

INQUIRY INTO NSW WORKERS COMPENSATION SCHEME

Name: Name suppressed
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Partially Confidential

Joint Select Committee on the NSW Workers Compensation Scheme

Parliament House

Macquarie Street,

Sydney NSW 200

To the Parliamentary Committee

Re: NSW Workers Compensation Scheme (Inquiry) 2012

My name is _____; I am currently employed by the NSW Department of Education and Communities (DEC), in the role as **Injury Management Advisor (IMA)**. A role in which I have responsibilities for workers compensation and return work across 100 odd schools in the Riverina (Eastern districts). I have worked in this position since January 2007; I hold formal qualifications as a school teacher and social worker.

In the time I have worked in this role for DEC I have witnessed many changes to both my role and the NSW Work Cover environment. These changes can be attributed to both success and failure for both; DEC and NSW Work Cover.

In the past 5 years DEC has seen a significant decrease in their overall premium in the last 5 years, which is an important goal for any organisation or business. What should be noted is whilst premiums are important they should not be the key focal point? Ensuring good, proactive and efficient welfare and support for employees in place will be one of the keys in sustaining decreased premiums and decreased claims against Work Cover.

In my role as an IMA I have seen a massive increase in the impact poor practices by treating Dr's have on the cost of a worker's compensation claim and more importantly the impact these practices have on the injured worker and their chances of returning to work early or at all.

In my experience over the past 5 years I have worked in this role I have noticed treating Dr's of injured workers have become more willing to write long term certificates, rather than provide an initial work cover certificate for a maximum of 5 days and then review them in a week.

This willingness by Dr's to provide long term certificates only increases the chances the employee will remain off work for longer periods of time. One example I can give (see attached certificate, Appendix A: all identifying data has been removed).

In this example (a claim for psychological injury) the Dr has written the injured worker off for an initial 4 week period. If the Dr had of written the injured worker off for an initial period of 1 week; Then I as an Injury Management Advisor, could have done the early contacts required, investigated if alternate duties/options were available and placed the injured worker into an alternate location/duty.

In this case the treating Dr has provided a further certificate for another month at a time, this now see's the worker off work for 8 weeks, before the employer can even instigated any form of alternate duties or return to work planning etc...

In a second example an employee scratched his arm against a nail, leaving a small scratch, as witnessed by the school principal. The employee went to his Dr that afternoon and the Dr provided a work cover certificate for four days off work. The work place manager advised me this was a tiny scratch and clearly did not warrant the Dr putting the employee off for four days, at least without consulting the employer or return to work coordinator to establish what suitable duties there maybe.

I have approximately 180 odd cases of workers compensation I actively manage, and the trend by Dr's to write injured patients unfit for initial long periods of time is becoming alarming; I would say in some circumstances bordering on negligent behaviour, or lack of understanding of their obligations when writing work cover certificates.

Questions to consider;

1. What if any training do treating Dr's in NSW have for treating patients who are injured at work?
2. Are medical practitioners required to have a certain level of experience or qualification before taking on board work cover cases? If not, then this should be put in place.
3. Is there ongoing work cover training for Dr's
4. If only 25% of Dr's treating my injured workers considered other options other than putting someone off work, (when possible) then I guarantee I would have greater success rates for return to work.
5. When was the last time a treating Dr was questioned, cautioned or fined by work cover for signing off injury workers on time off, for extended periods without providing plausible diagnosis or treatment plans???

Conclusion

I have worked in this area for a number of years now and I would consider myself to be a relatively well educated person and one who has a good idea when something is not working right. I have seen 100 of claims come across my desk and the key contributing factor to claim blow outs, poor outcomes for injured workers and employers. Are the treating Dr and their inability to fully explore all possible work cover options for the injured worker prior to signing them off for extended periods of time?

I appreciate a Dr's time is just as important as anyone else's time, however they are being paid higher fees for work cover cases and they should be at the bare minimum providing a service that provides the injured worker with the best possible options for their return to work.

Government Departments should not be able put in place rehabilitation panels that rule out certain providers. An injured worker should be referred to a provider based on the providers track history of success and sustainable results. By using rehab panels as preferred suppliers of rehab for government departments, I have to ask the question who is getting the kick back, for getting one provider on the panel when another one who has a high success rate misses out!! For a provider to miss out on a government panel it should only be determined by results not size or location of the provider.

Government should providing funding for people who work in this industry with funding to complete OHS courses, diplomas and degrees. The NSW Work Cover system will remain a truck wreck until you have a skilled work force. Government departments are always cutting costs and deskilling their workforce to meet the demands of a sitting government. I have been in this business for just over 5 years and have been promised training in OHS (now WHS), such as a diploma in WHS, yet to date there has been no training that builds my skills, that builds my knowledge!

The work cover system is so premium sensitive, that it has forgotten one of the most important things, the welfare and well being of the work force the systems is meant to support. In my industry there is a real push to close claims as quick as possible in order to protect premiums, there is not enough work going into the prevention of work place injury and the education of people who work in this industry.

In making recommendations, please ensure you get your information from more than just the people in charge/directors of government departments. Seek out the people actually doing the work on the ground and you will then find out what the real problems are. We do not get bonuses like Directors/CEO's, so we don't close claims early for target purposes. We deal with the injured workers and the Dr's on a daily basis, we have the knowledge of what works and what does not and what possible things could be put in place to fix NSW Work Cover system.

Regards