

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

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**Date received:** 28/10/2014

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Kathy Quinlan submission to the Review of the inquiry into allegations of bullying in WorkCover NSW

I wish to advise the committee of my belief punitive use of process has occurred in the handling of my Workers compensation claim by my employer's human resource area. There were many HR related actions which caused me distress over five years and the following highlights some of my major concerns.

Prior to submission of my claim in June 2011 an ergonomic assessment was done by the CRS and recommendations were made. I was contacted by HR staff and advised they were seeking funding from the Department of Ageing and Disability for provision of the CRS recommended adjustments to my computer workstation. A few days later I was advised no funding was available to assist me. This caused me great distress and resulted in the submission of the claim.

During the period September 2011 to December 2012 my employer never informed me or my immediate work manager that I had a fully accepted claim for physical injury. I did not receive the liability acceptance letter for physical injury, or the s74 denial letter for the psychological injury. The insurer informed me of formal acceptance of liability for physical injury in January 2013. I attended a meeting with HR staff on 21 September 2011, the day the insurer informed my employer of acceptance of the physical injury, and was told many times by the HR staff that liability was irrelevant. I always believed the physical injury had only been accepted by the insurer for provisional liability and had been verbally told by the insurer the psychological injury was denied. On the day the acceptance decision was made my insurer claims manager was changed.

I experienced the development of new symptoms in May 2012 and advised my treating doctor and work manager. We agreed to take a wait and see approach. In September, because of my increasing symptoms and requests for further ergonomic assistance being ignored once again, a recurrence of injury form was submitted to the HR area. I was claiming ergonomic assistance and selected duties. The insurer advised me the employer told them I had changed my mind and was not submitting the claim. This was not true.

The HR staff attended my work station and repeatedly tried to convince me to withdraw the claim. They also told me there was no point me contacting the BRS. A stand-up desk was then installed at my work station without any ergonomic expertise. This caused an aggravation of my symptoms, time loss of two weeks and a gradual return to work. At this time I was unable to use my hand to write and was psychologically distressed because of what was happening again. The claim was denied without waiting to receive the treating doctor's report. The insurer requested my doctor refer me for a CT scan which was done. The CT report resulted in a specialist referral and an MRI.

Before I was advised by the insurer of the claim denial, the HR staff rang me and advised the claim was denied and why had I forwarded another certificate.

My manager was becoming concerned about process not being followed and meet with HR staff . At this meeting my manager was told the injury was all my fault and I should just resign.

In May 2013 some ergonomic equipment was supplied which caused new symptoms but assisted me with avoidance of right arm extension in mouse use.

I did apply to the WCC and consent orders were made in November 2013. Following this I made my parliamentary submission to the Allegations of bullying in WorkCover NSW inquiry. In December 2013, the insurer asked for the current medical certificate which I provided. My solicitor advised me that following the consent order, I would be paid according to the legislation.

In January 2014, on my return to work after Christmas, my HR RTW officer advised I owed the employer thousands of dollars. This information was relayed from the employer representative at the WCC with the advice acceptance was only for a closed period. I consulted WIRO regarding what was happening in my claim. The insurer also now told me the consent orders were voluntary and for a closed period only. This was a contradiction to being asked by the insurer for the current certificate in December 2013. My physiotherapist notes were obtained and my claim referred to an IMC. I was not aware of the IMC referral for many months. An IMP was done in January 2014 but not forwarded to me or my treating doctor. The current diagnosis was incorrect on the IMP. The IMP was provided to the IMC.

A functional capacity evaluation was done in January 2014 and attended by my employer RTW officer. It took months to obtain the report. This report caused me great distress and my HR RTW officer has never read the report. My request for the follow-up appointment with my specialist was refused by the insurer on the basis anything wrong with my upper limbs has nothing to do with my cervical discs. The disc my specialist is most concerned about is the 5/6 because of central canal stenosis. I have various nerve problems with the other cervical discs as well.

My physical injury claim was denied in May 2014. I asked for an insurer internal review and was then advised an invalid decision had been made. There were many aspects in the processing of my claim in 2014 which caused me distress and I eventually began to believe they occurred because of my submission to the inquiry.

Of great concern is that I contacted the BRS service in 2012 and 2013 and each time that service was denied me. The decision to allow the HR staff member , who I believed had bullied me on in 2011, 2012 and 2013, and indirectly in 2014, to continue to be the employer's representative in my WCC matter, may be some explanation for what I have experienced in 2014 from the HR area. On the last occasion I was reviewing my employer's WC file to try and understand my concerns regarding non- receipt of insurer correspondence and other concerns, a blank piece of paper was inserted in the file with the words not ongoing written in upper case across the page.

I did have a WCC teleconference regarding my psychological injury this year. Unfortunately I have a lot of concerns about fair process in that matter which I hope to detail to the committee in a separate submission.

Thank you for the opportunity to tell some of my story.