

COVID-19 MATTERS

SUMMARY REPORT | OCTOBER 2021



Independent
Review Office

COVID-19 Complaints and Enquiries received

Matter Type	September 2021	October 2021	1 March 2020 – 31 October 2021
Complaints	16	4	193
Enquiries	26	30	250
Total	42	34	443

COVID-19 ILARS Funding Applications received

	October 2021	1 March 2020 - 31 October 2021
Applications for funding - ILARS	40	111

COVID-19 Issues, Complaints and Enquiries

COVID-19 Issues Complaints and Enquiries	October 2021	1 March 2020 - 31 October 2021	% COVID-19 matters to date
Issues attending medical treatment/appointment	4	168	38%
Seeking general claims information	3	121	27%
Concerns about suitable duties	1	82	19%
Claiming compensation while in isolation or contracting COVID	10	45	10%
Related to COVID vaccines	16	27	6%

Case Studies

IME refusal to examine

An Approved Lawyer complained to the IRO that an independent medical examination had been arranged for their client by the insurer, but the independent medical examiner had declined to examine the worker who was not vaccinated. The Approved Lawyer had proposed a telehealth assessment, but the insurer maintained a physical examination was required. The IRO confirmed that the COVID-19 Guidance for referrers allowed the insurer to consider an online video assessment in certain circumstances and offered to liaise with the insurer to see if they would reconsider their position. The Approved Lawyer advised they would seek further instructions.

Application for funding – Psychiatric injury related to vaccination mandate

An Approved Lawyer applied for a grant of funding for a nurse who claimed to have suffered a psychological injury resulting from the COVID-19 vaccination requirements under the relevant Public Health Order. The worker's treating doctor had certified the worker unfit for work due to anxiety and a panic disorder in response to fear of forced immunisation. It was claimed the worker suffered from a pre-existing disease which should have made them exempt from the vaccine requirements. The insurer had denied liability and relied on section 11A of the 1987 Act, maintaining that any psychological injury was wholly or predominantly caused by reasonable action taken or proposed to be taken by the employer with respect to discipline, retrenchment, dismissal and/or provision of employment benefits to workers. The IRO granted funding for the Approved Lawyer to conduct preliminary enquiries and to provide legal advice.

Application for funding – disease injury

An Approved Lawyer sought funding on behalf of a retail worker who maintained they contracted COVID-19 in the course of their employment. The worker's current claim was for a closed period of weekly benefits and pharmaceutical benefits. The insurer had denied liability despite the worker having the benefit of the presumption in section 19B(1) of the 1987 Act that they had contracted the virus in the course of their employment in the retail industry. The insurer maintained that the worker had contracted COVID-19 from their son rather than at work. The IRO granted funding for the Approved Lawyer to conduct enquiries, including obtaining medical evidence and to provide legal advice.

Trend in COVID-19 Complaints and Enquiries

