

***In-confidence***

Statement of Concerns with approaching 130-week mark on Workcover 21 September 2020

My name is [REDACTED] (my name is to be kept confidential)

This is a very short version of my personal story of my experience with the Victorian WorkCover scheme.

I was dehumanised by my previous Employer made to feel worthless, they worked me to the bone over many years and then threw me onto the garage heap, we have no more use for you when I asked for some reasonable adjustments to help me to continue to work longer.

I was an employee aged in my late 50's, for 14 years [REDACTED]

[REDACTED] handing in a doctors letter and turning down a position working in our office where I would have to travel from [REDACTED] to [REDACTED] daily.

I was stood down by my Employer with pay under unfit for inherent duties under the O H & S Act 2004, they alleged that I suffered from [REDACTED] I have never been off work having a sick day for [REDACTED]

I was further injured by this action now have a mental health condition also this caused my [REDACTED]

I am currently on WorkCover.

I was terminated post 52 weeks whilst being on WorkCover unfit for inherent duties under the O H & S Act 2004 for a spinal condition and mental health I have severe depression and anxiety and not the palpitations.

I am now approaching 130 weeks of being on workover with no capacity now or in the future and have applied for a TPD through my Superannuation.

***Since being on Workcover some of the issues I have had.***

**Employer**

My Ex -Employer stopped paying wages twice, they also didn't pay on the wage indexation increase to me even though they were receiving the wage indexation increase for nearly 6 months by the Self Insurer. If I didn't follow it up, they would have continued to pocket the money in my eyes that is fraud, as they were receiving a higher amount of my wages and not forwarding on so they were benefiting.

When I did get the backpay of the wage indexation increase I believe they didn't put correct details on pay statement of back pay they should have put the start period ie April 2020 to September 2020 backpay no they just put one day.

It's the Employer's responsibility to take out the appropriate tax with holding out but no they didn't so now I have to pay several thousand dollars to pay back to the ATO.

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My Ex-Employer was requested documents for my TPD Claim by the insurer said they hadn't supplied them.

They left my profile up on their website after I was terminated in September 2019, my husband wrote to them to remove it in late January 2020, other ex-employees have had their profiles taken down straight away. This was an issue as members of that Union were still trying to contact me.

They sent [REDACTED] several times into my Son's work to asked about me he got sick of it so quit this Union. They also took out \$45 dollars every pay for the [REDACTED] knowing I would never be able to return back to work. I asked to see what they claimed an Authority they alleged I signed but I believe I never have signed an authority and they never produced it. I was never paid overtime in time off; they didn't pay wages just you had time off. I should put in a backpay claim but I am unwell so I cannot at this time.

They didn't attend return to work conciliation meetings alleging it might be deemed as harassment which damaged my health more by them not trying to have me returned back to work.

[agent, name redacted] apparently sent in Worksafe to make them follow the Return to Work protocols but nothing happened.

Worksafe did an investigation originally Worksafe said they breached section 131 of the Act but after the investigation they didn't charge my ex- employer citing not enough evidence which I believe I had so much evidence, telephone recordings, email, photos and diary entries.

Worksafe recommended they implement additional policies to protect to other employees but because they are a [REDACTED] they were not fined etc. I know they are not going to say hey we did this we are liable.

[REDACTED]

**IME's**

One IME said I will be costing the Tax payers 65,000 dollars a year and the Chinese are taking over.

Another IME made me take my bra and top off to listen to my heart and whether accidental or not he was touching the side of me with his stomach I so uncomfortable and felt exposed then he said you seem tense. Most Doctors give you a sheet if you have to uncover your top clothing or work around your clothing.

Another IME just treated me appalling like he was better than me I wasn't a human; he didn't support me in the assessment of 20 minutes but didn't actually look at x-rays or CD discs or even read other reports just took 2 photos of reports so those photos are on his private mobile phone. I put in a complaint about him to my Case Manager before his report came out.

The Self insurer [agent, name redacted] send me an email confirming they had forwarded onto Worksafe I later found out they didn't. I have 2 times to investigate what happen still no I believe no investigation was done as I have never had an outcome. Then 4 months later they asked this IME for a secondary report, because of this IME's report I now face a medical panel and another conciliation pending a medical panel. *This IME has a report evidence (for another matter) has been dismissed in a court by a Judge not my case but on the work cover victims Web site.*

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Some of IME's have said some horrible things about me in their reports examples who would employ me in my condition, I have been referred to as obese and having a Mental issue when you read these things it does more harm.

They are opinionated about Workcover.

There has been one very nice IME.

### **[agent, name redacted] Self Insurer**

**[agent, name redacted]** the Self-insurer didn't pay over \$5000 dollars into my superannuation fund.

**[agent, name redacted]** wouldn't pay for Medication they wanted a letter from my Doctor got that then they said no I had to be in a trial.

When I have submitted my Capacity of Certificate, they haven't sent onto my Ex Employer (I cannot have contact with them)

**[agent, name redacted]** haven't submitted claims for Pharmacy at times I have to re-send

When I have sent in private medical reports, they have used them against me and even sent them onto IME's without my consent.

When advising by Worksafe to enquire with **[agent, name redacted]** about submitting a new claim whether to amend the current claim or put in a new one for similar injury they ignored me several times.

**[agent, name redacted]** have gone against a Medical panel decision and court Order so now I have to have a conciliation and possibly another medical panel.

**[agent, name redacted]** have been advised by one of the **[agent, name redacted]** that I would never be likely to return to work

I have had 2 termination's (one accepted injury and another new claim), I am waiting for 2 medical panels and impairment assessment but due to my health and Covid-19 this won't happen most likely this year.

I should have confidence they will do the right thing by me but I don't.

### **Conclusion**

There are laws to try and protect workers from becoming injured workers who end up on Workcover but I do not believe they do. In my Case my Ex- Employer never consulted with me over the years I reported the many injuries and illnesses I had over the years I worked for them. Whether personal or work related they didn't care it was more important to recruit new members for the Union as that brought in the fees.

An IME should be a Doctor (honouring his Doctor's Oath) and remembering we are human beings and treat us as such we are not criminals. I believe they write a medical report to favour what the Self Insurer is looking for at about \$2000 dollars a report they obviously want to see more injured workers. Most of the IME's are over the hill in their late 60's through to their 70's, most likely not up to date on the latest medical information. Why should injured workers have to go through.

