

Case Study 1:

- Manufacturing industry
- Company name: 'Joe's Building & Construction Materials' ("JBCM")
- Existing company: Commenced operations in 2010
- Director: Joe Black
- Injured Worker: Tom Smith
- Injury: Worker sustained lower back injury when lifting piece of material on to work bench

Background:

Joe's Building & Construction Materials ("JBCM") is a company operating in the manufacturing industry. JBCM produces and supplies building and construction materials to a number of building and construction companies across Queensland. JBCM employs around 200 staff, which are based across three locations (Gympie, Brisbane, and the Gold Coast). JBCM first commenced operations in 2010.

JBCM and the WorkCover and Workers Compensation process:

1. Starting a business, and taking out WorkCover insurance:

- When JBCM first commenced operations in 2010, they took out an Accident Insurance Policy with WorkCover Queensland ("WCQ").
- This included declaring their estimated wages for that financial year to WCQ. As they were a new business at the time, they had to estimate this based on the wages / salaries of the employees they expected to employ for that year.
- Joe Black, the director of JBCM, is not covered under the Accident Insurance Policy (as a director of a company), so he also took out Workplace Personal Injury Insurance for himself.

2. Understanding who needs to be covered under the WorkCover insurance:

- When taking out the Accident Insurance Policy, it was important for JBCM to work out who was covered under their policy.
- As referenced above, Joe Black was not covered under the Accident Insurance Policy, so he took out his own Workplace Personal Injury Insurance.
- JBCM was planning to engage subcontractors to complete works during busier periods. They established that the subcontractors would be considered 'workers' and would be covered by the policy.

3. Appointing a rehabilitation and return to work coordinator:

- By 2011, JBCM met the criteria for needing to appoint a rehabilitation and return to work coordinator ("RRTWC").
- They recruited an additional staff member named Kelly Roberts (who had previous experience working as a RRTWC) to fill the RRTWC position.
- Although Kelly had prior experience, JBCM wanted to ensure she was up to date with her knowledge and skills, so they arranged for Kelly to complete a RRTWC training course.
- JBCM also funded and allowed Kelly time during her employment to conduct further learning and undertake professional development activities.

4. Steps to prevent workplace injury and illnesses:

- JBCM initially worked with an external WHS expert who assisted them with conducting a WHS risk assessment of the workplace.
- From there, the WHS expert worked with JBCM to prepare the required WHS documentation, policies, procedures, and instructions.
 - This specifically included high risk activities such as pre-start checklists and safe work procedures for operating plant and equipment at the workplace, as well as procedures and guides for staff on safe manual handling practices.

- In 2011 when JBCM met the criteria for a RRTWC, they also hired a dedicated Workplace Health and Safety Officer ("WHSO") named Sam White. Sam continued with the implementation, monitoring, and review of the WHS documentation, policies, procedures, and instructions, in order to ensure they remained effective and relevant to the workplace.

5. What to do when an injury occurs:

- In 2020, a JBCM employee named Tom Smith injured his lower back whilst lifting a piece of timber up onto a work bench. Tom was a senior factory worker at JBCM.
- Sam (WHSO, who is also first aid qualified) attended to Tom following his injury, and recorded the details in an incident / injury form.
- Tom then went home, and saw his regular GP the following day.
- Sam (WHSO) notified WCQ of the injury the following day (the WHSO made sure to do this as soon as possible, as this must be done within 8 days of becoming aware of the injury).
- The injury was not considered a serious injury or illness, or a dangerous incident, so it was not reported to Workplace Health and Safety Queensland ("WHSQ").
- Sam (WHSO) and Kelly (RRTWC) maintained regular communication with Tom (injured worker) following the injury.

6. Dismissing an injured worker:

- Tom was not dismissed from employment following the incident.
- Although JBCM had no desire to terminate Tom's employment (as he was a good worker who they wanted to support), they also were aware that legally they could not dismiss Tom within 12 months of the work-related injury or illness occurring.

7. The claims process:

- The following week, Tom had still not returned to work, and submitted a claim for compensation.
- Tom advised JBCM of this immediately after, and provided a copy of his work capacity certificate to JBCM.
- WCQ accepted Tom's claim.
- JBCM was required to pay the first week of compensation to Tom, and WCQ managed the payments and compensation from that point onwards (this included medical and rehabilitation expenses).

8. Types of claims:

- Tom's claim was a statutory claim, which means he made a claim for statutory benefits, such as weekly compensation, and medical / rehabilitation costs.
- Tom did not make a common law claim, meaning he did not sue JBCM, and he did not believe JBCM's negligence caused his injury.

9. Reviews:

- JBCM was happy with WCQ's decision to accept Tom's application for compensation, so they did not request a reasons for decision document from WCQ, or submit an application for review with the Office of Industrial Relations ("OIR").

10. Appeals:

- As JBCM did not submit an application for review with the OIR, they did not have any need to lodge an appeal regarding this review / decision with the Queensland Industrial Relations Commission ("QIRC").

11. Legal representation (common law claims only):

- As Tom's claim was a statutory claim and not a common law claim, JBCM did not require legal representative.
- If Tom had proceeded to a common law claim, JBCM would have needed legal representation, and WCQ would have appointed a law firm from their approved legal panel to represent JBCM. The law firm would have worked with JBCM to defend the common law claim.

12. Paying excess on your insurance premium:

- Because Tom had taken time off work as a result of his work-related injury, JBCM was required to pay excess on their insurance premium.
- This excess was paid to Tom by JBCM as his first weekly payment of compensation (see section 7 above).

13. The return to work process:

- Kelly (RRTWC) worked with WCQ and Tom's medical and rehabilitation specialists to develop a return to work plan for Tom.
- As part of Tom's return to work plan, he initially came back on light duties, which included working 3 days per week in the administrative office assisting with the paperwork for orders and suppliers.
- After a month of light duties in the office, Tom slowly returned to work in the factory. This was managed by Kelly (RRTWC), WCQ, and Tom's medical and rehabilitation specialists.

14. Steps to prevent a reoccurrence:

- Following Tom's injury, Kelly (RRTWC) and Sam (WHSO) worked together to investigate the incident / injury and identified potential causes and factors as to why this occurred.
- They then reviewed the relevant work procedures and manual handling guides, and conducted refresher training for staff on these procedures and guides.
- Kelly and Sam also spoke to and consulted with workers throughout this process to get their feedback and ideas on ways to improve the work processes.
- After Tom's injury, JBCM also implemented an inspection and audit plan, to regularly check for unsafe any plant, tools or work practices, and to check that their safe work procedures were being followed.