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The Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Review of Queensland Workers Compensation scheme.

Robertson Brothers Sawmills would like to make the following submission for consideration by the Finance and Administration Committee as part of their review of the Queensland Workers Compensation scheme.

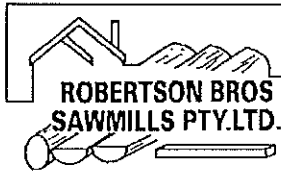
Section 5 of the Workers Compensation and Rehabilitation Act requires that the scheme "should not impose too heavy a burden on Employers" but Robertson Brothers Sawmills are finding that in their experience:-

**1. False claims of workplace injury are regularly being accepted due to:-**

- Claims are being accepted by Workcover before the employer even knows about them and despite the fact that no injury or incident has been reported to the employer.
- Doctors decide whether to submit a Workcover claim based solely on what the employee tells them - without reference to the employer and without any insight into the specific work environment or procedures.

**2. The duration and associated costs of a claim unfairly impact on the employers' premium when:-**

- Employers' premiums are increased if claims are not effectively managed by Workcover or the medical practitioner leading to lengthy and costly claims for simple ailments.
- The duration of the claim is increased by long waiting periods between specialists and other health providers.
- The duration of the claim is affected by the diagnostic ability of the medical practitioner.
- Pre-existing conditions are often not taken into account until the claim is well underway but the employer still bears the cost.



**3. Employers are being charged increased premiums where there is no work injury.**

- When claims have proven to be unfounded or false, the claim is closed but the costs are still reflected in the employers' premiums.
- Where there is no permanent impairment, employees can still bring civil law cases against employers and receive a settlement from Workcover.
- Lawyers are able to offer "no win no fees" services to Workcover claimants knowing that there will be a settlement regardless of whether it's a legitimate claim or not.
- There is no "no win no fee" service for employers"

Attached below are specific examples of the above points.

**1. Claim for Injured wrist.**

Employee claimed a wrist injury from sliding a piece of timber from the green chain. Initially given light duties and a wrist brace and advised to take analgesics by the GP. Referred for an x-ray which was clear.

Given **1 month** on light duties by GP - with NO USE OF LEFT HAND – employee is left handed so unable to work at all.

Complaints to Workcover led to a nerve conduction test which was also clear.

Referred to Orthopedic specialist who diagnoses tendonitis.

Currently off work for a further 2 weeks and undergoing physiotherapy.

***Tendonitis is unlikely to have been caused by the incident described by the employee.***

Claim duration is currently 12 weeks – costs include X-ray, MRI, Flights, and Physiotherapy.

**2. Claim for Shoulder injury.**

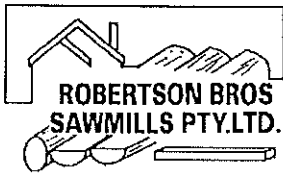
This employee had a claim accepted by Workcover despite the fact that there is no injury report and there is documentary evidence that the timber he claimed caused the injury was not in production at any time during the week he claims. He was also absent on the specific date he claims to have been injured.

The employee brought a civil case against Robertson's for permanent impairment – Workcover arranged an assessment and the employee had been found to have NO permanent impairment.

Workcover will pay him a settlement anyway rather than go to court so both our reputation and premiums will be affected by this claim.

**3. Infected Knee Joint.**

In the spirit of non-discrimination, an employee had been hired despite his having a prosthetic knee joint. The joint developed a serious infection and the employee was off on sick leave for a significant length of time. After about 6 months an application for Workers Compensation was submitted on the grounds that over the period of time he had worked at the sawmill he probably would have been subject to a few splinters in his leg and that this could be the cause of the infection.



Finally, Changes we think should be made to the Workers Compensation Scheme include:

- Injury claims should **not** be accepted if no injury report has been submitted to employer.
- Doctors should not hand out Workcover Certificates unless the employee supplies a copy of the incident report supplied by the employer.
- Employers **must** have the right to dispute claims against their insurance.
- Claims must be able to be **refused** if there are reasonable grounds for doing so.
- Employers should not have to pay for claims that are closed when it is found the injury is **unlikely** to have happened at work.
- There should be a **maximum** time frame for referral to specialists etc.
- Doctors should be educated to understand that the Workers Compensation and rehabilitation scheme is not a Government "Slush Fund" and that it is **employers** who bear the burden of the cost.

Yours sincerely

*Graeme Robertson*

Graeme Robertson

Mill Manager  
Robertson Brothers Sawmills

Encl:

Cc: