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Sunday Herald Sun

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# Big win for a fall guy

Landmark workers compo ruling

AN accident-prone parking inspector has made it easier for injured workers to chase claims against negligent employers.

Yousufallah Mohammed tripped and fell while issuing parking tickets at a Melbourne shopping centre in May 2014.

Later that day, he fell down a flight of stairs and was seriously injured while on the way to report the first fall to management at Whittlesea City Council.

He ultimately lost his job after medical advice that he was unfit for work.

As a result of his injury, Mr Mohammed applied for impairment benefits and a medical panel was called to assess the degree of permanent impairment.

But after the panel assessed the level of impairment at just 5 per cent, finding he did not have fractures over multiple levels of his spine, Mr Mohammed took his fight to the

SHANNON DEERY

Supreme Court. He convinced the court the medical panel was wrong, but that decision was appealed to the Court of Appeal.

The appeal centred on the meaning of the word "fracture" for injured workers who undergo spinal fusion surgery.

Lawyers for Mr Mohammed successfully argued it had an ordinary dictionary meaning over a technical medical meaning.

His lawyer, Joseph Ridley of Arnold Thomas and Becker,

said the dispute was a narrow but important one.

"The Court of Appeal has now made it clear that injured workers who undergo spinal fusion surgery are now entitled to far greater no-fault compensation than before," he said.

"Previously workers such as my client could expect about \$13,000 in no-fault lump sum compensation but can now expect about \$70,000. It is a fantastic result for workers compensation in Victoria."

Mr Ridley said that, as well as dramatically increasing the amount of no-fault compensation available, the decision would also make it easier for injured workers to pursue fault-based claims against negligent employers.

"For serious spinal injuries such workers can seek over \$611,430 for pain and suffering compensation as well as \$1,404,380 for loss of earning compensation," he said.

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