

Submission
No 91

**INQUIRY INTO ALLEGATIONS OF BULLYING IN
WORKCOVER NSW**

Name: Kathy Quinlan

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Partially Confidential

BACKGROUND

My employer is now the Safety, Return to Work and Support Division (SRWSD) but was previously Work Cover NSW.

June 2011 was the start of my experiences with my employer's [redacted]. The following is an outline of my concerns relating to my submission of a workers compensation claim (attachment 1) and recurrence of injury claim (attachment 2).

I had previously sought ergonomic help from my employer due to my stiff neck symptoms. My neck symptoms increased to daily discomfort during the period 2010 to 2011 and I started to believe this was being caused by the change in my computer set up (attachment 3). My neck exercises were providing me with limited relief.

I frequently asked for help and was told there was no money in the budget for any assistance. I did not accept this response as other staff had one larger screen instead of duplicate screens. I used my leave to work a 4 day week to manage. By May 2011 my symptoms had spread to shoulders, arms and right hand and right arm radiculopathy. I believed my symptoms were related to the nature of my work, my workstation's keyboard, mouse, and in particular the recent introduction of a double screen setup. I provided to my employer a letter from my doctor requesting assistance (attachment 4).

My employer arranged for the Commonwealth Rehabilitation Service (CRS) to carry out an ergonomic assessment of my workstation. Recommendations were made for changes to my computer setup and a follow up visit by the CRS (attachment 5).

The [redacted] officer advised me that WorkCover was seeking funding from the Department of Ageing and Disability to carry out the recommended changes to my workstation made by the CRS to my employer. The [redacted] officer advised me a few days later that no funding was available to provide assistance to me. This shocked me, causing further distress, loss of sleep and increasing the level of pain I already had.

I continued to attend work with physical symptoms and emotional stress. My treating doctor and physiotherapist urged me to submit a workers compensation claim. I ended up at Gosford Hospital Emergency seeking help, was certified unfit for two weeks, and told to consider submitting a workers compensation claim. I submitted my claim for physical and psychological injury in the last week of June 2011.

After many requests to the insurer, the first advice I received about liability was an email on the 22 August 2011 providing the provisional liability acceptance letter dated 12 July 2011 (attachment 6). I continued to believe my claim was denied for the psychological injury and only provisionally accepted for the physical injury for the next 18 months.

On the 21st September 2011, I met with [redacted] to view the file material that was held by my employer concerning my claim, and try and find out what was going on. I did have concerns I would be treated unfairly for reasons I explain later on. In the meeting, the [redacted] told me numerous times that the liability on my claim was irrelevant. I believe the [redacted] was aware of liability acceptance on my claim at this meeting. I had been advised the day before that my claim case manager was to be changed on the 21 September 2011 (attachment 7).

In January 2013, insurer staff told me liability for my physical injury had been formally accepted on the 21 September 2011 and that my claim had still been open in May 2012. I broke down and cried on hearing this information (**attachment 8**). I was also provided with the s74 denial letter on the psychological injury (**attachment 9**). In my view it was very unfair of the [redacted] not to inform my immediate manager I had a fully accepted claim and contributed to an unfortunate sequence of events over the next two years at great cost to all involved parties.

During 2012 I had continued to request further ergonomic assistance without success. In September 2012 my symptoms had not improved and I submitted the recurrence of injury claim form for selected duties and ergonomic assistance. My workstation was once more changed at this time and led to an increase in my symptoms resulting in loss of work time (**attachment 10**).

If all the involved parties, not just the [redacted], were aware the original claim had been accepted for the physical injury, the second and third claim may never have occurred. I believe, with the support of my immediate line manager, I would have obtained the further ergonomic help I needed.

At this point in time my interaction with the [redacted] reached the stage where I had recovered enough psychologically to admit to myself I was being bullied. The [redacted] told the insurer I was not making a claim which was not true. Things deteriorated for me and there was a lot of bullying by the [redacted] not to submit the second claim that it had to be a new injury and what had I been doing differently. Nothing had really changed in my work so I did not know how to answer this question. For the s74 letter on my second claim made in September 2012 please see **attachment 11**. I have been using my leave to cover the Work Cover capacity certificate restrictions ever since this time.

The CRS officer assisting me in my first claim had always advised me I could obtain a copy of my CRS file notes (**attachment 12**). After two written requests outlining my reason, I made a formal FOI request to Canberra on the 18 July 2013 (**attachment 13**). I have attached the FOI refusal on the basis of third party submission(s) and other reasons (**attachment 14**). Please note I have never previously made any FOI request to anyone. The FOI refusal letter caused me shock and distress. I recently did obtain some CRS file note material which has further assisted me regarding what may have been happening in my first claim.

In July 2013, in the presence of the [redacted] and my [redacted], I saw a file note about my June 2011 claim, indicating I was not to be provided with any CRS assistance and that the PSA would use any acceptance of my claim in their dispute in the IRC regarding other s86 non appointments. I have acted in a role for many years. I had always previously been told by SRWSD management that my non s86 appointment (**attachment 15**), was a completely separate matter from my workers compensation claim.

I did have a further one week's time loss and submitted a further claim which was denied. I have asked for an insurer review of this decision (**attachment 16**).

I am horrified to be in the position of submitting a workers compensation claim every year for three years. I have gained much needed ergonomic equipment with submission of the first two claims. The third claim was an attempt to resolve the psychological aspects as this aggravates my physical injury. I was seriously unwell that week and desperate not to regress to the situation I was in health wise in 2011.

REPORTING COMPLAINTS OF BULLYING

My first contact with the Bullying Response Service (BRS) was on 27 July 2012. I had contacted the BRS about my concerns regarding fairness in relation to my non-appointment under s86 (attachment 17). My access to the BRS was removed within four hours.

In September 2012, following the submission of my recurrence of injury claim form, the [redacted] advised me there was no point in me contacting the BRS as anything I told them would be relayed to them so I may as well tell them now. I advised the [redacted] that if I felt I was being bullied, I would contact the BRS again. I also advised the [redacted] that my [redacted] was aware of my concerns and it was best they spoke [redacted]. I was very wary of confiding in the [redacted] because of what went on in my first injury claim in June 2011. The [redacted] again repeatedly asked me could they speak with my psychologist and I continued to refuse permission. I advised the [redacted] they could talk to my treating Physio therapist, as I had previously advised.

My [redacted] did suggest I consider submitting a grievance regarding the behaviours I encountered during this time but I chose not to as I did not have confidence in the grievance process and I was becoming increasingly unwell physically and psychologically during this time as the behaviour brought back all the distressing memories of what I had experienced in 2011. I had to concentrate on getting well.

In February 2013 I believed I was well enough to contact the BRS for the second time for assistance regarding my experiences at work. The psychologist was very helpful and made a follow up appointment with me which was unable to be kept and I was told the reason for this was because that would be the psychologist's last day of work with the BRS. This did cause me distress and I asked the BRS to destroy all the material I had sent (attachment 18). On the 15 November 2013, I spoke with the BRS and was advised the material had been destroyed as I had previously requested.

DESCRIPTION OF PARTICULAR INCIDENT/S

I don't wish to detail particular incidents - I was shocked and disturbed by all the incidents and just tried to survive and retain my employment. I will provide some general observations.

To ask my employer work Cover / SRWSD over a long period of time, for ergonomic help, without receiving assistance, was very difficult, painful and distressing.

I had complained about resourcing of my team, particularly during the development of the [redacted]. Our team was promised the positions would be advertised in 2006 and many other times over the years. I raised my concerns about how any delay in addressing the [redacted] would greatly compound the problems. I spoke up clearly about the unfairness of long term acting in roles. One of our team had been acting in their role for ten years. I was aware there was a possibility I would be 'punished' for this, but had limited awareness about my own personal vulnerability for what was to occur in my workplace from September 2010 onwards.

It is still traumatic for me to recall the events of June and July 2011. I will always be grateful to the CRS who started providing me with assistance in late August 2011.

The events of September and October 2012, particularly with the _____, were harmful to me and resulted in further time loss and another graduated return to work.

CONCLUSION

My experiences traumatised me, caused me physical pain and made me ashamed of my employer. This year I have been attempting to resolve the issues I have had. Gosford hospital advised me to only speak with people I trust about the issues. I have slowly and carefully been re-building my confidence and am grateful to the staff members who have assisted me in this.

I never felt personally bullied by my _____ claims manager but have concerns about process. In regard to my injury I have now been provided with a contour rolling mouse to assist me in avoiding arm extension. This has reduced my loss of sleep at night. I am hopeful the inquiry can provide some healing for employees and others.

I wish the committee well in attempts to resolve the bullying issues that arise when there are competing interests such as those that occur on a regular basis in workers compensation and occupational health and safety.

Thank you

Kathy Quinlan