

**SUBMISSION**  
**For**  
**Inquiry into aspects of Workers' Compensation,**  
**House of Representatives, Employment and Workplace Relations Committee,**  
**Parliament House, Canberra ACT 2600.**

**This submission addresses the lack of fulfillment of obligations by employers and  
WorkCover officers.**

**This is an injured workers' experience.**

**Number of pages: Two**

**From:**  
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## SUBMISSION for Inquiry into Workers' Compensation

### 1. Records not made by employer

Prejudice and discrimination affected my claims for Worker's Compensation as follows:

- a) My employer's officers failed to record any accidents, work injuries and adverse work effects and incidents.
- b) My employer denied I reported my injuries.
- c) Though my employer later admitted to one accident and one report, the others were denied or withheld.
- d) WorkCover (Workers' Compensation Board) ignored all evidence supporting my claim.

### 2. Breach of Workers' Compensation Act 1990

I understand my employer breached the Act by not informing WorkCover (the Board) that I had reported my injury in writing.

I understand that the Act allows the employer three weeks to perform this duty.

### 3. WorkCover's failure to inform and follow procedures

My employer contradicted my statement about

- a) work I performed,
- b) time I was employed to and
- c) the report I made of work injuries.

I understand that WorkCover has an internal review procedure called "Statutory Claims Procedure" to be applied to all claims, according to a letter from then Minister S. Santoro. The Minister's letter states in effect that when others contradict the injured worker, then WorkCover must give natural justice to injured workers by informing them about such contradictions. WorkCover denied me this natural justice and did not apply their mandatory procedure to my claim.

### 4. Misrepresentation by a Medical Tribunal

- a) A barrister acquaintance says that Medical Tribunals are supposed to take notice of injured workers' medical evidence. Instead, the General Medical Tribunal misrepresented the work stress injury that my medical certificate shows. Instead, the Tribunal maligned my personality.
- b) Medical Tribunals are also supposed to give natural justice, but the Tribunal failed to give me natural justice by the fact of its failure to inform me about contradictions by my employer.

### 5. Additional note: Time of disablement

There are two dates about ten years apart in my application for compensation. This is because mine is a *cumulative* work injury, not an instant injury. An earlier work back injury is part of my work stress injury because of continuing pain in working. I had also reported pain shocks from hot chemical fumes. I was not warned about consequences such as when water hit acids, and other hazards.

My medical certificate clearly shows which year is the time of disablement, yet WorkCover claimed there is no injury from the earlier date. An Ombudsman later wrote to me confirming recognition of the work stress part of my injury.

I have been left in a limbo of injustice, stripped of my dignity, rights, health, humanity because I was injured at work.

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