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Victim/survivors of Crime in the Workplace: Interactions between workplace injuries and criminal injuries compensation and financial assistance.

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Introduction

- ▶ Definitions
- ▶ Data
- ▶ Bowie typology of workplace violence

Bowie Typology of Workplace Violence

	Intrusive violence	Consumer-related violence	Relationship violence	Organisational violence
Examples	Criminal intent by strangers, terrorist acts, mental illness or drug-related aggression, protest violence	Consumer/client/patients and (family) violence against staff, vicarious trauma to staff, staff violence to clients/consumers	Staff on staff violence and bullying Domestic violence at work	Organisation violence against staff Organisation violence against consumers/clients/patients
Application to victim/survivors of crime	Usually manifested in cases of robbery and sexual assault – can involve acts of deprivation of liberty – Bowie notes example of those who shelter in public facilities make become violent when attempts to relocate them (e.g. libraries-homelessness)	Health care professionals, police, security workers, taxi drivers	May activate victim/survivor/survivor claims were violence includes assault, threats	Unlikely to activate victim/survivors/survivor claims
Other forms of compensation/payment	Often involve workers compensation claims	Often involve workers compensation claims	Workers compensation claims in some circumstances – depending on the nature of the dispute/violence	Workers compensation claims in some circumstances – often contested

Interacting Legislation

- ▶ All States and Territories have criminal injuries compensation or financial assistance schemes
- ▶ Northern Territory does not allow payments when the injury was in the course of the employment
- ▶ Commonwealth no criminal injuries scheme and requires repayment of any monies if claims made elsewhere

Incentives to claim criminal injuries and workers compensation

- ▶ Workers compensation caps weekly wages – no overtime and allowances
- ▶ No payment for pain and suffering
- ▶ Some extra payments allowed under criminal injuries
- ▶ Common law restrictions may prevent some claims – but allow criminal injuries

Bowie model applied to criminal injuries and workers compensation

<p>External or intrusive violence</p>	<p>For example the workers is injured by being attacked by a customer/patient/client or by a robbery</p>	<p>Workers compensation is generally claimable as well as victim/survivors of crime compensation</p>
<p>Internal violence – work related</p>	<p>For example where the worker is assaulted by another worker in the context of a work related matter</p>	<p>May be a workers compensation claim where the dispute was work related or if the victim/survivor is assaulted without warning. Victim/survivors of crime compensation also claimable</p>
<p>Internal violence – personal disputes</p>	<p>Personal disputes usually take the matter out of the course of the employment</p>	<p>Not compensable as workers compensation but possibly at victim/survivors of crime compensation provided claimant/victim/survivor did not contribute to the injuries</p>

Vignettes

- ▶ Customer service workers
- ▶ Taxi drivers and Uber
- ▶ Police and Security
- ▶ Health workers
- ▶ Teachers

Gender issues

- ▶ Clusters of increased claims in certain occupations – health workers/teachers in workers compensation claims
- ▶ Some differences in trauma related injury in criminal cases –
- ▶ Criminal injuries and trauma – physical injury and trauma/mental and nervous shock
- ▶ The *Comcare* effect

Conclusions

- ▶ Data workers compensation and criminal injuries is asymmetric
- ▶ Workers compensation data tells some stories in relation to mental and nervous shock = long duration claims
- ▶ Long duration claims = incentive to claim criminal injuries compensation
- ▶ Police in WA an outlier



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