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Attention: **Committee Secretary**

Inquiry into aspects of Australian workers' compensation schemes

This submission has been prepared in response to the request for submissions by the Office of Employment and Workplace Relations for discussion of issues relating to Workers Compensation systems.

Background

LGA Group provides a wide range of services including:

- Multi-disciplinary assessment and treatment – Physiotherapy, Occupational Therapy, Psychology, Social Work, Remedial Massage and Fitness Training
- Rehabilitation – physical and psychological
- Vocational Rehabilitation – workplace assessment and return to work programs
- Vocational Assessment, Career Counselling and Planning
- Vocational Training
- Medico Legal assessment and expert evidence for legal proceedings
- Commonwealth welfare programs
- Commonwealth and State based employment services

These services are provided from 73 LGA sites across Queensland, Victoria, New South Wales, South Australia, and Northern Territory. LGA delivers services for a range of government programs, insurance institutions and private fee-paying clients, including:

- Workcover
- Traffic Accident Commission (TAC)
- Insurance companies
- State and Federal Government departments
- Private Medical Health Funds
- Legal practitioners and their clients

LGA's experience covers a range of acute treatment, assessment and injury management as part of State based Workers Compensation and insurance schemes. In addition LGA's experience includes assisting clients under Federal welfare programs, including employment services and return to work assistance for people with disabilities.

EMPLOYMENT SERVICES
OCCUPATIONAL THERAPY
PSYCHOLOGICAL SERVICES
REHABILITATION CONSULTANTS
VOCATIONAL TRAINING
WELFARE SERVICES
Queensland
New South Wales
Victoria
South Australia
Northern Territory



Expertise and insight gained from delivering services over this wide continuum underpins the comments made in this submission.

Issues for Consideration

- Workers Compensation programs are intervention mechanisms linked to an insurance scheme – with budget limitations and operating over limited time frames.
- Injured workers receive acute treatment, rehabilitation and return to work programs. Much of this work is focused on the time immediately following the injury and for a relatively short time period. At the conclusion of this time where clients are not returned to work (either their previous job or alternative employment) the client exits the workers' compensation system. In some cases the inability to return the client to work incurs significantly increased costs in the form of common law settlements. But it is rare to find the person initially managing the workers' compensation individual case made accountable or responsible for the long term consequences of the inability to return a client to work.
- Workers' compensation systems have evolved notable expertise and skill in acute treatment and rehabilitation. But it is worthwhile to note that these areas of expertise contrast with the skills and expertise required to assist clients to achieve major changes in their career or employment options. It is a different set of skills required to help the client develop positive career plans, adequate self esteem and self efficacy and understanding the mechanisms involved in accessing new areas of the labour market. This expertise is not commonly observed within most workers' compensation systems.
- The limited time frame of workers' compensation systems results in the development of different objectives, expertise and strategies to assist clients. Federal government programs operate within a more holistic and socio-economic framework, with a "never ending" responsibility to the community and welfare agenda.
- The ongoing community responsibility has caused the development of strategies and expertise clearly differentiated from those employed in workers' compensation systems.
- Workers' compensation systems operating within fixed time and costs models is not seen to effectively address the long term issues and rehabilitation and to lack to focus and expertise to most appropriate return to work. And just doesn't have the same responsibilities or interest as federal government departments.
- It is noted that the different focus, objectives and structures and responsibilities of state and federal systems results in necessarily different expertise and attracts staff with different expertise. Typically those professionals involved in the short term programs of workers' compensation systems possess clinical skills more related to medical intervention, rehabilitation, ergonomics and return to work programs within a relatively short time period following injury. As compared with those staff involved in federal welfare and employment programs whose skills need to be more about improving social and economic participation, facilitating attitudinal and behavioural

change, and over coming longer term (and often multiple) barriers to employment.

- The federal system often assumes the responsibility for addressing the needs of those clients who do not achieve a return to employment through the workers' compensation system.

The variation of focus, expertise and timeframe can also be seen to lead to an increase in fraudulent behaviour by injured workers.

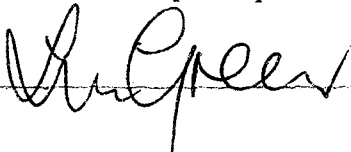
Our experience suggests that few injured workers set about to deliberately commit fraud. We do however find many individuals participate in fraudulent activities including:

- supplementing their income with "cash in hand" work
- prolonging their recovery and limiting their return to employment (often individuals and their legal advisors mistakenly believe that positive action diminishes their claim)
- exaggerating their level of disability as a response to feeling they have greatly restricted work and/or earning potential

Individuals unable to return to their previous job or type of work frequently present as feeling helpless and lacking any insight into alternative employment or methods to achieve work in other areas. Our experience strongly supports the view that individuals resort to "fraudulent" activities in response to a lack of more appropriate support and direction. It is only after being compelled to participate in federal government employment programs that individuals begin to consider alternative options. The time delay and their pattern of "fraudulent" activities commonly hinder the effectiveness of employment service assistance.

This lack of insight into alternative career options and strategies can also be seen to encourage individuals to seek the Disability Support Pension.

LGA Group is pleased to be able to contribute to this committee and would be available to participate in discussion or provide further information as required.



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