

Submission to the Senate Inquiry into Australia Post Injury Processes

[REDACTED]

This is the truthful record of what happened to me when I was injured at my place of employment at Australia Post on [REDACTED] 2006.

1. It is standard practice in Australia Post Management to refuse all but the most extreme cases in Comcare claims, in direct contravention of Comcare policy and flouts the spirit of Comcare conditions under which Australia Post acts as a licensee.
2. I was given the written material I had requested, in a letter of [REDACTED] 2007 signed by [REDACTED] Claims Manager. This included the following items on which they based their decision refusing my accident claim.

Although Australia Post referred me to Dr. [REDACTED] who incidentally agreed with my own doctor that I was unfit for work, they then went on to claim [REDACTED] was not a Facility Nominated Doctor. If this is an error, that is regrettable, but I went in good faith and the reference is documented in a letter by [REDACTED] dated [REDACTED] 2006. I also had a witness to the accident who signed off on the report. Although my left arm was very sore at the start it became acutely painful during the next two or three weeks.

[REDACTED] Human Resources, denied I had a witness and [REDACTED] tried to convince [REDACTED] did not see the accident, but she stood firm. I screamed in pain and dropped the box, [REDACTED] saw me dropping the box and holding my left arm. On top of this [REDACTED] made the false statement that I said "I'm going to screw them this time I never get the jobs." This is hearsay from an alleged and unnamed witness. Although I asked for the name on several occasions, it was never given to me. I was angry they had refused my claim insinuating I was lying and I did say "Screw Australia Post, I have never lied to them." Quite a different statement from the one claimed. My witness stands by [REDACTED] statement and I deny what an alleged unknown witness is claimed to have said.

On a file note [REDACTED] Compensation Claims Manager, states that [REDACTED] is not an FND Yet they sent me to [REDACTED]. In another file note of [REDACTED]/2006 [REDACTED] who is a loud, aggressive and positively rude to claimant employees on the telephone, stated I abused and yelled at [REDACTED]. This is not true, as she was shouting at me and calling me a liar who made false claims (although not in those exact words) and I was merely defending myself, my right under law."

3. My certificates of capacity are clear, 'no use of the left hand'. Despite the legal and moral obligations on Australia Post under Comcare there were no other positions offered to me and no rehabilitation, absolutely none. To take any injury case forward is expensive for an individual on a below the poverty line income. Medicare refuses to process the claims and I had to pay and wait for re-imburement. Additionally when they refused to agree it was a work injury, I had to go to [REDACTED] lawyers and pay a deposit of \$1,400. Australia Post also demanded a non refundable medical report which cost me \$200. That was punitive and unreasonable. On the advice of my own doctor I went to a specialist for another report and paid for it and to a hand therapist, who helped me greatly.

This is how Australia Post forces people to give up. That is how they lower the injury rate statistics and pay the Managers bonuses by not paying injured people their compensation. They force people onto sick leave and if they progress their claim, force them to sign a resignation at the AAT or take the matter forward to the Industrial or Supreme Court.

How are ordinary employees supposed to pay for it? The fact is they cannot and sign the resignation, or admit it was not a work injury and go back to work with their sick leave totally used up. In my case I signed the resignation because I did not want to have to go through a two year fight, I had suffered enough already. Also they did not pay me for all the time covered by the certificates, another way to cut down injury time get paid higher bonuses, while taking the money from our legitimate claim.

4. Australia Post is in breach of the Enterprise Agreement 2004 – 2006
“2.2 Australia Post will be a good employer and will treat individual employees in a fair manner.” Under Australian Law I and the other claimants are entitled to an assumption of innocence, this does not happen. We are also not treated fairly, but with contempt and cruelty.

Bonus payments should not depend on robbing people of their Comcare claims. The sooner the license is revoked the faster people will be treated with some justice and not as if they were a lying malingerer. I am right handed and this is a left hand repetition strain injury which happened at work.

5. In a letter of [REDACTED] 2007 [REDACTED] who is in Employee Relations wrote to me advising that on [REDACTED] 2007, [REDACTED] Manager Human Resources, wrote asking me to indicate my intention to return to work. I contacted [REDACTED] by telephone and asked why I had not been offered rehabilitation or alternative work and if [REDACTED] had an offer of any kind would [REDACTED] please put it in writing and send it to me, so that I could consult with my doctor regarding its advisability as my left arm could not take sustained use of the thumb in apposition. No letter or advice of any kind was sent to me or any offer made to me for 6 months. This is a clear abrogation of their Duty of Care in terms of their Comcare License. They have broken the law. They have to offer rehabilitation or alternative employment, they offered nothing.

According to [REDACTED] I was touring Australia whilst on sick leave. I did go on holiday with my [REDACTED] in [REDACTED] and [REDACTED] 2007 simply resting my arm by not doing any house or other work and it got better. I was not on sick leave that is a lie. I was out on worker's compensation.

According to [REDACTED] I indicated I was unfit for duty by the submission of a recreational leave application. I cannot see that to be the case. [REDACTED] directed me to return to box sorting. [REDACTED] was perfectly aware I had a diagnosis of de Quervaine's Syndrome, which is a classic repetition strain injury, yet [REDACTED] sent me back to the exact job that caused it and the injury came back within weeks, destroying all the efforts of my doctors, therapist resting my arm on holidays and being so careful. I had to put the hand brace back on and suffer the acute pain all over again before getting another set of certificates of incapacity.

Incidentally my last certificate did not finish on [REDACTED] 2007 as [REDACTED] stated, it ended on [REDACTED] 2007. This is a very obvious and easy to prove counterfactual statement. I had certificates dated until [REDACTED] 2008, but Australia Post at the AAT refused to pay until then. That is their standard practice, bullying the applicants out of their rights as they know applicants cannot afford the high court costs. By the way would you enquire of Australia Post when and where they paid the amount the agreed to at the AAT? I don't believe I received it, but would be pleased to have the matter explained to me as no one has done so thus far.

Regarding the resignation which would have been on [REDACTED] 2006, I wrote to [REDACTED] on [REDACTED] explaining the accident and offering to go to one of their doctors which I am not legally obliged to do. Hardly the behaviour of a liar who would have risked being found out, It is the behaviour of an honest person who has told the truth and therefore unafraid to be examined by a FND.

I particularly wish to appear before the committee and will gladly bring any evidence you require and answer any questions you may care to put to me. I can substantiate my claims with prima facie evidence. I will also tell you exactly what I want in the way of justice.

Yours faithfully

[REDACTED]