range of reasons, from wrongful termination to harassment to

discrimination and so on. According to analysis undertaken, more than half of claims are filed against small businesses, however, only a small percentage purchase EPL insurance. Your insurance broker can assist if you require further information.. ■



## Fraud & Scams

### IS YOUR BUSINESS VULNERABLE?

The number of fraudulent attacks and scams targeting small businesses has escalated over the past few years with the majority of these not coming from external cyber-criminals but from the businesses' own employees. Unfortunately, small businesses are often more vulnerable to fraud because they typically employ fewer anti-fraud controls compared to larger firms.

You can protect yourself and your business by being aware of the common examples of internal fraud targeting small businesses. These include:

- Personal use of business resources.
- Fabricating or exaggerating reimbursement claims.
- Manipulating time sheets or financial data to receive performance-based bonuses.
- Allowing friends and family to have free or discounted goods or services.

- Use of business credit cards to make private purchases.
- Fraudulent invoicing by creating bogus suppliers or bogus purchase orders of a bonafide supplier with the payments being made to the fraudster's bank account. Fraudsters will go to great lengths to convince you that the documents they send are legitimate and genuine. These days it is relatively easy to copy or modify letterheads, names and logos to make them look real.

Some suggested internal controls for businesses to implement include the following safeguards:

- Don't allow sharing of passwords and ensure password management is strong.
- Ensure banking duties, particularly on-line, are segregated with separate users having the authority to create and authorise payments.
- Know your employees – always conduct appropriate background

checks at time of employment.

- Stay close to your staff to be in the best position to know how their circumstances may change which could result in them being placed under pressure to perpetrate a fraud.
- Insist on all employees taking annual leave for a continuous minimum period each year. This allows another team member to take over their duties during that period.
- Conduct random checks and audits to ensure work is performed in line with established procedures.
- Bank cash and cheques daily and ensure the person doing the banking is not the same person collecting the money.

For further advice on how to protect your business from both internal and external scams and fraud contact your insurance broker account manager. ■

# Rejections & Recommendations

## FAIR WORK ACT REVIEW

In our autumn 2012 edition we reported that the federal government was carrying out a review of the Fair Work Act which was introduced in 2009. On 2 August 2012, the government released the report from the independent review panel consisting of Professor Emeritus Ron McCallum AO, the Honourable Michael Moore, former Judge of the Federal Court of Australia, and Dr John Edwards.

The panel had been asked to report on the extent to which the legislation was operating as intended, and recommend possible areas of improvement consistent with the objects of the legislation.

Section 3(f) of the legislation provides that one critical object of the Act was "achieving productivity and fairness through an emphasis on enterprise level collective bargaining underpinned by simple good faith bargaining obligations and clear rules governing industrial action".

In short, the panel found that the effects of the Act had been broadly consistent with its stated objectives, and was generally operating as intended. They found that the period since the Act commenced had seen favourable outcomes in relation to wages growth, industrial dispute, employment growth and work flexibility.

The panel identified a productivity slowdown in Australia over the last ten

years. They did not attribute this to the workplace relations framework but made a number of recommendations for changes to the legislation in order to encourage greater flexibility and productivity.

The Review Panel rejected a number of reforms that were proposed by unions in their submissions.

Some of the key recommendations were as follows:

- Making individual flexibility agreements under awards and enterprise agreements easier to use.
- Preventing unions from instigating the process for taking protected industrial action until bargaining has commenced.
- Expanding Fair Work Australia's powers to resolve right of entry disputes.
- Extending the application of the good faith bargaining obligations.
- Preventing enterprise agreements from including "optout" clauses.
- Simplifying the processes for protected industrial action.

The government has indicated that they now intend consulting with the key stakeholders about the report and its recommendations. They have further indicated they will seek to bring legislative proposals before the Parliament at the spring session. ■

Be sure. Before you insure!

Ask your Council of Queensland Insurance Broker about...

### Commercial and Retail Insurance

- Business Property
- Business Interruption and Loss of Rent
- Liability, Money, Glass Breakage
- Burglary
- Machinery Breakdown
- Computer
- Goods in Transit
- Contractors Risk
- Motor
- Tax Audit

### Liability

- Public Liability
- Products Liability
- Professional Indemnity
- Directors and Officers
- Employment Practices Liability

### Private and Domestic Insurance

- Home and Contents
- Car, Caravan, Boat and Trailer
- Travel

### Income Protection Insurance

- Long Term Disability
- Sickness and Accident

### Life, Superannuation, Partnership

- Mortgage Protection
- Key Man
- Term Life
- Superannuation

The CQIB represents over 60 Queensland firms employing nearly 400 staff and placing in excess of \$500,000,000 in annual premiums. The CQIB charter is to maintain the level of professionalism of its members by the sharing of knowledge, information and ideas.



For more information visit [www.cqib.org.au](http://www.cqib.org.au)

The articles in Brokerwise are provided as information only. They are not general or insurance broking or legal advice. It is important that you seek advice relevant to your particular circumstance.

# Wise words

**"To every problem there is already a solution whether you know it or not"**

— Grenville Kleiser

**"Good humour is a tonic for mind and body. It is the best antidote for anxiety and depression. It is a business asset. It attracts and keeps friends. It lightens human burdens. It is the direct route to serenity and contentment."**

— Grenville Kleiser

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