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## **Workcover Review**

In my experience with Civil Law claims WorkCover believes it is not looked favourably in a court setting where quite often a judge will side with a claimant, maybe it is not the acts that needs to change but the guide lines and rules for the judges.

In a Civil Law claim Workcover will in most cases make an offer to an injured worker even if there is no proven negligence from the employer. (It's often more cost effective to try to settle then go to court.) This is the reason that Lawyers will work on a no win no pay system, because they will basically get paid for every claim lodged.

Lawyers should have some obligation placed upon them to verify their client's claims before they can lodge a common law claim, as the worker always bears the onus of proving, on the balance of probabilities, any fact relevant to the issue of causation. This may be in the act but it is the business owner who has to disprove the baseless claims made by the lawyers, it is the throw a lot of mud and see if they can get some to stick approach.

### **Suggested changes**

1. An injured worker should not be able to change their version of events once the claim has been lodged. If their version of events can be disproved they should withdraw all claims.
2. A lawyer should not lodge a common law claim without verifying the injured parties' version of events. (the roll of a lawyer should be to gather evidence then make a claim, not to make a claim and then try to gather evidence from the accused.)
3. A judge in a civil law case should not be able to award damages if the claimant cannot prove negligence against the accused.
4. Workers who have made more than two claims against their employers should not be given preferential treatment with their claims; instead their claims should be closely scrutinized for fraudulent behavior.
5. A Lawyer should not be able to make unverified claims against an employer as the onus of proof is on the worker not on the employer. (Verified means by documented evidence or by a second party.)

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