

Employability Assessment of Total & Permanent Disability (TPD) Claims in Australia

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Session Outline...

Challenges of an international forensic practice

TPD Challenges

Activity Your views


Vision Best practice

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The Australian context...

Public disability

- Australia-wide
- Work capacity assessment
- Legal contestability rare



Private disability

- State and federal schemes
- Forensic assessment
- Legal contestability

Total and permanent disability...

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What is total and permanent disability (TPD)?

- Life insurance product
- Covers illness and injury
- Financial safety net until retirement age
- One-off lump sum payment "winner takes all"
- Medical and employment evidence

Why is TPD significant?

- Part of compulsory superannuation
- Most working Australians have TPD
- AU\$1.5 billion paid to claimants in 2015

What is the second limb?

Typical policy limb

... after that period of **six months** [of the claimant having been unable to perform their own occupation or employment], we are of the opinion that, as a result of that injury or illness, the Insured Person is disabled or incapacitated to such an extent as to render the Insured Person **likely never** [unable ever] to be engaged in **any** gainful occupation for which the Insured Person is **reasonably suited** by education, training or experience [ETE]...

What is employability assessment?

A life insurance Employability Assessment is an assessment of a person's vocational capacity based on their education, training and experience and within their medical functional capabilities.

Australasian Life Underwriting Claims Association (ALUCA) Rehabilitation Subgroup: TPD Working Party, 2016

Key components

- Background
- Functional summary
- ETE
- Transferable skills analysis
- Occupational options: details and rationale
- Labour market analysis
- Conclusion, references

Employability assessment challenges...

- No time limit on lodgement of claim
- Onus on claimant to prove incapacity
- Contact with claimant not essential
- Rehabilitation not considered
- Retraining not considered

Professional practice challenges...




- No independent standards
- No independent TPD practitioner training
- No practitioner certification

Challenges...



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New challenges...




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What is your experience?

Group 1 Advice on legal implications for EA

1. How have cases like *Daubert* influenced your work?
2. What do the courts regard highly in assessments?



Group 2 Advice on EA methods and scientific rigor

1. Why use standardized methodology?
2. How to maintain scientific rigor of each assessment?

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Where does my research fit in?

My research is about people...



...and the employability assessment of their TPD claims


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Employability Assessment in TPD...

Research aim
To investigate the effectiveness of employability assessment in TPD claims

Research questions

1. What is employability assessment?
2. Is it helpful in decision-making?
3. What is the claimant's experience?



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The future...



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What does the future look like?

Employability assessment practice

- Research based
- Training in forensic practice
- Clear guidelines for EA

Forensic vocational rehabilitation practitioners

- Forensic guidelines
- Certification
- Collegial links and learning

Lena

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Thank you...

*any questions?
any comments? ...*

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