

Submission
No 30

FIRST REVIEW OF THE WORKERS COMPENSATION SCHEME

Name: Name suppressed

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Partially
Confidential

STANDING COMMITTEE ON LAW AND JUSTICE

First review of the workers' compensation scheme

Dear Committee members

It is with pleasure that I submit the following regarding the problems with the current workers' compensation scheme from the view of an injured worker.

There are several key issues which in my opinion need amending or removal all together, these are listed below which will be expanded on further.

1. The retrospectivity that came into force with the changes to the scheme in June 2012.
2. The intimidation, bullying, harassment & undue pressure the insurance industry places on the injured worker.
3. The lack of help the injured worker receives.
4. Injured workers mental state.
5. Legislation around payments.

The retrospectivity that came into force with the changes to the scheme in June 2012.

Regarding the changes made to the workers' compensation scheme in June 2012 the inclusion of the word retrospective is unfair to the workers who were injured under the old legislation, these workers should have been able to stay within the legislation they were injured under. It is like changing the goal posts half way through the match, they have qualified in regards to the old legislation for benefits they receive but the new legislation has raised the bar. The wording retrospective should be removed from the legislation to enable the injured worker to be treated under the legislation they were injured under.

The intimidation, bullying, harassment & undue pressure the insurance industry places on the injured worker.

There has to be a closer look into the practices of the insurance industry in the way they deal with injured workers as from personal experience they use intimidation to bully the injured worker to try to get them to do things I: E attend Work Place Capacity Assessments WPAC (as I have been assessed to have 33% Whole Person Impairment WPI & can only have a WPAC if it is requested by myself under the Workers Compensation Act 1987 No70 Part 3 Subdivision 3 No 44A) my insurer booked me in for a WPAC & when I told them about this section of the act they told me that if I didn't attend my payments would be stopped. After I stood my ground due to the fact that I have read this section of the Act they finally cancelled the appointment for the WPAC & didn't stop my payments. If I had not been across this section of the legislation as many injured workers are not, I would have gone to this appointment as they still do & as I have seen many times the WPAC will find that the worker is fit for some duties always the required minimum of 15hrs pre week which enables the insurer to stop all payments after a given time whether the worker can do the work or is qualified for the work or the work is even available. Injured workers are under a large amount of pressure due to the fact they have had their whole world turned upside down from the injury & then coming to terms with the fact that they may not return to their chosen vocation, then to have a heartless insurer applying pressure for them to jump hoops just to get paid their fair compensation or to have medical treatments approved. The way the insurer treats the injured worker needs to be reviewed. Regarding the problems injured workers have getting medical treatments IE; (X rays, CT scans & god forbid an MRI) approved from the insurer, the worker goes to their NTD (Nominated Treating Doctor) or specialist who requests a type of treatment the worker needs then the worker has to wait for the insurer to approve the treatment, this can take up to 2 to 3 weeks for the approval then the worker has to book the treatment so by the time the worker finally has the treatment it can be up to a month before the treatment is finally done.

The lack of help the injured worker receives.

Injured workers are under a large amount of pressure due to having been injured at work when they only went to work to provide for either themselves or their families they didn't intend to end that day with an injury. After the initial shock of sustaining the injury they then have to fight with the insurer to have medical treatments approved, get expenses repaid for medical treatment's etc they have paid out of their own pockets & in a lot of cases they are left in limbo from their employers as they don't have "suitable duties" for the injured worker to return to.

After the injured worker has come to terms with their injury which may have resulted in the worker not being able to return to their pre injury job, the insurance companies offer little or no support for the worker to get retrained so the injured worker can get on with their lives in a new career & return to becoming a productive member of society.

The insurance industry as a whole treats injured workers inexcusably, the worker has to fight for anything they need as the insurer does everything they can to deny all requests IE; I have asked for approval to ask my NTD if alternative treatments may be beneficial in reducing my pain rather than just popping more opioids, I asked my insurer if I asked my NTD the question regarding if acupuncture if he thought it may help reduce my pain I was told by the insurer don't bother to ask for the referral as it would not be approved as it is not a standard treatment thus would not be approved, so the insurer is making medical decisions regarding my injury & what will work or not.

I also asked my insurer to approve a course for me so I would have some qualifications to possibly get a new job, I researched the online courses (financial planning) I then showed my NTD the courses & told him that I think I would be able to do this job even with my limitations I asked my NTD to request for the approval for the course to be paid by the insurer he also put into the request that he thought that this would do my long term depression a lot of good, to this date I have not heard from the insurer weather they agree or not they just don't care.

I could go on with other examples that has happened to other injured workers I know but the list of things is just too long.

Injured workers mental state.

This will be an account from a personal point of view as I can't speak for other injured workers, I have seen the effect on others but it's not for me to give details about other injured workers.

I had been injured for some years & the toll this had taken on my personal life was extreme, I was having marriage problems, I had become very anti-social & didn't want to participate in the usual things a husband & father would do. I was on a large amounts of opioids which effected altered my mental state which I was unaware of, I thought I was the same person I was prior to the injury. It came down to one night when my wife & I had another fight about what I don't remember but I stormed off with a large handful of tablets (from here on it is just me putting the puzzle pieces together) I must have returned home some time later as the next thing I remember is waking up in Gosford hospital the next day when I left the hospital I was issued with discharge papers saying I had attempted suicide, to this day I have not been approached by any health services regarding this matter which leads me to believe that my life doesn't matter! I have since put myself into a detox program (insurer

approved) to get off the opioids so I can regain my life again with the help from my family & friends.

I was diagnosed with depression after about 6 months of being on worker's compensation due to the fact that you are dropped into the abyss of the worker's compensation system with no help on how to manage the mine field of legislation & having to ask other people if it is ok if you get some treatment. I have been to see the mental health unit at Gosford hospital over 10 years ago when I was asked by my insurance case worker how I was doing on a particular day when I said I DIDN'T CARE IF I WAS DEAD, after I said this I was contacted by the hospital's mental health unit & I then had an interview with them. This once off meeting did nothing for my mental state & still today there are days I wouldn't care if I died.

My case is not the only one I know off with the same issues which are caused by the treatment we receive from the insurers & WorkCover we are treated like second class citizens, they make you feel like the problems we are suffering are our own fault.

Injured workers need more help with their mental health.

After being injured for a long time I have tried over & over to get a job that I may be able to do without success, I have applied for jobs working in a hardware chain working on the trade counter (I am a licenced plumber) I don't get passed the first round as you have to tell them that you have an injury, I applied for a job with WorkCover at the call centre & I even sent them the first part of the

Legislation around payments

This next submission is in regards to the fact that injures workers who are long term injured & have been receiving benefits have to pay tax on the benefits that they receive. The legislation needs to be changed to allow for the benefits to include an amount for superannuation as is the case if they were still at work earning their weekly wage. Due to the fact that I have been on worker's compensation for over 10 years I have missed out on approximately \$38 K in lost superannuation from compulsory superannuation contributions of 9% on the wages I earned each week. I know that tax law is a Federal issue but what am I to live on when I reach the cut off age to receive worker's compensation payments, as my superannuation will not have enough funds to last 1 year.

If the worker's compensation system had a component for superannuation within the benefits scheme, long term workers who are unable to work or can't find work will still have something to live on.

Conclusion

The worker compensation system should live up to Chapter 1 of the Workplace Injury Management & Workers Compensation Act 1998; No 3 System of Objectives which if you ask anyone who is on the system it doesn't do what it says it is supposed to do for the injured worker.

Regards

