

Mediation Case Study - Secondary Psych Claim

THE DISPUTE

John, a Rigger at a large mining firm, sustained a lower back injury. Return to work had been problematic with several unsuccessful attempts, attributed to increased pain. Due to John's physical limitations, he had been provided with duties within a team that was different to his pre-injury team.

Rehabilitation provider reports and medical reports were suggestive of difficulty coping, and a possible conflict with a co-worker. The insurer referred for mediation and had concerns a secondary psych claim could follow if the matter was not resolved.

PRE-MEDIATION FINDINGS

Individual pre-mediation sessions were held with each party.

Some years back John had worked within the team he was now undertaking suitable duties in. He shared that he had had a significant personal conflict with Len (co-worker in question). This had led to him moving to his new team (pre-injury). This was not common knowledge within the business, as the conflict was a personal matter.

John confirmed that he was avoiding shifts where Len was likely to be working, and was presenting as unable to attend. He acknowledged that he feared a confrontation with Len.

Len on the other hand, was resentful that John had left his team previously. He didn't feel that John had handled himself appropriately historically and was annoyed that he was now having to take on a higher work load due to John's physical restrictions.

OUR MISSION

Cost effective, professionally facilitated dialogue, leading to sustainable solutions.

MEDIATION

A successful mediation was conducted with both parties.

KEY OUTCOMES:

- ✓ The mediation enabled both parties to share how they had felt about their previous experience and acknowledge that it was in the past and a lot had happened in both their lives since
- ✓ Both agreed they benefited from being heard and now had a better understanding of how each other had felt
- ✓ John explained that he was embarrassed to be a burden to the team and was keen to get back to full normal duties as soon as possible. He was grateful for the opportunity to have suitable duties available to help build his strength
- ✓ Len acknowledged that the circumstances of John's injury could have happened to anyone on site and that "you should be helping a mate to get back on his feet!"

OUTCOMES

- ✓ Mediation successfully unravelled the historical issue and provided clarity around John's decision to move to a new team
- ✓ The mediation provided clarity around John's physical limitations, return to work plan and timeframes
- ✓ It was identified that there were other duties that John could do that would be more productive and less reliant on support from co-workers, and these were put to the RTW coordinator/rehab provider and agreed
- ✓ John's responsibility to raise concerns rather than not attend work and to communicate to team members was agreed

VALUE

The investment in mediation was \$2,500 plus GST.

John returned to full normal duties after completing an additional 6 weeks on the return plan post-mediation in the same team as pre-mediation, without issue and no treatment or claim was lodged for secondary psych.

Referral to mediation outcome: 4 days