

23 July 2012

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The Research Director
Finance and Administration Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir

REVIEW OF THE QUEENSLAND WORKERS COMPENSATION SCHEME

I refer to the above matter and have been advised that the Queensland Government is in the process of conducting a review of the Workers Compensation Scheme. I would like to provide a submission to the committee based upon my personal circumstances.

I was previously employed as a prison officer and sustained an injury in the course of my employment. As a result of that injury I was unable to continue with my employment and was terminated.

I accessed Workcover statutory payments but once Workcover's doctor formed the view that my injury was stable I was offered an amount of lump sum compensation in accordance with my permanent impairment.

The amount of permanent impairment assessed and lump sum damages offered was a modest sum. This was despite the fact that the injury had resulted in me being unable to continue with my employment and that I had ongoing pain and requirement for ongoing treatment.

I obtained legal advice and successfully brought a claim for negligence against my employer. I think it is important to point out that my injury was suffered through the fault of my employer.

The amount of damages I was able to recover through the negligence claim has allowed me to fund ongoing medical treatment and to seek retraining in to alternative employment.

I understand one of the proposals for the committee is to restrict access by injured workers to negligence action. I would strongly suggest that the committee leave the current system as it is.

I note that the workers compensation legislation seeks to balance the rights of injured workers and that of employers. If an employer is not going to found liable for injuries suffered by their workers what incentive would there be to enforce proper health and safety regulations in the workplace.

Any restriction to common law damages based upon a permanent impairment is inequitable given that in some professions even a small impairment could restrict ongoing employment.

In light of all the submissions above it is my recommendation that the committee not restrict access to injured workers in bringing negligence claims.

Yours Faithfully

Monica Fornier

A handwritten signature, likely of Monica Fornier, is enclosed within a large, hand-drawn oval. The signature itself is stylized, appearing to start with a capital 'M' followed by a series of loops and a long horizontal stroke.

Cc: Mr Edward Sorensen
Member for Hervey Bay
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