

The key role of occupational medicine specialist as an expert witness in national and international law suites

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Abstract

The occupational medicine specialist has a key role in assessment of one's capacity to work, as well as their incapacity, temporary or permanent. This assessment is a very responsible task and there is always an unsatisfied party, the patient or the authorities, as well as the lawyers. The aim of this paper is to demonstrate the importance of the expert witnesses' complete neutrality. They have to assess the patient's work capacity completely objectively and in doing so have to cancel out their emotions and the potential uncomfortable feeling whilst confronting the team of experts representing Croatian Institute for Health or Pension Insurance. Here are presented four cases of expert witnessing where unsatisfied patients pressed charges against the Croatian Institute for Pension Insurance. The first is the case of a person with dual nationality Bosnian and Herzegovinian and Croatian, resident of Austria, who sued Croatian Institute for not being granted pension for the disabled. The second is a 37 years old woman, a shop assistant who suffers from lumbar disc hernia and claim she cannot lift weight in the grocery shop. The third is the case of a 27 years old woman who has no forearm and two toes on each foot but was proclaimed capable of independent living. The fourth is the case of a fashion tailor who suffers from a severe case of epidermolysis bullosa hereditaria, she states she is fighting for her life, but was proclaimed capable of working. They too sued the authorities. In the first two cases the expert witness for occupational medicine decided that the Croatian Institute made a correct decision and the last two cases were won by the patients. Such law battles are fought daily and courts are overburdened by them. On one side the patients (the claimants) are too subjective and think that their state is the heaviest and on the other side the Croatian Institute for Pension and Health Insurance with very limited means, is laden with applications for the pension for the disabled. However, the limited means must not be the reason for a truly ill disabled person who cannot work anymore, not to be able to retire. On the other side those who can still work or would like to gain undeserved benefits, must be refused their applications. Incomplete medical examinations are another frequent cause for such claims being rejected by the Croatian Pension and Health Institute. To conclude, the occupational medicine specialist as an expert witness successfully solves all the unclear cases of work in/capacity. The occupational medicine experts should be included in Croatian Institute for Pension teams in order to avoid unnecessary court expense and to adequately assess the patients.

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Biography

Hrvoje Lalic has completed his Medical degree at University of Rijeka in 1983 and worked as the General Practitioner in the Health Center Rijeka for ten years. He did Specialization in Occupational Medicine in Zagreb, Croatia, in internationally famous School "Andrija Štampar" that is under the WHO patronage and

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