

## Chapter 7

# Key Stakeholders

There are several different government departments and other industry groups involved in Workers Compensation:

Insurance & Care NSW

The State Insurance Regulatory Authority

SafeWork NSW

Insurers

Rehabilitation Services

Workers Compensation Commission

The WorkCover Independent Review Office

Legal Support

The injured workers Treating Doctor and Medical Team

Unions

The Industrial Health and Research Foundation

injured workers Support Network

Workers Health Centre

The Injured Workers Support Network



WorkCover NSW was split into three separate agencies in August 2015.

## Insurance and Care NSW

Insurance and Care NSW is the nominal insurer for Workers Compensation in NSW now called Icare workers insurance.

It administers the workers compensation fund and the 5 insurers contracted to provide case management of individual injured workers cases. Insurance and Care NSW is an agency of the Insurance and Care NSW is a separate agency under the Minister for Finance, Services and Property

## The State Insurance Regulatory Authority

This Authority regulates the workers compensation system in NSW. It is the body that audits the system and manages the old WorkCover helpline number 13 10 50.

In practical terms the State Insurance Regulatory Authority will have power to assist injured workers with their claims and will be the body that reviews insurers Work Capacity Decision appeals at the Merit review stage. The State Insurance Regulatory Authority is a separate authority under the Department of Finance, Services & Innovation

## SafeWork NSW

Replaces the Health and safety functions of WorkCover.

SafeWork NSW offers advice on improving work health and safety, provides licensing and registration for potentially dangerous work, provides testing services, investigates workplace incidents and enforces work health and safety laws in NSW. SafeWork NSW is a separate authority under the Department of Finance, Services & Innovation

**At the date of publication the three new departments have not settled into their roles. As time progresses we will update the handbook with more relevant information.**

## The Insurers

Private insurers manage workers compensation for Insurance & Care NSW.

Self-Insurers (companies) fund and manage their own workers compensation insurance. They have to follow the legislation and regulations as enforceable by the State Insurance Regulatory Authority.

### Making a complaint against an Insurer.

-Note: Information contained in this fact sheet is general advice only and should not be relied upon as professional legal or medical advice.

An injured worker have a right to complain about the actions and behaviour of the insurer or anyone involved in their workers compensation matter.

All Insurers have a complaints handling system with 4 escalation steps and levels of review.

Both the State Insurance Regulatory Authority and WIRO expect an injured worker to make an effort to raise their concerns first with their insurer before raising the same complaint with them.

The complaints escalation and handling procedures of the insurers differs between the insurance companies.

The following is a guide only based on the Allianz customer complaints model but is reflective of all five insurers:

### Step 1: Frontline Complaints Resolution (inside the claims team)

General time frame: 2 days for contact 5 days for resolution

Step 1	Who handles the injured workers complaint?
Level 1	The injured workers case manager
Level 2	A senior team member
Level 3	A technical member

### Step 2: Internal Complaints Resolution (external to the claims team)

General time frame: 2 days for contact 5 days for resolution

Step 2	Who handles the injured workers complaint?
Level 1	A team member
Level 2	A service manager
Level 3	A specialist

### Step 3: WorkCover Complaints Resolution (external to the insurer)

General time frame: 2 days for contact 5 days for resolution

Step 3	Who handles the injured workers complaint?
Level 1	A business manager
Level 2	State Insurance Regulatory Authority
Level 3	WIRO/Ombudsman/WCC/Other Relevant External Body.

### Step 4: External Complaints Resolution

The time frame for a response will be as directed by the external body.

Step 4	Who handles the injured workers complaint?
Level 1	WIRO/Ombudsman/WCC/Other Relevant External Body.
Level 2	State Insurance Regulatory Authority
Level 3	Team Leader/Claims Manager/ Customer Service Specialist/Technical Manager/Compliance Manager

Each insurer has a complaints form and phone line:

Allianz: 1300 130 664

[customer\\_experience\\_feedback@allianz.com.au](mailto:customer_experience_feedback@allianz.com.au)

GIO: 1800 689 762

[www.gio.com.au/contact-us/general-enquiries](http://www.gio.com.au/contact-us/general-enquiries)

Employers Mutual: 02 8251 9000

[www.employersmutual.com.au/contact-us/feedback/](http://www.employersmutual.com.au/contact-us/feedback/)

QBE: 02 9375 4444

[NSWWCcomplaints@qbe.com](mailto:NSWWCcomplaints@qbe.com)

CGU: 1800 801 241

[customer.feedback@cgu.com.au](mailto:customer.feedback@cgu.com.au)

## Workers Compensation Commission

The Workers Compensation Commission (the commission) is an independent statutory tribunal within the justice system in New South Wales.

The Commission handles disputes about:

-  Determination on liability
-  Weekly income replacements
-  Medical and related expenses
-  Permanent impairment
-  Payments for damages to personal property and other matters.

Note: The Commission uses dispute resolution but is a legal process. It is highly recommended that an injured worker request assistance from their union before proceeding to the Commission. – The injured worker will need representation from the union or a lawyer.

When an injured worker or their representative lodges a dispute with the Commission an arbitrator will first attempt to resolve the matter with the insurer and the injured worker.

-  If this is unsuccessful they will hold a telephone conference between the injured worker, the injured worker's representative and the insurer.
-  If this is successful the Commission may issue a direction to other parties (make a decision).

 If this step is unsuccessful there may be a hearing (called either a conciliation or an arbitration), the Commission will then lead to a stronger direction from the Arbitrator.

 Either party can appeal this decision in which case it will go before a judge.

If the issue is medically related (treatment or permanent impairment usually) the injured worker will generally be sent to an Approved Medical Specialist for a definitive assessment.

The Approved Medical Specialist is the only medical opinion the Commission will adhere to if this occurs.

## The WorkCover Independent Review Office (WIRO)

WIRO helps injured workers deal with complaints about a decision or action taken by an insurer that affects their entitlements, rights or obligations under NSW workers compensation legislation. This includes complaints about denial of liability by the insurer.

### Who can make a complaint?

An injured worker can make a complaint to WIRO about:

-  Workers compensation decision made by the insurer.
-  A denial of liability of the injured worker's claim by the insurer.
-  Any other matter between the injured worker and the injured worker's insurer or WorkCover.

They will expect the injured worker to try to resolve the issue with the insurer before contacting them. You will need to provide the injured worker's name the insurer and the injured worker's claim number to assist the injured worker.

### WIRO will:

-  Review the facts and circumstances
-  Contact the insurer on the injured worker's behalf to obtain any further information that may be needed
-  Attempt to resolve the complaint or

-  Investigate, report and make a recommendation then follow up on it.

Allow up to 30 days from the date the injured worker contact WIRO to resolve the injured worker's complaint. Many complaints are resolved in a much shorter timeframe.

If the injured worker's complaint raises legal issues, the matter may be referred to the Independent Legal Assistance Review Scheme (ILARS) to help the injured worker access legal advice.

## Legal Support

A registered Solicitor can provide an injured worker with legal support throughout the life of the injured worker's workers compensation claim. Except when appealing a Work Capacity Decision (in which case they can not ask for payment)

Solicitor should be registered with the Independent Legal Assistance and Review Service.

## Independent Legal Assistance and Review Service:

Any injured worker who wants to investigate a possible workers compensation claim or who wishes to bring a claim in the Workers Compensation Commission can have his/her legal costs (including the costs of relevant medical reports) covered by the Independent Legal Assistance and Review Service (ILARS) within WIRO .

ILARS are not able to provide the injured worker with legal advice but can refer the injured worker to its list of Approved Legal Service Providers on its website.

## Unions:

All union delegates should, as soon as practical, inform their union about a workplace incident leading to an injury (or potential injury).

Unions have power and expertise to assist the injured worker and assess the ongoing risk to other workers at that workplace.

Unions are dedicated to ensuring the safety of their members and the fair and just treatment of injured workers.

Most unions have specialist officers who are experts in Work Health & Safety as well as the Workers Compensation system.

They provide training, information and support to injured workers throughout their claim.

All unions are involved in the fight to overturn the current Workers Compensation System and make it fairer.

Unions NSW advocates and facilitates advice to unions on matters of Workers Compensation and Work Health & Safety.

## Union Solicitors:

All unions have an agreement with a solicitor or a firm to represent their members through the workers compensation system. If the injured worker is a member of the union that a union rep puts them in touch with their union solicitor as soon as possible.

Union Solicitors have specific experience in the industries their connected union represents. Non-union members can still access this specific experience through the same solicitors.

## The Injured Workers Treating Doctor and Medical Team

The injured worker can choose the injured workers treating doctor and all of the injured workers medical team.

The Injured Workers medical team might include:

-  Surgeons
-  Specialists
-  Rehabilitation provider
-  Psychologist
-  Psychiatrist
-  Physiotherapist.
-  Other allied health professionals.

Though the injured worker's nominated treating doctor has to take part in the injury management process and provide information to the insurer and the rehabilitation provider, how they do that is up to them. They can decide to take questions through written or verbal and do not have to participate in a face-to-face case conference.

The injured worker's medical team's responsibilities to the health and wellbeing for their patient does not change if that patient's injury happened at work. The Doctor's responsibility to uphold the patient doctor relationship and privacy in particular doesn't change.

## Rehabilitation services:

Approved workplace rehabilitation providers offer specialised workplace rehabilitation services to help injured workers to return to work.

Workplace rehabilitation service provision is largely delivered at the workplace by:

-  Identifying and designing suitable employment for the worker to assist the employer to meet their obligations in providing suitable employment
-  Identifying and coordinating rehabilitation strategies that ensure the worker is able to safely perform their work
-  Promoting a timely return to work of the worker
-  Forging the link between the insurer, employer and treatment providers to ensure integration of all injury management activities and a focus on return to work
-  Arranging appropriate retraining and placement in alternative employment when the worker is unable to return to pre-injury employment
-  Ensuring all aspects that have an impact on the worker returning to work are considered.

The injured worker has the right to choose their rehabilitation provider. Given the business relationship between insurers and some rehabilitation providers, Union reps should always encourage their members to exercise this choice.

## The Industrial Health and Research Foundation

The foundation is a union affiliated not-for-profit charity comprising of:

**The Industrial Health & Research Foundation** itself providing a range of work health and safety services

 Training and research

 Research, training,

 Allied health and injury management systems to unions and businesses.

**The Workers Health Centre.** The preferred rehabilitation service for Unions in NSW

**The Injured Workers Support Network.** A member driven support and advocacy service dedicated to educating and supporting injured workers as well as changing the workers compensation system.



## The Injured Workers Support Network

Established in 2011, the Injured Workers Support Network (IWSN) assists injured workers. It is an independent community organisation working with and for injured workers providing advice, information, support and advocacy for and by injured workers.

Our Mission is to assist and support workers who have sustained work related injuries, illness and disabilities:

-  To provide expert knowledge and be a leader in the area of workers compensation, psychosocial hazards and workplace bullying
-  Advocate for fairer system of workers compensation for injured and ill workers and their families
-  Provide and share information and experiences about the workers compensation system and the rights of injured & disabled workers.
-  Form strong networks between injured workers and other organisations that have similar aims and objectives.
-  Assist and encourage injured workers to establish links within their local community health system, Government Departments, organisations and other individual support groups who can assist injured workers.
-  Provide community education and training to better understand and assist injured workers.

## The network offers:

-  Injured worker Network Meetings in 8 and more locations around NSW.
-  Website updated daily with information on coping with the workers compensation system, advocating for injured workers and recovering from or adapting to an acquired disability.
-  A help line staffed 8:30-4:30 Monday to Friday to provide support, information, referrals and links to injured workers, their families, Union organisers and others about workers compensation and issues associated with recovery and adaptation.
-  Campaigning for a fairer workers compensation system. We are still on the barricades.



The IWSN.

Injured Workers Walking Together

## The Workers Health Centre

Established in the early 1970's, the Workers Health Centre is Australia's oldest worker's health and safety service. Over the years it has helped tens of thousands of workers.

The Workers Health Centre is a non-profit organisation and is used by trade unions, employers, government departments, local councils and community organisation to provide a comprehensive range of hi quality services which include:

-  Rehabilitation and Injury Management
-  Occupational Hygiene & Work place safety audits
-  WH&S Training
-  Hearing Assessments
-  Occupational Medicine
-  Acupuncture.

The Workers Health Centre is a WorkCover accredited rehabilitation provider.

Their team of rehabilitation cases managers include occupational therapists, rehabilitation counsellors, psychologists and physiotherapists. they offer a comprehensive, worker focused program to ensure a safe return to work or retraining.

The workers Health centre is in two locations:

Granville NSW 133 Parramatta rd, Granville NSW 2142.

Newcastle, 1st floor Newcastle Trades Hall.

Their phone number is: 02 9749 7666.

