

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

**Name:** Name suppressed

**Date received:** 23/08/2013

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Partially Confidential

I see myself as a survivor of the WorkCover system, a system that strips an injured worker of their dignity and self respect.

Workcover as the State Regulator of occupational health and safety fails miserably. I suffered a workplace injury and sought help through the Workcover system. What I received was extreme pain and emotional stress that took me on a journey that at times I didn't think I would return from.

I found the system to be prejudicial to psychological injuries, ensuring claims are dismissed swiftly. There is no attempt made by Workcover to investigate a claim. If an employer states they have robust policies in place to deal with workplace grievances, it supports their theory of the worker being the problem.

The claim is passed onto the insurance company who have no empathy, skill or knowledge in dealing with injured workers. As an injured worker you are at the mercy of a Case Manager whose focus is the bottom line, requests for treatment are hit and miss. There is far more energy, resources and money put into investigating and denying claims than on providing treatment and supporting a positive return to the workforce. The insurance company recruits medical specialists who are unethical and unprofessional resulting in an injured worker often being sent to more than one IME (shopping around) further demoralising the injured. All reports naturally dispute the injured workers own independent medical treatment/records.

I know this from experience as I was sent to two IME appointments. The first appointment QBE insurance sent me to was a Psychologist who disputed my injury. However, the IME stated in her report to the insurance company that in her opinion "if I was to be returned to the alleged perpetrator I was at risk of developing a psychological injury".

The second IME appointment was with a Psychiatrist named [redacted]. This IME had no interest in hearing how my injury occurred. The IME's questions were designed for a yes/no response. Any elaboration on a response from me was talked over. The focus of the IME's questions was on childhood to adulthood, the years in between and parents. His manner was antagonistic and on many occasions I was invited to leave his office. I found this IME to be unprofessional and unethical. This IME wanted a reason for my injury other than work. I was questioned relentlessly about my childhood and family, had I been sexually abused by my parents/siblings, participated in drug use as a child, teenager, did I come from a family plagued with mental health problems etc. My response was that I saw no relevance in this line of questioning so naturally the report states I was difficult and angry.

The IME report misrepresented myself, treating GP and independent Psychologist. My GP sent an amended statement of the conversation she had with Dr [redacted] to the insurance company stating "I disagree with Dr [redacted]'s recollection of our phone conversation. I did not say I felt pushed by Ms [redacted] to do anything. After [redacted] years of general practice I feel quite capable of making any decisions and do so without patients "pushing me" Ms [redacted] has been a patient since [redacted] (almost 19 years), if you look back at the first WorkCover Certificate it clearly states "Bullying and Harassment". Dr [redacted] only part remembers my statement that Ms [redacted] was fit for work – I distinctly added "but not until workplace grievance resolved".

**This correction to WorkCover did not prompt a review of the decision.**

**It should also be noted that both specialists informed me that they had been declined a copy of the investigation report (investigation into bullying and harassment was undertaken by my employer ); this was a pivotal document to the discussions underway.**

**The only option available to me from here was the adversarial pathway. More stress, more uncertainty and more hoops to jump through.**

**I had to endure three hearings with the Workers Compensation Commission. The first two hearings was owing to my employer failing to follow legislation and provide me with suitable duties when in receipt of a medical certificate stating fit for suitable duties. From March 2012 until September 2012 I was forced to use my Sick Leave, Recreation Leave, Long Service Leave and Leave without Pay. I believe my employer took advantage of the declined status of the claim, thus ensuring a lengthy wait to be returned to the workforce, further disadvantaging me.**

**The third hearing with the Workers Compensation Commission was to seek settlement of medical costs and recoupment of leave whilst waiting to be returned to the workforce. The settlement given by the insurance company was less than half of the leave I was forced to use while waiting to be returned to the workforce,**

**The WorkCover system demoralises and stigmatises the injured worker and has a culture of denial and cover ups, hence bullying and harassment is not taken seriously and this flows through to all areas of Government.**

**There was no avenue open to address my concerns other than through a legal challenge, a protracted system designed to wear down the injured worker even further.**