

**INQUIRY INTO 2022 REVIEW OF THE WORKERS  
COMPENSATION SCHEME**

**Name:** Name suppressed

**Date Received:** 15 July 2022

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Partially  
Confidential

Review Workers Compensation 2022 Standing Committee on Law and Justice,

I am \_\_\_\_\_ and I am an injured worker who suffered bullying and harassment in the workplace where I worked for 10 years. By the time I left work with this psychological injury my diagnosis was anxiety and adjustment disorder.

Now, fast-forward less than two years dealing with Workcover. My diagnosis changed to: major depressive disorder, sleep disorder and immune system disorder. The latest gave me recurrent shingles, herpes and eczema. At times these were so bad that I could not breathe because my shingles were inside my nostrils, and sometimes I cannot walk because my eczema is in the sole of my foot and cracks and bleeds. I was so down that many times, the idea of committing suicide crossed my mind. Like the 73% of other injured workers who completed the survey that led to The McKell Institute report.

Once, EML sent me for psychological test to better determine my diagnosis. This test consisted in an interview and about 800 questions on a computer screen. The test lasted 6 hours. I cried my eyes out during the test, but I could not leave as I've got threaten to have my payments cut if I didn't complete it. The result of this test was that not only I had major depressive disorder due to lack of appropriate treatment, but also that I was not malingering (or lying) and my PTSD levels were as high as people who are kidnapped and tortured. That is exactly how I felt, kidnapped into Workcover and tortured by EML and iCare.

In my view, the entire Workcover system is rotten. I escalated complaints not only to EML and iCare, but to all other Workcover related agencies: IRO, SIRA, HCCC, HCPA, APHRA, WCC, NSW Ombudsman. Somehow none has jurisdiction to deal with complaints, and / or for example my appeal for a WCC decision on my permanent incapacity was rejected because my doctor and psychologist statements contradicted the WCC psychiatrist score decision. I have many psychiatrist assessments reports who made it clear that the only way for me to attempt a recovery was to 'immediately discharge \_\_\_\_\_ from the system and allow her psychiatrist to lead treatment'.

Through the help of politicians, iCare and EML reviewed (after a third time of being gaslighted) my complaints with a detailed record of each of the instances when they have fail me. threatened me and aggravated my injuries. Afterwards, I received apologies letters from Mary Maini (group executive at iCare) and Matthew Vickers (general manager at EML). The EML apology letter said that they were 'sorry for your experience, it does not reflect the way we would like to treat our customers'. Yes, I was called a customer. This makes it clear that EML has no idea of the sort of business they are running, neither what injured workers are.

The summary of my detailed records of my experience with Workcover can be grouped in three:

1) I was never allowed to have time to recover: Since the start of my claim, EML was constantly harassing me. This aggravated my injuries as I was re-experiencing the same trauma. I was still incapacitated but being pushed to get back to work, to find another job, to attend return to work coordinator and psychiatrists' appointments, all this while being threatened to have my payments cut if I didn't follow their requests. Add to this the private investigators that were following me, that made me become housebound. One psychiatrist EML sent me to clearly said (after looking at my records) that 'It is impossible for \_\_\_\_\_ to recover when the interactions with EML are as high as 12 in a week'.

2) My treatment was delayed: The insurance company ignored the aggravation of my injuries presented by their own appointed psychiatrists and delayed the release of their reports. By the time this was recognised, my psychiatrist treatment approval was further delayed, all together for one year and seven months. My frustration on dealing with the insurance company mismanagement, continued harassment, approval delays, plus 3 escalations to IRO about this, contributed to further deterioration and perpetuation of my injuries.

3) My finances were severely affected due to illegal and unfair decisions: On the legal aspect of my claim, I was illegally and unfairly dismissed from any chance of getting financial compensation. My weekly payments fail to include my own consultancy business earnings and despite the many reviews, iCare and SIRA concluded I was not a worker – and instead an employer (even if I never employed anyone) and made a decision that contradicts the same legislation they were citing. When it came to the permanent impairment assessment, I had 'bad luck' (according my lawyer) with an arbitrator who threw my score to half of what was assessed by both EML and my lawyer's appointed psychiatrists. The appointment with this person lasted 20 minutes, and I was constantly interrupted and not asked appropriate questions in reference to this test. Despite providing evidence of the arbitrator mistakes, my appeal was rejected and this decision was binding, which means no chance for a further complaint. I am still with no capacity to work and my payments will be cut in 6 months, while all these years after entering Workcover, my payments were only 40% of what I used to earn in both jobs.

After three years on Workcover, my employer terminated my job on medical grounds and I received a small lump sum payment for the damage caused. No superannuation was paid as injured workers are to afford the cost of a work injury.

The experience of transitioning Workcover had left me morally and psychologically broken, financially and physically ruined. Not only did I end up worse than when I initially entered the system, but I experienced first-hand the unfairness, corruption, and dishonesty of this rotten system.

I am asking this NSW government: 1- Why are they allowing this to happen to their own citizens? 2- Why are they letting Workcover do exactly the opposite of what they should be doing that is 'to provide care and compensation for injured workers'. 3- Why is everyone making money out of us, instead of using this money to help us recover and get back to work?

The workers compensation system in NSW needs to be totally reformed, going back to the core principles of why the system exists and putting injured workers at the centre. And this is not just my voice, is the voice of many other injured workers, lawyers, doctors, rehabilitation providers and specialists that constantly deal with injured workers and are also aware of how damaging the current system is.

Legislative Council I ask you to please help us!