

icare

Insurance for NSW

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I write further to icare's acknowledgement letter of 22 January 2019 regarding your workers compensation claim.

I note you contacted the State Insurance Regulatory Authority (SIRA), the regulator of workers compensation in NSW, with concerns about QBE's management of your workers compensation claim and Work Injury Damages (WID) claim, and that you also met with SIRA representatives in November 2018 about this. As icare is responsible for the operation of workers compensation in NSW, we were approached for information to help SIRA respond to the concerns you raised.

I am very sorry to learn about the difficulties you experienced regarding QBE's initial decision in 2015, to decline your claim for psychological injury as a result of bullying and harassment in the workplace. I understand this decision was later overturned by the Workers Compensation Commission, that your whole person impairment was determined at 19 per cent, and that you are now in receipt of weekly compensation payments and medical entitlements. I am advised that you have since filed a claim for WID which is yet to be finalised.

Liability determination

I note your concern that QBE failed to consider your supporting evidence before determining liability for your claim. QBE confirmed it assessed all available evidence, including that supplied by you via email on 18 June 2015, prior to determining liability for your claim and issuing a dispute notice dated 7 July 2015.

I can confirm that although QBE's dispute notice did not individually list the documentation you provided, the decision was made based on all available evidence.

QBE's factual investigation

QBE's file notes indicate that you were to nominate witnesses for interview as part of its factual investigation, and that QBE did not receive the details of these witnesses from you to allow for interviews to occur.

Having said this, I acknowledge that you did supply QBE with Statutory Declarations from several witnesses in support of your claim.

WID claim management

I acknowledge you raised a number of concerns with QBE about the management of your WID claim and note your reservations with the legal process for claiming.

Since its inception, icare has placed greater emphasis on managing agent customer service standards and encourages proactive and flexible claim management practices to ensure that the most positive and beneficial outcomes are achieved for the injured worker and employer. All decisions made in the management of a claim must be based on sound judgement and reliable evidence and finalised in a timely manner.

While I can confirm that your WID claim has been appropriately managed by QBE, I am sorry you feel your experience with QBE has not met these standards.

Subpoena as part of your WID proceedings

Unfortunately, no record was found regarding a subpoena, direction for access to information, or a formal request for documents made by you or on your behalf, as part of your WID proceedings.

As WID claims are considered to be modified common law claims, I encourage you to liaise with your legal representative about this, and whether any further information can be supplied to QBE as part of your WID proceedings.

Privacy breaches

I note your concerns regarding the release of your personal information by QBE, in response to various subpoenas requesting witness statements and factual investigation documents relating to you and two other injured workers.

While the *Privacy and Personal Information Protection Act 1998* prevents personal information for other claimants from being discussed or released without written consent, QBE has confirmed that the information produced was limited to the scope of the subpoenas and did not breach your privacy.

Support moving forward

icare is committed to providing you with all possible support regarding your claim management moving forward and can arrange to meet with you should you wish to discuss your concerns further in person. To arrange a meeting with icare or to clarify this information, please contact icare's
by phone

Yours sincerely

Elizabeth Uehling
Group Executive Personal Injury
icare