

2018 Review of the model WHS laws

WHS Questions:

We would like to hear your views and experience on:

- ✚ What is working and why
- ✚ Will it continue to work in the future
- ✚ What doesn't work and why, and
- ✚ What we could do to make it work.

1) What is working and why

Answer: the scheme is working very well for the insurers I am positive that they are very profitable in pursuing their bottom line profits and bonus structures by declining work related injuries, and are very successful in pushing injured workers back to work too soon so that they can justify a work capacity decision to stop benefits. They are also unaffected by poor decision or held accountable for the risks they put injured workers through. And because there is no legal, work or general protection rights for the injured worker to pursue the insurer are protected by the government that is supposed to care for the injured workforce.

They are successful in;

- a) Delaying medical approvals for necessary medical procedures
- b) Manipulating the medical information to IME and IMC's (providing selective information to ensure declines in needed medical treatment, secondary injuries or further discovered injuries)
- c) Intimidate GP's, Surgeons, IME and IMC's to insure that they decline treatment
- d) Avoiding accountability

2) Will it continue to work in the future?

I am sure it will, I don't see that the government change anything to protect the injured workers from the political aspects of revamping a bias and discriminatory Act towards injured workers. It seems to me the Government went along way to ensure that injured workers would not benefit from this Act and in turn manipulated the Act to ensure that regardless of the injury the whole purpose of the Act is minimise cost to the government and with extreme prejudice against the injured worker. Why else would we need the legal system to fight for our rights not afforded to us under this ACT.

3) What doesn't work and why

The entire Act doesn't work, to many grey areas too many question that can only be resolved in the courts in mean while injured works are becoming victims though this Act; losing their home, the ability to earn and income, marriage's, relationships, putting their life though the stress because of this system and becoming a CentreLink participant and not to mention the loss of ongoing needed medical treatment.

4) What we could do to make it work

- 1) Put the injured work first above the politics of this system
- 2) Get rid of the grey areas of the ACT.
- 3) Give the injured more power over the insurers processes.
- 4) Give more power to SIRA to help injured workers avoid prolonged manipulation of this system.

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- 5) Stop allowing the financial interest by the insurer through bonus schemes set up primarily for the number of person they declined through the ACT and shuffled out of the Work Cover System.
- 6) Give injured worker rights and resources so that they are able to hold insurers accountable for their decisions, actions and processes or the lack of.
- 7) Allow the time for the injured worker to provide any all medical information prior to the insurer making a work capacity decision. This includes secondary or other injuries not yet defined.
- 8) Limit the need for injured workers attaining solicitors for the purpose of attaining benefits that should be at their disposal anyways.
- 9) Stop treating injured workers as complacent people looking to milk the system.
- 10) Give WIRO the ability to review all decision weather an internal review as ben completed or not.
- 11) Make SIRA accountable and instruct them to review all the medical advice not just what is provided to them by the insurer.
- 12) Instruct the insurer that are responsible to provide all medical information to the IME and IMC's prior to the appointment has it pertains to the injury.
- 13) Give the injured worker the same rights under the general protections during the assessment and the assignment of suitable duties and the participation of.
- 14) Stop allowing the insurer to manipulate the system and coerce GPs, Surgeons, IMC's and IME's
- 15) Make rehabilitation companies responsible to the injured worker and not the insurer.
- 16) Allow the injured worker more say about their future and what's best for them.
- 17) Ensure that the proper pay is assigned when suitable duties are assigned (not attaining more for less)
- 18) Stop allowing the insurer to threaten injured worker with non-compliance when they don't agree with the results of the insurer or the outcome of the Case Conference
- 19) Allow the injured worker more of say in the case conferences as it pertains to his medical treatment, suitable duties or ongoing medical concerns
- 20) Stop the delays in needed medical treatments and surgeries

Closing

I was injured in January 2016 while working demolition on the Mr. Fluffy Project. It took 10 months to attain the surgery I needed to correct a part of the damage done to my left shoulder. Since then I have had ongoing issues with the shoulder that I had communicated to all concerns repeatedly without success.

This was still very much ongoing when I was forced with suitable duties, I did raise my concerns again to the point that I was successful to do these at home, but when the left should was going numb and my wrist were in pain from the constant typing I again brought this up in a case conference made an appoint to see the surgeon how then ordered a test for carpal tunnel which was not approved until after

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the insurer made a work capacity decision which was not in my favour. The insurer made no attempt to include the secondary injury in the work capacity decision nor any attempts to rule out the injury prior to the work capacity decision. Since then I have had the test and further test that show I have 2 compressed vertebra in my neck showed up in a MRI that I requested months ago. I filed a claim with the insurer they sent me to an IME with selective medical information only leaving out 10 months of medical history that would have clearly indicated that this was part of the originally injury.

I was earning nearly 12K a month, now I receiving less than \$1,200.00 pm. So how am I not a victim of this system?

The company accepted liability for the injury should mean all the injury not just part of it. I have filed uncountable number of complaints, made 100's of phone calls, wrote letters to ministers about the negligence that caused my injuries and the unfairness of this system.

I have been in contact with Safe Work ACT and NSW to complete an investigation in to my injuries since a number of Workplace health and safety standards were ignored, including: reasonably practicable, safety management, using the safe steps 1-4, ignoring the duty of care raised by the Suitably qualified worker, failure to comply with work health and safety duties, and the WHS management plan outline by the principal contractor's WHS policies, training, risk management process, subcontractors management, injury management and continuous monitoring and review. This was a Manageable Assessment that if the steps and procedures were followed the injury would have never taken placed.

I have reported, logging, asked for an investigation, and that corrective actions in be taken in response to my injuries as these injuries should of and could have been avoided at the worksite.

Now I have to ask why is it that when we attain our licenses and our certifications that we are bombarded with the WHS Act and yet when injuries of this nature are presented to WHS they are resolved without merit. If we all have a duty of care to each other on the worksite then why are you not enforcing this to limit the injuries no matter how small they maybe, as a US Navy Vet that had spent 8+ yrs on the flight deck of an aircraft carrier as a safety officer I find that your action here are laughable because words without action are worthless and ambiguous to those parties who continue to take short cuts or fail to acknowledge the concerns for the personnel that are in their care. So I ask, what it take for Safe Work and WHS to do something about this.

Does someone need to die first or commit a crime because this the only means of income? Up to now today the 09 of April 2018 you have failed the workers in ACT and those who have pushed out of the work cover system because the insurer as a commitment to push workers out of the system by any means possible. Because you pick and choose the cases you want to investigate and those you don't leaving the WHS system to fail its purpose and for those companies and supervisors who know that they can get away with sort cuts to increase their bottom line profits makes you an accessory to their actions and I think that is something you need to reflect on seriously.

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