

Case Study of an Injured Tasmanian Worker

Mary*

Mary* had been working as a nurse for the best part of 30 years before she was hurt at work.

In April 2003, she was adjusting a trolley carrying a 97 kilogram patient when it threatened to collapse. Although she managed to keep the trolley – and the patient – upright, the impact caused immediate and severe pain in her lower back.

Mary reported the incident, went home and remained off work for three weeks. Upon returning to work in considerable pain, Mary learned that the trolleys in question had twice been condemned by Occupational Health and Safety staff – yet the hospital kept using them.

As a result of her back injury, Mary was often in agony at work and would break down and cry at times. She undertook a range of treatments but they failed to ease the pain.

Over the next 18 months, Mary alternated the hours she worked and changed duties in an attempt to cope. In early 2005, however, the intense pain took its toll and she ceased working and hasn't returned.

After finally obtaining an MRI scan and consulting a new specialist, Mary discovered that she had a tear in her disc. In the ensuing months, she underwent nerve blocks and other treatment. Meanwhile, she stopped

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receiving payments from her employer.

Before her accident, Mary water skied, cycled, worked on the family farm and enjoyed a well-rounded life. Now she finds it difficult to participate in any of these activities and feels uncomfortable walking, sitting, standing and driving distances.

She continues to experience nerve irritation in her lower back and pain in her right leg and is unlikely to ever return to nursing.

Despite her injuries, she has been told by doctors that she is unlikely to meet the 30 per cent whole person impairment threshold. Therefore, under Tasmania's workers' compensation laws, she is ineligible for common law compensation.

“The system is unfair,” Mary says. “I gave 100 per cent to my patients while I was a nurse. Now that I’m injured, the system has let me down.”

****Mary’s surname has been withheld to protect her privacy.***

For more information visit www.taslawsociety.asn.au/tort

Fairer Compensation for Injured Workers

