

**Submission
No 333**

INQUIRY INTO NSW WORKERS COMPENSATION SCHEME

Name: Ms Linda Michalak

Date received: 30/05/2012

workerscompinquiry - Fwd: RE: Changes to Workers Compensation

For your action

We wish to make representations to the NSW Government through the above Members and Minister with regard to the proposed changes to the Workers Compensation Scheme.

My husband is 63, I am 64 and in 2010 his back to work plan was pulled by his employer at Glennies Creek mine, in spite of his determination to continue on and even to undergo further surgery to comply with that. He has to date had six surgeries on his hands, has been diagnosed with industrial deafness and has recently had to have a knee replacement. His chances of returning to work in the only industry he has ever worked in are pretty remote, and, indeed, mining at one time did not require workers to continue much after the age of 55. With federal government moves to raise the retirement age, I feel that it is vital that those whose days are spent behind desks understand the level of hard physical work and permanent injury in such occupations like mining. My husband has worked without interruption since he was 15 years of age, and came out to Australia with his expertise in long wall mining in 1982 – he is the kind of hard and dedicated worker who has contributed to the mining boom the federal government now wants to share around, so why should he not be looked after now that his working days are over. No-one deserves to be condemned to live in poverty as a result of working too hard! His case for compensation has so far waited 18 months to be heard.

Whilst acknowledging that the system is out of control, I will use my insight to point out a great failing, which should be tackled before harming genuinely injured workers. I worked for a number of years in the private investigation business, and can testify to the huge level of fraud being perpetrated by claimants. It seems that even proving that claims of injury are exaggerated, as happened with almost a 100% of claimants whose cases were referred to the investigator I worked for; they still receive some level of payment. I am not sure how this works with Workcover cases but I suggest that the level of fraud is similar and must be investigated and properly punished, if it is to be discouraged. At the moment there are few consequences for people who claim permanent disability whom we discovered to be either working or engaging in extreme sports like waterskiing, although some, when faced with evidence, quickly withdraw their claims. I suggest that more is done to stamp out fraud in this area, whilst continuing to properly assist the genuinely injured whose age precludes any meaningful attempts to get them back to work.

We would suggest that any changes to compensation to a system more weighted to getting workers back to work, not be applied to those in heavy industries who are unlikely due to advanced age of realistically being re-employed. Perhaps over the age of 60 workers who have served a lifetime might be afforded some consideration,

Thank you,

Linda and Paul Michalak