

## TAKING CONTROL OF DIFFICULT CLAIMS

With Australia failing to make any in roads into return to work outcomes for 15 years and with only incremental reductions occurring in the safety arena across the same period, it is imperative that Employers take back control of their Workers' Compensation programs by developing and driving strategies on difficult claims, aimed at achieving the best fiscal outcome for their organisation. During our session, what aspects of a claim you can control and influence, the need for accurate diagnosis and how to performance manage claimants were discussed, along with how surveillance can assist in gaining outcomes and what information can assist an IME in better determining capacity.



### Identifying and Managing At Risk Claims

Simon identified the need for employers to take control of the claims management process. This begins by developing an understanding of what an employer can and can't control and what they can influence. The main points to remember from Simon's presentation are:

1. Gain an understanding of the possible positive outcomes
2. Take control, do not leave it up to the Insurer, Treating Doctor or Injured Worker to drive the process
3. Look past the injury and ensure you are aware of the individual factors relating to the claimant that may impact on resolution of the claim
4. Develop a strategy:
  - a. Think several moves ahead
  - b. Understand how what you do today will impact the claim in the future
  - c. Identify how you can assist the Insurer and the IME in making decisions in your favour
5. With difficult claims leave emotion out of it and focus on two areas:
  - a. Compliance
  - b. Capacity
6. Understand what tools can be utilised to assist with these outcomes
7. Look for non-standard alternatives when they are available eg. Kerridge Terminations



**Simon Booth**  
**AEGIS Risk Management Services**  
*Manager | Workers' Compensation*

### Diagnosis and the Resolution of Injuries

David spoke about why understanding the nature of an injury is so important for a successful recovery. His key takeaway points are:

1. Early and Accurate Diagnosis and Intervention improves length of claim, length of modified duties and reduces lost work days.
2. Be involved in the process – implement injury prevention programs, offer suitable duties, co-ordinate their care and offer early intervention programs.
3. Communicate – with the worker, the treating practitioners and your injury management and operations team.
4. Remember the Biopsychosocial model. Health consists of a combination of biological, psychological and social factors and all three need to be taken into account when facilitating RTW.



**David Carroll**  
**Bodycare Workplace Solutions**  
*National Operations Manager*

## Performance Management of Injured Workers

Annabel identified that a Workers' Compensation claim should not impact on the performance management of an employee. The key steps to successful performance management process are:

1. Ensure there are relevant company policies and/or guidelines in place.
2. Nominate employees in key roles as per employer obligations and offer appropriate training and education.
3. Ensure employees have read, understood and signed off on their obligations re company policies as well as performance expectations.
4. Always ensure a fair, reasonable and consistent process is followed across the business.
5. Check in with your HR advisor and/or Workers' Compensation insurer to understand changes to legislation and/or obligations.
6. If you are not sure, get advice.



**Annabel Rees**  
**Businessary**  
*Managing Director*

## Surveillance in Workers' Compensation

Patrick raised the difficulties in the surveillance space as claimants become more surveillance aware and are warned and coached by their legal representatives. He outlined what surveillance organizations can and can't do and how Surefact works to obtain useful information regarding claimants to influence claims outcomes.

The main points from Patrick's presentation are:

1. Provide accurate information regarding the claimant to your claims agent including:
  - a. Identification Picture
  - b. Information relating to the claimant's vehicle
  - c. Claimants restrictions
2. At all times, a surveillance operative must comply privacy legislations and any codes of conduct handed down by the various regulators
3. Surveillance is becoming more and more advanced as a direct result of the increased savviness of both claimants and their legal representatives
4. If utilised correctly, surveillance is a key component to the management of difficult claims and can be an essential piece in achieving a positive outcome



**Patrick Henderson**  
**Surefact**  
*Director*

## Making the most of an Independent Assessment

Majid outlined the role of the Independent Medical Examiner (IME) and provided insight into both the process which is undertaken and the information that assists him in undertaking an accurate assessment of any injury and its connection, or lack thereof, to employment.

The important considerations relating to Independent Assessments are:

1. IME or FFDs are medical assessment that stands on three pillars:
  - a. the worker
  - b. the work
  - c. with regards to relevant legal frameworks (legislations, regulations, guidelines and employers' policies)
2. For the best objective outcome provide as much information as possible in relation to a-c.
3. Details of the accident, position description, task analysis, records of previous injuries, illnesses, pre-employment medicals, disciplinary matters, drug and alcohol issues.
4. Workplace assessment is an important tool in assessing causality, finding suitable employment and return to work.
5. Supplementary reports can be requested for further clarification of issues that remain unclear.



**Dr Majid Rahgozar**  
**UHG**  
*Occupational Physician*

# BJS Insurance Group Workers' Compensation Breakfast Seminar – Summary of Presentations



## Claims Management Strategies for Difficult Claims

Elias provided insight into how working with your insurer can result in positive outcomes for employers at times when a return to work is no longer considered a viable outcome. He also discussed the Workers' Compensation avenues for reviewing, terminating and altering claim entitlements.

Elias' main points to remember are:

1. An employer and insurance agent working collaboratively to formulate and implement an appropriate claims management strategy, can more effectively manage difficult claims.
2. An accepted claim may be reviewed and the entitlement to compensation terminated if appropriate evidence becomes available.
3. Legislative obligations about return to work exist for workers who are entitled to weekly compensation payments. An insurance agent may take action that impacts those entitlements if a worker is non-compliant with those obligations.
4. When a worker has an incapacity for work and reduces their hours of work for reasons unrelated to the compensable injury, an insurance agent may decide to impact the amount of weekly payments paid to the worker.
5. Obtaining an independent medical examiners opinion is the most common strategy employed to assess and address treatment that is considered to be excessive or ineffective.



**Elias Mavros**  
CGU

*Manager – Eligibility & Dispute Resolution*

The slides and videos from the BJS Workers' Compensation Breakfast Seminar can be accessed [here...](#)

