

INQUIRY INTO 2022 REVIEW OF THE WORKERS COMPENSATION SCHEME

Organisation: Workers Health Centre

Date Received: 29 July 2022



WORKERS HEALTH CENTRE
People | Recovery | Work

Parramatta

Tel: (02) 9749 7666

Fax: (02) 9897 2488

Email: admin@workershealth.com.au

Newcastle

Tel: (02) 4926 2129

Fax: (02) 4929 1960

Email: newcadmin@workershealth.com.au

Website: www.workershealth.com.au

29 July 2022

Standing Committee on Law and Justice

2022 Review of the Workers Compensation Scheme

Submission

The Industrial Health and Research Foundation, trading as the Workers Health Centre is pleased to make this submission to the Parliamentary Review of the Workers Compensation Scheme.

The Workers Health Centre was established in 1977 and is an approved workplace rehabilitation provider under SIRA approval framework. The Centre provides health promotion and preventative wellness strategies in NSW, and in particular Western Sydney as part of its framework of delivery of Occupational Health and Rehabilitation services in NSW and we are signatories to the Health Benefits of Good Work initiative of the Australasian Faculty of Occupational and Environmental Medicine of the Royal Australasian College of Physicians. The Workers Health Centre has built a strong team of qualified Allied Health professionals (Physiotherapists, Occupational Therapists, Psychologists, Rehabilitation Counsellors, and Nurses), many with qualifications additional to their foundational undergraduate degrees, that ensures the delivery of services to the community are provided by subject matter experts with authority in their relevant fields. We deliver quality services to the community in the area of health promotion as well as injury management to assist injured workers recover and remain at work.

The Workers Health Centre is committed to facilitating the early recovery and safe and durable return to work for injured workers in order to reduce psychosocial and fiscal effects of physical and psychological injury.

I have had over 40 years exposure to NSW Workers Insurance Scheme in the context of having worked as Secretary of NSW Police Association overseeing members access to return to work services. I was a member of the Workcover Workers Compensation and Occupational Health Advisory Committee before its abolition, was a member of the NSW Police Medical Discharge Review Panel and am currently a member of the ICARE Nominal Insurer Advisor Committee

The Workers Health Centre endorses the submission of Unions NSW to this enquiry. In supporting their submission, we make the following additional points

Early Intervention

The Workers Health Centre believes the fundamental the aims of the Workers Compensation Scheme should be to provide support to workers suffering from a workplace injury or illness to recover as quickly as possible and to facilitate a safe and durable return to work. These aims can often be facilitated concurrently and, if safe to do so, recovering at work is the optimal strategy. This approach not only maximises the likelihood of a sustainable return to work outcome, it serves to minimise the risk of secondary psychological conditions developing and also provides the best financial outcome for injured workers, employers, and the scheme.

In this regard we submit that Provisional Liability Provisions under the Workplace Injury Management and Workers Compensation Act 1998 be fully implemented, monitored, and regulated in the context of supporting early intervention and early referral to workplace rehabilitation providers unless there is reasonable excuse not to do so. In our experience there is too often a reluctance to approve the provision of workplace rehabilitation services in the early stages of a claim to assist in the development of the Injury Management and Return to Work Plans.

Rehabilitation Providers add significant value to the process at the early stages of a claim by encouraging all parties – the injured worker, the employer, the scheme agent and nominated treating Doctors to have a focus on return to work as a primary goal.

Understanding Legal Rights

It is critically important for injured workers to have confidence in their treatment providers and that they are acting in their best interests. The scheme already provides a legal right for injured workers to choose their own treatment providers inclusive of workplace rehabilitation providers. This right is not widely understood and is a particular issue for vulnerable workers who have poor literacy skills and or come from a culturally or linguistically diverse background. Understandably injured workers have little knowledge of the operation of the scheme and rely on their employers and their insurer to provide information and advice at a time when they are anxious about their health and financial security. The practice of employers or scheme agents nominating treatment providers without informing injured workers of their rights is unacceptable. We submit the legislation be amended to require scheme agents and employers to make available information informing injured workers of this right to choose.

Return to Work Coordinator Training

The Workers Health Centre believes that the current practice in respect to training for Return to Work Coordinators provided via online learning be investigated having regards to its efficacy. Our experience suggests the current training is inadequate and we submit that consideration be given to a reversion to face to face training. The quality of the training needs to be upgraded to ensure that it meets the aims of the scheme to support early intervention, evidence based early referral to workplace rehabilitation providers to maximise durable return to work outcomes and reduced psychosocial and fiscal costs to the community.

Work Capacity Assessment Process

Lastly, we request that the work capacity assessment processes be reviewed. Consideration should be given to modifying the nature of the evidence upon which scheme agents make work capacity decisions. The current practice of utilising vocational assessments aimed at identifying vocational options considered safe for injured workers to pursue following injury is flawed and instead a separate, intended for purpose, alternate assessment of a worker's earning capacity should be utilised. We believe the definition of suitable employment under Section 32A of the Workers Compensation Act 1987 as amended in 2012 be reviewed and amended. We propose the definition of suitable employment factor into consideration level and location of labour market demand.

The Workers Health Centre would be pleased to contribute further to this inquiry and is available to appear before the committee.

Yours faithfully

Peter Remfrey
Chief Executive Officer