

Case Study of an Injured New South Wales Citizen

Susan

Susan, 42, was working in the bindery of a printing company in 2002, in Smithfield NSW, when her supervisor asked her to move large stacks of sheet paper – each weighing up to 20kg. The job was meant to be done by two people; and Susan was not given any training or instruction on how to do the job safely.

When a colleague offered to help her, the supervisor told him to return to his department.

Susan subsequently hurt her back. As she picked up one of the boxes she felt a shooting pain through her lower back, and her legs went numb.

Susan had suffered a displaced disc that was touching a nerve running down her leg.

Susan's injuries were assessed under the workers compensation system, and she cannot sue her employer for negligence. This is because of the changes that the Carr Government made to the law, making it harder for injured workers to sue their bosses for negligence.

Susan has undergone surgery which helped ease the pain temporarily. But further scans showed that she had developed an infection

which came about after her surgery. Susan is still in considerable pain.

Susan is unable to work and do household chores. Her husband has had to work extra shifts to make ends meet. He is also responsible for all the household chores and most of the driving.

Because Susan cannot sue her employer for negligence, she has to ask the insurance company to pay for her medical needs. This means she will often have to pay upfront and later make a claim for reimbursement. When she and her husband have to cover the costs of medical treatment themselves upfront it means they sometimes do not have enough money to pay the rent.

"All I needed was ... the medical treatment to get me back to my old life. Now everything is wrong. They [the insurance assessors] don't see you in pain they just see you in the twenty to thirty minutes of the assessment period. The system is unfair."

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