

**RESPONSE BY AUSTRALIA POST TO QUESTIONS ON NOTICE FROM SENATE INQUIRY
INTO AUSTRALIA POST'S TREATMENT OF ILL AND INJURED WORKERS**

	Question	Response
1.	<p>Senator WORTLEY -Thank you for your appearance here today. Do you have the figures of the number of complaints received about the FND process for employees, both past and present?</p> <p>Ms Walsh -No, we do not have that information here. I would suggest that it is quite a low number, particularly over the period of the terms of reference that this committee is looking at. On that basis, we can take that on notice but we do not have the figures here.</p>	<p>For the three financial years to the end of June 2009 there were 12 written complaints received by Australia Post. Records are not maintained for verbal complaints.</p>
2.	<p>Senator WORTLEY -Do you keep a record of the training that each FND participates in?</p> <p>Ms Walsh -That would be something that we would require the provider, InjuryNet, to keep track of.</p> <p>Senator WORTLEY -You would be able to access that information?</p> <p>Ms Walsh -InjuryNet, I would suggest, would have that information?</p> <p>Senator WORTLEY -Could you take on notice the amount of training provided to each of the FND's that Australia Post accesses.</p>	<p>InjuryNet has confirmed that all FND's engaged to provide medical services to Australia Post as part of the Australia Post's Early Intervention Program have been trained in the Early Intervention Program, best practice approaches to rehabilitation including assessing working capacity, the importance of early intervention and communication between involved parties, and have visited relevant Australia Post facilities.</p> <p>During the visits to the Australia Post facilities the doctors are shown the tasks undertaken at the facility and have the opportunity to physically undertake these tasks which can include utilising and adjusting a variety of different mail sorting and ancillary equipment used in these workplaces. The doctors are briefed on the mix of tasks undertaken by employees and the safe operation of the tasks. The doctors are shown how equipment can be adjusted, the forces, postures and reach requirements involved in the tasks and the duration of each task and arrangements for employees to be rotated through tasks.</p> <p>Once the doctors have seen these centres and used the equipment, they are in a more informed position to be able to discern the sort of duties that they might recommend as suitable for employees to undertake when returning to work on medical advice.</p> <p>Doctors who provide medical services under EIP are invited to participate in refresher training on an ongoing basis.</p>

		<p>Further specific details about the training provided to Facility Nominated Doctors are outlined in the InjuryNet and Australia Post submissions to the inquiry. (Pages 2-3/23 InjuryNet submission) (Page 16/42 Australia Post's submission)</p>
<p>3.</p>	<p>Senator WORTLEY -Is it correct to say that, as part of the training program, an FND will have visited all the facilities within their area and also all the facilities in other areas from which they might receive patients, prior to seeing any patients?</p> <p>Ms Walsh -I do not know that that would necessarily be the case in every single situation.</p> <p>Senator WORTLEY -Would you be able to find that information and provide it to me?</p> <p>Ms Walsh -I will take that on notice.</p>	<p>As part of their training, FND's visit Australia Post facilities within their area to become familiar with the nature of the work undertaken at the site and the duties performed by the employees. During the site visits, FND's are shown how the work is done, they examine equipment and processes, and they discuss with Australia Post managers and supervisors the nature of the duties. They also discuss opportunities to maintain injured workers at work, or facilitate their quick return, in accordance with medical advice.</p> <p>The doctors visit sites which are representative of Australia Post workplaces. By and large, the work undertaken at similar sites, such as delivery, is the same regardless of location. The delivery centres may differ in terms of the size of the operations, the number of staff working at the centre or the number of motorcycle-based delivery rounds and bicycle-based delivery rounds, but, they are essentially the same. Therefore, a doctor does not need to visit all facilities within their area because it is sufficient for them to see representative sites to enable them to understand the nature of work and the duties undertaken there.</p>
<p>4.</p>	<p>Senator WORTLEY -So there are no specific criteria that you provide to InjuryNet for the doctors—no characteristics of the doctors that you will employ?</p> <p>Dr Barbour - May I suggest that we take that on notice because there are expectations like InjuryNet in relation to meeting the conditions of the contract. I think we would like to that on notice to be more specific in relation to what those criteria are.</p>	<p>Pursuant to the Medical Services Consultancy Agreement between Australia Post and Injury Net, the doctors provided by Injury Net must be selected subject to the following requirements/criteria:</p> <ul style="list-style-type: none"> • It is desirable that they have post graduate qualifications in occupational medicine or have relevant experience and a demonstrated interest in occupational medicine. Such information must be detailed and provided to Australia Post upon request; • They must possess suitable skills, experience and qualifications required by law currently in force to provide the services required by Australia Post; • They must be registered (where registration requirements exist) or licensed to practice in the state or territory of Australia where the services are required;

		<ul style="list-style-type: none"> • They must be a fellow of the Royal Australian College of General Practitioners or in the case of an allied health professional, be eligible to be a member of a relevant professional body. <p>In addition to the above, they shall be located approximately 20 minutes travel by road transport from an Australia Post facility where possible and be audited and certified as having met accreditation standards prior to providing services. They are required to agree to perform services at the current AMA rates applicable, for the services provided, at the time of consultation and have appropriate insurance coverage.</p> <p>Further, Injury Net confirms that in line with these criteria, they look for qualified medical practitioners in primary care who are good communicators and have a sound understanding of contemporary rehabilitation practices. That is, they understand the importance of early intervention in injury recovery and communicate with the workplace to identify appropriate restricted duties.</p>
5.	<p>Ms Walsh - We can seek to look into that. As we have said in our submissions and in the opening statement, with 4,000 referrals a year going back over a three-year period would mean 12,000 cases. Not necessarily in all of those cases would there be a discrepancy between an FND –</p> <p>Senator WORTLEY - Could we narrow it down perhaps to a year? Wouldn't that information be available on computers? Can you take it on notice?</p> <p>Ms Walsh - We can take it on notice.</p>	<p>While significant electronic data is retained for each workers' compensation claim, there are no electronic records maintained of the recommendations from an employee's treating doctors or the recommendation from a Facility Nominated Doctor, nor are there electronic records of the number of times when an employee's treating doctor has certified an injured worker as being unfit and of the number of times this has been overturned by an FND. Similarly, there are no electronic records of the number of times that an employee's doctor has indicated that it is a workers' compensation claim and the number of times that claim has been overturned by an FND.</p> <p>To gather this information, for a 12 month period would require a physical audit of approximately 3000 workers compensation claim files. Many of these claims would contain multiple certificates/opinions that would require a thorough examination to elicit the information requested. On average it is estimated that it would take a minimum of 40 minutes per file to undertake such an audit. Therefore, the task would require 2000 hours of work, necessitating 250 work days. To undertake such an extensive</p>

		<p>body of work would require a significant diversion of resources over an extended period which would neither meet the Committee’s reporting timetable nor appear reasonable in the circumstances.</p> <p>In relation to the question of “whose opinion has sway” there is no hierarchy in place that gives one form of medical evidence an automatic preference over another. Where conflicting medical evidence is provided by a FND and treating doctor the claims manager can take the following action:</p> <ul style="list-style-type: none"> • make a decision on the evidence provided. Where the decision results in a claim for benefit not being paid the claims manager must provide reasons for their decision and why certain evidence was preferred; ; • seek clarification of the information provided by either doctor. Clarification could include obtaining more detail or providing the doctor with further information upon which they are requested to comment; or • obtain an opinion from another independent doctor using the power under section 57 of the SRC Act. Generally, the independent doctor will be provided with the medical and other relevant evidence, asked to examine the employee and requested to furnish a report which will include answers to specific questions. <p>In considering matters that impact on workers’ compensation entitlements it must be remembered that decisions are not always based on medical opinion. Issues such as the exclusionary provisions of the <i>Safety, Rehabilitation and Compensation Act 1988</i>, witness statements, police reports and other relevant material will be considered. In all instances when a claims manager makes a decision a formal determination is made in writing outlining the decision and including a Notice of Rights that explains the employees appeal rights.</p>
6.	<p>Senator FIELDING - Could you table that letter?</p> <p>Ms Walsh - It is a confidential letter that was provided to us. I could take that on notice as to -</p> <p>Senator FIELDING - It is confidential but</p>	<p>Senior Deputy President Drake provided the letter on a confidential basis. Specifically, as indicated in her letter to the CEPU date 28 July 2009, a copy of which is attached, the letter was provided to Australia Post for its consideration and it was not Her Honour’s intention ‘to share these remarks with the CEPU’. Rather, as she specifically indicates,</p>

	<p>you could make it non-confidential. You could choose to make it non-confidential.</p> <p>Ms Walsh - I would seek to take that request on notice to consider the contents of that letter, the terms under which it was provided to us and the suitability of its tabling.</p> <p>Senator FIELDING - Will you take on notice whether you can make that letter public?</p> <p>Ms Walsh -Yes, Senator.</p>	<p>the remarks were provided to Australia Post for the sole purpose of furthering 'conciliation and are for the consideration of Australia Post only'.</p>
<p>7.</p>	<p>CHAIR -...Can you indicate whether Australia Post provides any hospitality at all, in any form, for facility nominated doctors?</p> <p>Ms Walsh - I can take it on notice. I am sure they get a cup of tea when they come to the facility, but I am happy to declare it.</p> <p>CHAIR -That is it? I was about to go to that. I also have the same question about InjuryNet. It is a matter of degree.</p> <p>Ms Walsh - We will take that on notice.</p>	<p>Over the three year period under the Terms of Reference of the Senate Inquiry, Australia Post has facilitated six large induction evenings for FND's or specialised training presentations for FND's. These sessions occur outside business hours and can last for approximately 2 – 4 hours. As such Australia Post has provided light refreshments by way of finger food, tea, coffee and soft drink for the doctors. Given the time of day and duration of this training, Australia Post does not consider the provision of such refreshments as inappropriate.</p> <p>For routine facility training when new FND's join the program the doctor would normally be offered a cup of coffee/tea however, in many instances there is no provision of hospitality at all.</p>
<p>8.</p>	<p>Senator WORTLEY -It is a very clear question. Do you have on record or are you aware of any situations where an injured worker has been told that they need to turn up for work when they believed that they were seriously injured or injured enough not to turn up for work, where there were injuries that have later proved to be much more serious and required more time off - so we are talking about misdiagnosis here- or where managers have told workers that it is not in their best interests if they put a claim in or if they do not turn up the next day? Are you aware of any situations?</p> <p>CHAIR - I am going to invite the witnesses to consider providing answers to those questions on notice because you have outlined quite a series of circumstances. In that way Australia Post will be able to</p>	<p>Australia Post does not keep a record of individual conversations between managers and employees of the type suggested in the question.</p> <p>Australia Post would however point out that it is not the decision of a manager as to whether or not an employee is fit to return to work. A manager would only be talking to an employee about returning to work where there is medical evidence that supports the position that the employee is fit to return to work. In such circumstances, while the employee may say to the manager that they do not want to return or feel incapable of returning, the manager would have medical evidence to support the fact that the employee is in fact medically fit to return to work.</p>

reassure itself that it is answering your questions. But I am only inviting the witnesses to do that; they may prefer to answer it.

Ms Walsh - Yes. What I can say is that I do not have a list here today of every single complaint or issue that has come up. I am happy to take that on notice and seek to provide that to the committee. However, as I said at the start, if there are issues that we need to be made aware of, I am happy for them to be brought to our attention. I would also refer to the Comcare audit that was undertaken through this process, which has had the opportunity to review some of those cases and make comment as well.

Senator WORTLEY - Just in relation to that though, it is a very simple question: are you aware of any circumstances where a manager has said to a worker, 'You need to return to work,' and where the worker has known that they are injured and in considerable pain and has not wanted to but has been told that there will be consequences basically if they do not? You are either aware of it or not.

Ms Walsh -The answer is yes, Senator.

Senator WORTLEY - Would you be able to provide details of those? I am happy to take them on notice.

Ms Walsh - Yes. I will take those on notice.



AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Senior Deputy President L Drake
Level 8, 80 William Street
East Sydney NSW 2011
Ph: (02) 8374 6578 or (02) 8374 6576
Fax: (02) 9332 2050
Email:
christine.gambrill@fwa.gov.au
Or lorelle.corderoy@fwa.gov.au

28 July 2009

Mr D Dwyer
CEPU

Email: ddwyer@cepu.asn.au

Re: CEPU v Australia Postal Corporation C2008/2677

Dear Mr Dwyer,

I have forwarded to Australia Post a number of points which I wish to set out for their consideration. I am not intending to share these remarks with the CEPU. The remarks are intended to further conciliation and are for the consideration of Australia Post only.

Should the need for further conciliation arise following Australia Post's further consideration of the issues I will relist the matter.

Yours faithfully



The Honourable
Senior Deputy President Drake