

INQUIRY INTO NSW WORKERS COMPENSATION SCHEME

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

Partially Confidential

16th May 2012

Dear State Government,

Re: Reform of NSW Workers Compensation Scheme

We are an employer of about 48 employees and have been in business since 1973. On behalf of my company I would like to express my concern about a potential increase in premiums to reduce the \$4 Billion deficit. Our premiums in NSW are already well above those in Victoria and Queensland. I urge the State Government to review the root cause of the deficit and to put in place fair and sensible reforms to mitigate workplace injuries and to process claims efficiently and to further provide education of safe work practices.

Thank you.

Yours Sincerely,

To: Managing Director
From: HR Manager

Date: 2nd May, 2012

Re: Confidential: Update on XXXX and the Workers' Compensation Claims

This report is intended to give a view of the history of XXXX's Workers' Compensation Claims in order to explain the type of injury that XXXX has, and assess factually the extent of time lost due to injury /rehabilitation. Since this claim is still ongoing, it is still too early to determine what actions need to be taken for further injury management and in relation to XXXX's ongoing employment. Allianz will need to be part of these discussions.

I will be happy to clarify any part of this report which is unclear.

Current Status of Injury:

The latest MRI showed no Sacroiliitis (or inflammation) but there are small Annular tears. Allianz advised that the small tears could be less than a centimetre. Annular tears are tears in the cartilage between the two vertebrae. Hers are on L4 and L5 in the Lumbar (lower back) region. Annular tears can occur without an injury but just from getting older or from being genetically predisposed. The pain is not from the tear but from the fluid inside the cartilage leaking out and pressing on nerves. However it is the aggravation of the injury that can be a workers' compensation claim.

XXXX has Crohn's Disease which has nothing to do with work. This illness affects the bowel and she has prescribed medicine to manage it. The Doctor/s have not linked the tears with Crohn's disease.

After appointment with Dr AAAAA today XXXX mentioned that Dr AAAAA will be writing up a report for Dr. BBBB and sending H+S a copy. XXXX has indicated that he sees that she is unfit for work at the moment and that possibly unfit to work in Cable Assembly in the future and suggested she change to Administration. On receipt of this report, I will be discussing its contents with Allianz.

After speaking with Allianz today they advised that because Dr BBBB has sent a final medical certificate, any time off is not covered by Workers' Compensation. XXXX currently has 0.19 accrued sick days and only 1.43 annual leave days accrued as of last pay 26/4. As they advised, I have rung XXXX and advised her of same and asked her to call DDDD of Allianz to discuss her position.

If this ongoing pain is aggravated by work then she will need to make an appointment to see Dr BBBB. Allianz will wait for a copy of the report from Dr AAAAA before making any decisions. Allianz suggested that a rehabilitation consultant would be helpful in assessing job fitness and suitability of work as well they have mentioned that they can get an Alliance doctor to assess this claim but they do avoid this as the situation can become adversarial.

History of Events	
1/2/2010 Claim No. 992002216260033	XXXX fell down stairs on way to work. Went to Dr CCC on same day and determines XXXX was fit for suitable duties. XXXX has ½ day 2/2/2010 and whole day 3/2/2010 off sick. Dr CCC requests X-ray and review 3/2/2010
3/2/2010	Dr. CCC requests CT scan, and leaves XXXX as fit for suitable duties. Review 10/2/2010
4/2/2010	CT scan reveal partial fracture of anterior aspect of the sacrum at the junction of S4 and S5. No abnormality in the Coccyx.
5/2/2010	Allianz upgraded to significant injury
10/2/2010	Ring cushion purchased for XXXX for sitting.
10/2/2010	Dr CCC determines fit for suitable duties. Review on 24/2/2010
24/2/2010	Dr CCC determines fit for suitable duties. Review on 10/3/2010
26/2/2010	Allianz send Injury Management Plan acknowledging Likely soft tissue injury. Treatment by Dr CCC and suitable duties.
10/3/2010	Dr CCC determines fit for suitable duties. Review on 24/3/2010
16/5/2010	Final certificate from Dr CCC
28/2/2011 Claim no. 992002216260033	XXXX hurt lifting 6kg box of cables.
7/3/2011	Employee's Recurrence Claim form faxed to Allianz.
10/3/2011	Dr CCC Initial Medical Certificate dates injury 3/3/2011. Determines XXXX unfit for work for 4 days. Review on 13/3/2011.
13/3/2011	Dr CCC determines fit for suitable duties. Review on 17/3/2011
21/3/2011	MRI scan Lumbar spine requested by Dr CCC
21/3/2011	Dr CCC determines XXXX unfit for work for 4 days. Review 24/3/2011.
24/3/2011	Dr CCC determines XXXX unfit for work for 4 days. Review 7/4/2011.
29/3/2011	Allianz approve request for MRI scan of lumbar spine
5/4/2011	MRI scan reveals annular tears at L4-L5 and L5-S1.
7/4/2011	Dr CCC determines XXXX fit for suitable duties. Review 20/4/2011.
20/4/2011	Dr CCC determines XXXX fit for suitable duties. Review 4/5/2011
4/5/2011	Dr CCC determines XXXX fit for suitable duties. Review 18/5/2011
18/5/2011	Dr CCC determines XXXX fit for suitable duties. Review 1/6/2011.
2/6/2011	Dr CCC determines XXXX fit for trial pre-injury duties Review 30/6/2011.
30/6/2011	Final medical certificate. XXXX fit for pre-injury duties. No review date.
12/7/2011	HR Manager reviews XXXX's Workers' Compensation claim and advises Manager and Managing Director to restrict XXXX's work to Cable Assembly only and severely limit any overtime maximum overtime over the week say 3 hours (not all on one day) and exclude Saturdays.
12/7/2011	Claim to Allianz for 131.25 hours lost for XXXX to attend Dr and Physio appointments.

22/8/2011	XXXX complains of injury to disks L4 & L5 working getting up and down off chair
23/8/2011	XXXX complains of injury to disks in back due to stocktake walking around alot and moving cables.
25/8/2011	Dr CCC issues Progress Medical certificate with date of injury being 3/3/2011. Fit for suitable duties. Restricts to 5 hours a day. Review 8/9/2011.
6/9/2011 Claim no. 99200221626003 injury 3/3/2011	Recurrence claim faxed to Allianz
8/9/2011	Dr CCC determines XXXX fit for suitable duties. Still restricted to 5 hours a day. Review 22/9.
22/9/2011	Dr CCC determines XXXX fit for suitable duties. Still restricted to 5 hours a day. Review 13/10/2011.
13/10/2011	Dr CCC determines XXXX fit for suitable duties. Restricted to 7 hours a day. Review.27/10/2011.
27/10/2011	Dr CCC determines XXXX fit for suitable duties. Normal hours a day. Review 10/11/2011.
10/11/2011	Dr CCC determines fit for suitable duties. Review 24/11/2011.
24/11/2011	Dr CCC determines fit for suitable duties. Review 15/12/2011.
15/12/2011	Dr CCC issues final certificate. No review.
22/12/2011	Fax to Allianz worker performing pre-injury duties – no outstanding matters.

23/2/2012	XXXX complains of discs hurting after getting out of car at lunchtime.
5/3/2012	Dr BBBB issues Progress Medical certificate determines XXXX unfit for work from 5/3 to 19/3/2012. Review on 19/3. Refers to specialist Dr AAAA.
12/3/2012 Claim no. 992202221731033	Allianz advise new claim hence new claim number.
8/3/2012	<p>Letter from Dr AAAA to Dr BBBB copy to H+S diagnosis: 1. Recurrent right side low back pain and 2. Previous Lumbar Disc Tear. ,Opinion: Richard, it is apparent that XXXX has her dates mixed up presently and that the fractured sacrum was 2010 and the back injury was 2011 and of course this recent back complaint. I have asked her to have a bone scan performed to see whether or not there are any stress fractures or sacroiliitis before I do an MRI scan, and before we consider any local injection therapy. She will probably need an updated MRI scan of the lumbar spine if the bone scan is entirely normal, but would simply do one thing at a time initially. She is not fit for work presently as standing and sitting will aggravate her pain and obviously we will try to get her back to work as soon as possible. I would like her to have a blood test of check her inflammatory markers as well because of the association of Crohn's disease with sacroiliitis and I will look at the situation again next week.</p> <p>She will continue with Panadeine Forte and Tramal for the time being. Most aggravations of back ache will improve within about six to eight weeks and I have asked her to keep active with walking, if possible.'</p>

15/3/2012	Letter from Dr AAAA to Dr BBBB copy to H+S diagnosis: 1. Work Related Right Sided Low Back Pain and 2. Previous Lumbosacral Disk Tear (2011). ,XXXX's bone scan has been reported as normal, both in the thoracolumbar spine, pelvis and hips, with normal facet uptake. Her pain is mostly over the right lumbosacral facet with minor irritation of the right sacroiliac joint. I thought there was some very minor uptake in the right lower sacroiliac joint. It would be worthwhile her having an MRI scan of sacroiliacs to see if there is oedema there that might respond to local injection therapy. She is due back at work next week, but is still getting quite a lot of pain and I would send her back to work while we are waiting for the answer, as we have made sue there is nothing too nasty happening in her lumbosacral spine at the moment. She might need a day off for the MRI scan and to see me in the follow up. She is using Panadeine Forte. She does get night time pain and ache in bed every night.'
16/3/2012	Letter from Allianz accepting ongoing liability.
19/3/2012	Final medical certificate from Dr BBBB specifying specialist advice. No review date.
26/4/2012	MRI scan – No features of sacroiliitis have been demonstrated. There are small posterior annular tears at L4-L5 and L5-S1.

Below is the raw data out of Paypak from 2010 to date. The paymistress has advised that we only recorded time off on Worker's Comp from 8th March 2012 onwards, so all the time she had off prior to that as Worker's Comp was just paid as normal time and not recorded in Pay Pack. However, I did record this workers' compensation time off that we claimed on Allianz prior to this recent claim which is the table ,XXXXReview of work times under Workers' Compensation Claim 12/7'that follows. With regard to the history of events below, I have followed the correct procedures, lodging the claims and being guided by Allianz and the various Doctor's advice in regards to time off for Physio appointments restrictions for performing work and providing suitable duties.

Pay date	Commentary	Type of Leave	No. of days	Amount	Loading
7/01/2010	Worked over Xmas	Annual	-3	- 446.54	- 78.14
8/01/2010	11/12/2001	Annual	2	297.69	78.15
8/01/2010	13 - 15/1	Unpaid	3	-	-
4/03/2010	1/3 Carer's Leave	Sick	1	148.85	-
18/03/2010	16/03/2010	Sick	0.8	119.08	-
15/04/2010	12/4 + 14/4	Annual	2	297.69	52.10
20/05/2010	13/5 - 14/5	Sick	2	297.69	-
17/06/2010	10/6 Sick	Sick	1	148.85	-
1/07/2010	25-Jun	Sick	0.25	37.21	-
1/07/2010	28/06/2010	Annual	1	148.85	26.05
8/07/2010	12/7 - 19/7	Annual	6	893.08	156.29
29/07/2010	23/07/2010	Sick	0.15	22.33	-
5/08/2010	30/07/2010	Sick	0.4	59.54	-
19/08/2010	16/08/2010	Sick	1	148.85	-
2/09/2010	30-Aug	Sick	0.5	74.42	-
2/09/2010	30/8 - 31/8 Sick	Annual	0.75	111.63	19.54
9/09/2010	7/9 - Sick Leave	Annual	1	148.85	26.05
23/09/2010	22/9 Carer's leave	Sick	1	148.85	-
23/09/2010	16/9 Compassionate L	Other	1	148.85	-
7/10/2010	6/10 - Sick Leave	Annual	1	148.85	26.05
14/10/2010	7/10 - 8/10 Sick L	Annual	2	297.69	52.10
4/11/2010	1/11 Sick Leave	Annual	1	148.85	26.05
25/11/2010	23/11/2010	Sick	1	148.85	-
2/12/2010	26/11 + 1/12	Sick	0.5	74.42	-
2/12/2010	26/11 + 1/12	Unpaid	1	-	-
2/12/2010	29/11 - 30/11	Annual	2	297.69	52.10
9/12/2010	2 - 3/12 Sick L	Annual	2	297.69	52.10
16/12/2010	20/12/2010	Annual	1	148.85	26.05
16/12/2010	21/12/10 - 14/1/11	Unpaid	15	-	-
13/01/2011	Back 10/1 not 17/1	Unpaid	-5	-	-
24/02/2011	18/02/2011	Sick	1	152.69	-
10/03/2011	9/3 Carer's L	Sick	0.13	19.85	-
21/04/2011	27/4 - 29/4	Annual	3	458.08	80.16
2/06/2011	30/5 - 1/6	Sick	2.1	320.65	-
16/06/2011	9/06/2011	Sick	1	152.69	-
23/06/2011	20/6 + 22/6	Sick	2	305.38	-
30/06/2011	23 + 24/6 Sick Leave	Annual	2	305.38	53.44
7/07/2011	4/7 - 5/7	Annual	2	305.38	53.44
11/08/2011	10-Aug	Annual	1	152.69	26.72
15/09/2011	12/09/2011	Sick	1	152.69	-
27/10/2011	21/10 Time in Lieu	Other	1	152.69	-
10/11/2011	4/11/2011	Sick	1	152.69	-
1/12/2011	30/11/2011	Sick	1	152.69	-
8/12/2011	1-Dec	Sick	1	152.69	-

8/12/2011	2/12 Sick	Annual	1	152.69	26.72
15/12/2011	19/12 - 4/1	Annual	9	1,374.23	240.49
15/12/2011	9/12, 5/1 - 6/1	Sick	1	152.69	-
15/12/2011	9/12, 5/1 - 6/1	Unpaid	2	-	-
2/02/2012	27/01/2012	Annual	1	158.04	27.66
9/02/2012	6/02/2012	Annual	1	158.04	27.66
23/02/2012	17/2 - sick	Sick	1	158.04	-
23/02/2012	16/2 - A Leave	Annual	1	158.04	27.66
15/03/2012	Workers Comp	Other	5	790.19	-
22/03/2012	Worker's Comp	Other	5	790.19	-
29/03/2012	Workers Comp	Other	2	316.08	-
12/04/2012	5/04/2012	Sick	0.13	20.54	-
19/04/2012	12/4 - 13/4	Sick	1.8	284.47	-
19/04/2012	13/4 - 16/4	Annual	1.2	189.65	33.19
26/04/2012	24/4 A/Leave	Annual	1	158.04	27.66
			95.71	12,165.83	1,139.29

XXXXReview of work times under Workers' Compensation Claim 12/7