



RTBU

FOOTPLATE

**NEW SOUTH WALES BRANCH / LOCOMOTIVE
DIVISION**

ISSUE 35: October 2018

WORKERS' COMPENSATION UPDATE

QUICK FACTS

- Within seven (7) days of notice of an injury, an insurer should acknowledge receipt of a claim.
- The denial of a claim must be in writing.
- Injured workers are entitled to choose their own rehab provider and treating specialists.
- No legal costs payable for members injured under the NSW Compensation Scheme.

CASE STUDY 1 – Insurer liable for further injury

In a claim conducted by our lawyers, it was found that walking differently (with a limp) after a knee injury caused injury to the opposite knee. The insurer had denied any liability for the secondary knee injury or the costs associated with a knee replacement surgery. After a contested hearing, order were made that the insurer was responsible for the knee injury and also liable to pay the costs of the knee replacement surgery.

CASE STUDY 2 – Unreasonable employer conduct not a valid defence to a claim

A person working in an administrative role sustained a psychological injury after they were stood down from employment duties without reasons, other than that it was 'serious'. A workers' compensation claim was declined on the basis that the injury was caused by reasonable conduct by the employer related to performance management issues. Our lawyers were able to prove that the conduct of the employer was not reasonable and the insurer ultimately conceded liability for this injury.

If you need help with a workers' compensation question, contact the RTBU Head Office on (02) 9264 3400 or your workplace delegate.

*RAIL, TRAM & BUS UNION – NEW SOUTH WALES BRANCH
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