

Case Study: Shirley's Been Left to Fend for Herself

Shirley

In May 2002, 57-year-old Shirley was assaulted by a resident while working as a cleaner at a psychiatric hospital in regional NSW.

Shirley was cleaning a bedroom when she was repeatedly hit on the back of the head and grabbed around the neck, before managing to struggle free.

She suffered neck and lower back injuries, which have led to numbness in her face, hands and foot. She also experiences problems with the nerve endings in her lower back, which causes falls.

Shirley attempted to return to work but, still shaken by the attack, was unable to continue her duties. She has not been able to return to any other form of employment.

The hospital admitted its failure to properly supervise the patient responsible for the attack.

Before she was injured, Shirley played competition tennis and enjoyed bushwalking and fishing. Today, she is unable to do any of these activities, and she has difficulty with housework and gardening.

Shirley's physical injuries were assessed by a doctor appointed by the WorkCover Authority, but she fell one per cent short of the threshold required to receive compensation for pain and suffering. The doctor failed to assess all of Shirley's injuries.

“You don't really know how unfair the system is until you have been injured.”

– Shirley

However, if Shirley was allowed to rely on the assessment performed by her own doctor, she would have exceeded this threshold.

NSW's harsh laws mean she cannot combine her psychological injuries, which have been assessed at six per cent, and her physical injuries. Shirley didn't even get the chance to present her medical evidence to an independent adjudicator.

“You don't really know how unfair the system is until you have been injured,” Shirley says.

“There needs to be an independent umpire to solve disputes.”

The legal barriers to fair compensation in NSW are too harsh. They need to be changed.

Contact your local MP to make your views known. Nothing will change unless you take action.

For more information visit www.faircompensation.com.au or phone 1800 357 596.

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