

# Injury at work led to ruined sex life

By Christopher Knaus

A truck driver who developed marriage-destroying erectile dysfunction after injuring his back carrying up to 40 kilograms of timber has won a \$725,000 payout.

The man, then aged 27, began working for FAW Industries as a truck driver in 2002 and was responsible for deliveries and moving materials between its sites in Mitchell and Yass.

He said he was given no training, and the company was found to have little in the way of an occupational health and safety policy or system.

In September 2002, the driver was working at the Mitchell site, carrying two 15- to 20-kilogram planks on his shoulder and placing them into the truck.

He was forced to walk over knee-high stacks of wood to reach the timber he needed.

He felt a sharp pain in his back as he stepped off one of the stacks of wood, still carrying two planks on his shoulder.

It was described as the "worst pain he had ever felt", and he said it was as though his whole spine had knotted up.

The driver thought he would be able to get the truck back to Yass, but began to feel pins and needles and a burning sensation in both legs as he drove.

The injury left him unable to return to work for FAW Industries.

He was eventually laid off as an employee, and received worker's compensation, medical expenses and some physiotherapy.

Two years later, the man developed erectile dysfunction.

After the accident, he began seeing a woman who would eventually become his wife. But the relationship broke down, with the worker blaming his injury and its impact on their sex life.

He struggled to find suitable work, became angry and depressed, and started drinking.

The worker, represented by Capital Lawyers senior partner Daniel Steiner, took his case to the ACT Supreme Court, where Master David Harper presided over the hearing about 10 years after the injury.

Master Harper delivered his judgment this week, and said he found the injured worker to be an "honest and truthful witness with no particular emotional axe to grind".

His evidence about the circumstances surrounding the injury was not really challenged by the company, although it disputed liability and the amount of damages being sought.

But Master Harper found the company to be responsible for the injury.

"I am satisfied on the expert evidence that the injury to the plaintiff was relevantly caused by the defendant's unsafe system and unsafe place of work," he said.

Master Harper also accepted that the man would suffer back pain for the rest of his life, and it may deteriorate and require surgery in the future. He also said the man must be compensated for his erectile dysfunction.

A total payout of \$725,000 was awarded, and the company is entitled to judgment against its two insurers for the amount.