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Caring for Injured Workers When Rehabilitation Fails

The Law Society of Tasmania and the Australian Lawyers Alliance today rejected criticisms of their campaign to restore common law rights for injured workers as 'misleading'.

Law Society President Leanne Topfer said that "prior to 2001 when the unfair changes commenced, the number of common law claims by workers before the courts had been stable for years. There had been no 'blow-out' in claims as suggested by the Insurance Council of Australia.

"The assertions of the insurance industry that premiums were spiralling because of increasing workers compensation settlements were unsubstantiated.

"The statistics from the Workplace Standards Authority showed that compensation claim costs had been decreasing in Tasmania.

"The issue concerning us is that this new system has gone too far.

"While fully supporting the need to rehabilitate injured workers, for some seriously injured workers rehabilitation is not possible and it is these people who have been abandoned since 2001.

"The 2001 changes meant that people injured at work by the negligence of their employer must pass an arbitrary and unfair injury threshold before they can hold accountable an employer who has caused them often extremely painful and disabling injuries. It is the highest threshold in Australia.

"Since 2001 only 6 Tasmanians injured at work have been able to pass that threshold. Those who fail to reach it and who can't be rehabilitated are abandoned to rely on family, charities and social welfare it means the community as a whole pays through social welfare for injuries caused by careless employers Ms Topfer said.

Australian Lawyers Alliance Tasmanian President Sandra Taglieri said that "Workers' Compensation should be providing for the security of working people and their families. It is failing many seriously injured workers at the expense of increasing profits for the insurance industry".

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