

INQUIRY INTO NSW WORKERS COMPENSATION SCHEME

Name: Name suppressed
Date received: 16/05/2012

Partially Confidential

Joint Select Committee on the Workers Compensation Scheme

Parliament House

Macquarie Street

SYDNEY NSW 2000

15th May 2012

To the Joint Select Committee on the Workers Compensation Scheme,

I is a transport company which delivers meat out of our local meat processing plant and we welcome the decision to form an inquiry into NSW workers compensation. We would like to provide a brief run down of an on going workers compensation experience that has resulted in a premium adjustment for the Jan 2010 to Jan 2011 year of \$47,000 and an increase of more than double on our premium for the Jan 2012 to Jan 2013 year. Given that we previously paid an annual premium of roughly \$65,000 and our annual premium has now been increased to \$143,000 annually dependant on any future claims is totally unacceptable and puts our company in a perilous position.

The injury incurred by our employee on the 21st August 2011 was not a result of negligent workplace practices. Bending to pick up a box could have occurred in any of number of situations inside or outside of a workplace situation.

The treating doctor organised an MRI scan as early as possible after injury so diagnosis by an orthopaedic specialist could be made. A delay of a week was caused by the employee who rescheduled the appointment because he had family visiting at the time scheduled. Workers Compensation said "family reasons" was acceptable reasoning for the employee to reschedule.

After seeing the specialist (on the 3rd September) with the MRI scan a diagnosis was made and surgery was recommended. Surgery was organised for the 11th October 2011. So far this employee has been unfit for pre injury duties from the 22nd August 2011 to the 11th October 2011 when surgery occurred. This equated to a lengthy wait for treatment to the worker and a lengthy disruption to our business waiting for treatment and then subsequent recovery time. All the while this worker is receiving workers compensation payments.

Next follow up certificate was issued 28/11/2012 by a different Dr as the worker reported he was unable to get in with regular Dr for review. This Dr deemed the worker still unfit for pre injury duties from 28/11/2011 to 21/12/2011. We now have an employee deemed unfit till the 21st December 2011. We are now looking at **4 months** that the employee will receive workers compensation payments.

The worker returned to original Dr on 16/12/2011. The Dr has received a report from the surgeon stating that surgery has been successful and return to pre injury work duties should be achieved. Employee was reporting some continued pain and swelling to the treating doctor and that he didn't feel he could resume meat carting. Dr recommended physio and suggested he go back to the surgeon for a re assessment. This certificate was upgraded to fit for suitable duties from 19/12/11 to 9/1/2012, noting that he cant carry meat at this stage, but he can drive a truck and do other activities not involving carrying significant weights and return for review after 6/1/12. Given that the position held prior to injury requires carrying of meat, Insight Rehabilitation was brought in by to assess our workplace for suitable duties. Suitable duties assessments have been performed in our workplace in the past by rehabilitation companies and the results have been the same. This work site assessment performed on the 11th January 2012 concluded that there were no suitable duties currently available for the employee to commence a return to work plan and that Insight would obtain latest medical advice from the treating surgeon.

While all this is going on we are receiving periodic costs of claim estimates quoting costs for travel, legal, investigation costs, and permanent impairment, none of which to our knowledge can be accounted for and themselves cannot account for all of these when queried.

Next Drs review is 6/1/2012. Dr again referred worker back to orthopaedic surgeon and to physio. Why has physio not started yet? It was referred on previous certificate. Why hasn't the case manager seen that the worker sought physio by now. When Insight came to our workplace on the 11th January 2012, physio had only commenced the day before on the 10th January 2012. This makes it **3 months since surgery** was performed before physio commenced. Insight did recommend to the worker at the assessment that physio was important to his recovery. Worker is still deemed fit for suitable duties from 6th Jan 2012 to 6th Feb 2012. Another month the employee will receive payment from workers compensation and **5 and a half months since the injury**.

Next review is with another different Dr on the 8th February 2012. This Dr down grades his certificate to unfit to work from 6th February 2012 to 20th February and also changed the description of how the injury occurred. At this time we still don't have a report back from the orthopaedic surgeons office after the worker returning for re assessment on the 16th January 2012. On the 10th February 2012 (**Nearly 4 weeks since the appointment**) we still don't have the report from the surgeon. and Insight both say they have been trying to get it because without it the Drs are reluctant to upgrade the worker to pre injury duties. I rang the specialists office myself and was able to organise for the report to be forwarded to the Drs office by that afternoon. Why if and Insight had been trying to get this report hadn't it been acquired given that I was able to get it forwarded within the same day of requesting it. I also rang Drs office to make sure it was there, which it was but the secretary informed me that the treating Dr

wouldn't be in till the 14th February 2012 to read it. I was also informed that employees next appointment was on the 20th February 2012 with the different Dr seen on the 8th that had down graded his certificate. After informing Insight who wanted to attend his next Drs visit we were told Insight was unaware this appointment had been made and they contacted the worker. The worker was allowed to keep this appointment with the different Dr because his case worker had told him he was allowed to change Drs if he wasn't happy with who he was seeing. Insight would be attending this appointment in the hope of getting an up grade on the certificate due to all current medical opinions pointing to a return to work.

Unable to attend his appointment on the 20th due to a tragedy in his wife's family, worker returned to the different Dr on the 28th Feb 2012, who deems him unfit for work from 20th February 2012 to 27th February 2012 and then fit for pre injury duties from 28th February 2012 with certain restrictions and a review by the physio who was to observe the worker carrying some meat in the work place.

Once the worker had been successfully assessed by the physio and it was recommended to continue with some sessions of physio, the worker commenced pre injury duties performing 2 trips with days off in between, rather than 3 per week which was what he had been doing prior to injury. This started on the 2nd March 2012 (**7 half months since the injury**). Initially the worker reported minor pain and swelling occurring the day after he did his trips. After the 4th and 5th trip he reported some instances of pins and needles in his injured knee after working.

He returned to the new Dr on the 20th March where it was determined that the employee would not be able to resume meat carting in the future. He was issued with a final certificate deeming him fit for permanently modified duties from the 20th March 2012. This certificate put a restriction of 25 kg on the weight he is allowed to lift and also states he is not to carry a load on uneven ground.

All this time, (except for the 4 trips he did on his return to work plan) and now into the indefinite future, the worker is still receiving payments from Workers Compensation.

Insight Rehabilitation is supposed to be helping the employee prepare himself for future employment elsewhere. A vocational assessment was done on the 17th April 2012 and an upgraded resume is supposed to be compiled which to date (15/5/12), the employee still does not have and is having to rely on his old one. I wonder how long and at what cost we will be paying for all this ongoing assistance??????????

Given that this is now an indefinitely ongoing claim which will continue to effect our premium, it is discussed again with the possibility of some type of light duties to assist in reducing the amount is paying out. We agree to invent an un needed casual position in the workshop and are currently paying the worker for the casual hours that he does while continues to make up the difference to his payments.

8 months in total it took to determine that the employee would not be able to return to his pre injury duties after successful surgery on a common knee injury (significant meniscus tear) and the patient being told by his surgeon that his knees were otherwise in good condition. According to physio advice recovery after this type of surgery can take anywhere from 6 weeks onwards depending on the patient provided physio commences approximately a couple of weeks after surgery.

In summary we feel problems exist

- within the medical system (delays)
- the manner in which cases are managed by insurance companies
- the manner in which cases are managed by rehabilitation companies

It is little wonder businesses are closing all over Australia and particularly NSW due to such over loaded Workers Compensation expenses added to all the other increasing expenses businesses are faced with daily.

We hope this information is of value to your inquiry

Regards