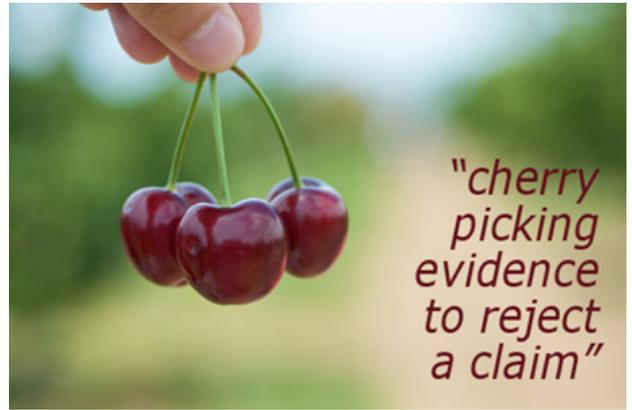




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LawTalk Blog



Ombudsman finds systematic rejection of valid workers compensation claims in Victoria

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A recent [Four Corners report](#) on the ABC exposed the appalling situation in Victoria relating to police officers and other emergency services personnel who suffer psychiatric injuries (largely post-traumatic stress disorder) as a result of the horrors to which they are exposed in their work.

Examples have shown where [workers compensation](#) claims were rejected by the relevant workers compensation insurer, leading to months or years of litigation, often causing them further psychological injury.

"an endemic problem of agents cherry picking evidence to reject a claim, despite overwhelming medical evidence it was valid."

In a recent article in *The Australian* newspaper, journalist Greg Brown discussed a report issued by the Victorian Ombudsman which exposed the "systematic rejection of valid workers compensation claims". The report apparently asserted that there was "an endemic problem of agents cherry picking evidence to reject a claim, despite overwhelming medical evidence it was valid."

The Ombudsman's report went on to criticise the fact the insurance agents were being financially rewarded for terminating claims rather than for providing a good service.

The Four Corners report noted the inherent conflict between the profit motive operating for insurance companies who are managing workers compensation claims, and the fact that workers compensation legislation is 'beneficial' legislation; that is, is designed to

assist, protect and compensate injured workers.

The Victorian Ombudsman made recommendations including:

- improvements in oversight; and
- the provision of financial incentives for good quality, sustainable decision making, rather than for terminating claims.

In South Australia *Return to Work SA* has contracted their claims administration to two insurance companies; Employers Mutual Limited (EML) and Gallagher Bassett.

There is no doubt that claims for psychiatric injury can be difficult to assess, and in our experience many of them are rejected. An injured worker always has the opportunity to challenge a decision rejecting their claim and our lawyers in the workers compensation team at Andersons are highly experienced and dedicated to assist in such cases.

If you have any questions about your workers compensation claim or you believe your claim has been [rejected unfairly](#) (including physical and psychological injuries), please do not hesitate to [contact one of Andersons' team members](#) for an initial free consultation to determine if your rights and entitlements are being fully met.

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