

Committee Secretary
Senate Education, Employment and Workplace Relations committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Re: Inquiry into the Provisions of the Occupational Health and Safety and Other Legislation Amendment bill 2009

Dear Committee Secretary,

Since I know the Senate have the inquiry regarding the Provision Health and Safety and other Legislation Amendment bill 2009. I am appreciating the Senate Committee provided opportunities for the public to have chance to express their views.

Amendments: Allow for compensation for medical expenses to be paid when payment of compensation benefits is suspended, and others.

I feel the amendments are very important for the injured employee; I would like to bring my personal experiences from my employment and also my worker compensation history to the Senate Committee:

1. How was my injuries happen and progressive

I started to work as a full time permanent employee in a Government owned Corporation since 1988. This is my first job, this Corporation is self- insurance under Comcare scheme for long time. In 2001, I suffered my injury after 13 years repetitive work from my employment. My employer rejected my worker compensation claim, when I brought my ultrasound to the insurance, which showed I suffered soft tissues injury. An officer for my employer rang me and asked why my treating specialist knew how to make a diagnosis for me. I did not know how to answer his question at that time, because I did not have much medical knowledge. They denied my claim. They did not accept that I suffered from tendonitis in my upper limbs caused by my employment.

I suffered from pain since then. After two month later (December 2001), because my complain, they accepted my claim, but only medical expenses, not included incapacity payment.

In early 2002, my supervisor forced me to work in a moving conveyor belt, which was against Safety Rule. I did not want to be injured again, I complained to the supervisor, who ignored the safety rule and directed me to do the same works in the moving conveyor belt again. I got my second injury in same upper limb. I lodged another

worker compensation claim followed my employers' instruction, but sooner they rejected all my claims (even the first injury also be ceased).

During these years I remain in work, but my treating doctors' advices were ignored by my employer. I was work as light duty, but not restricted duty, my treating doctors' restrictions was continently changed by workplace management. My medical condition getting worse and worse because insurance rejected my claims, they said that I was nothing wrong, and not work related. My workplace management did not care my health; I was directed to work, but no suitable duties to be provided.

2. Whether suitable duties were provided

In 2004, Administration Appeal Tribunal found that my injuries were caused by my employment (no pre-existing and non-work related medical problem). At the end of 2004, my employer stated that they started to put me on "rehabilitation program" – trying to upgrade my duty.

In 2005, Insurance paid my work related psychological counselling fee. Sooner in 2005, my employer suspended my worker compensation entitlements due to I refused "suitable duties".

I had not been offered suitable duties since my injuries, my treating doctors' recommendations always be ignored. During these years, every day I went to work, I had fear in my mind, because I had to argue with the supervisors what were my medical restrictions. They always hold another paper which were issued by administration department and agreed by my rehabilitation counsellor; in that paper I always found that my medical restrictions advised by my treating doctors' were changed or omitted. I was directed to do the work over my restrictions all the time. My years formal grievances (by documents) to the management regarding these safety issues were all ignored.

My employer is under Comcare Self-insurance scheme, they seem got more power than the other self insurance companies in Comcare. Human Resource, insurance, rehabilitation counsellor, workplace managers and different level supervisors always talk by meeting, or e-mail discussion how to "manage" the injured workers. They even communicated each other by e-mails how to set up a harassment strategy to against their employee, when I was on return to work program. There was no privacy issue can be keep. They create different kind of the documents and evident to show to their doctors that I already be provided suitable duties for many years, so my conditions must be resolved.

3. Whether refusing suitable duties is under another circumstance

In 2006, I appealed my case to Administrative Appeal Tribunal for refusing suitable duties. In the hearing date, I was showed a film, in that film showed a worker (they presumed that worker was me) sat next to a table, only waited for all the supervisor to serve her,

she was do nothing. I was asked by my employer's barrister why I refused these duties. They also submitted this film to their own insurance doctors for comments, claimed such good job already provided to me, whether or not I was capable to do these jobs. I felt a big shock, I work for them for 20 years, I had never got such jobs offer to me. In fact, I had never got such jobs to be offered, and never saw or even never can image such jobs were available to me in my workplace.

By the end, I was not successful in this case. My employer had big power to control all the level, which including worker compensation section, litigation, rehabilitation section, production line, Human resource and supervisors to create such film and different materials, I have no authority to make my own film in my workplace. I did not continue my psychological and other treatment because my medical treatments were suspended. However, I need these evident to support my claim, but I did not have much due to the above reasons.

4. Worker compensation is suspended – delay rehabilitation and medical treatment

When my worker compensation was suspended, I did not entitle any medical expense. I was offer about two hours work per day, my life became very difficulty: I suffered from constant pain, mental very distress, I need medications to help myself, I need to consult the doctors more frequently, I need support. But all these became impossible, everyday I went to work under supervisors' and management's pressure. They did not provide the suitable duties to me, but booked me refusing suitable duties. They forced me to do the work that I medical could not do.

The more they pushing, I felt more pain and more distress. I developed into mental illness. At that time, I was not illegible for the Centrelink payment. Also I have two dependent children in School age, having a family home mortgage, so I could not afford to have psychological counselling or other related medical treatments. Because under the Comcare scheme, I totally miss out the opportunity once the worker compensation was suspended.

5. The results of stop or delay rehabilitation and medical treatment

In 2007, when I undertook the rehabilitation program, the liability was on going. My medical condition already became more progressive and chronic, that I could not manage the work any more. I attempted to do the rehabilitation program, but almost became harder and harder to handle, because the chronic pain and the mental illness (anxiety and depression).

I asked my workplace supervisors and human resource manager to provide me the duties as their film, which was previously submitted to Tribunal. I also asked them to follow my medical resitricitions, and rehabilitation program which they offered to me. I suffer from pain, I could not move on further. As return from my employer, I got verbal abuse,

threatens of code of ethic, if I could not meet the pre-injured duty standard, and I was suffered regular harassments from my employment. Finally they directed me back to pre-injured duty, which I completely could not handle anymore.

In 2008, my employer terminated my employment (sacked me), because that I did not return to pre-injured duty. Before terminating my employment, they ceased liability first, so they did not have to medically retire me. They insistent that I was nothing wrong, and I just unwilling to work. They did not look at my treating G.P, treating specialists doctors opinions at all, who all said that I continuing suffered from work related medical conditions. By doing that, they can on one hand ending my employment and on the other hand they also avoiding paying me worker compensation entitlement (medical expense and loss earning) or providing further rehabilitation to me

I can not work to do the manual work because the physical pain, I could not go to the training because my psychiatrically disorder. I am anxious and depress, I like to work but can not work, I lost my employment, reasons is that I did not get the rehabilitation and medical treatment in the early stage. When my medical treatment was suspended, I lost opportunities to seek further treatment, my condition was deteriorated into the chronic.

I believe myself is a victim of the system, If proper rehabilitation and medical treatments is provided as soon as possible, chronic condition may be preventing. I can work until my retired age.

6. Other related matter

More recently from the e-mails and the other documents my employer provided to me, I found my workplace management even created some of uncorrected injured history for me, such as attempting to change my injured date etc. They provided that as T-document to Administrative Appeal Tribunal. They mislead the court. My employment leave record can be changed and manipulated by them. I finally understand, In order to avoid the incapacity payment and medical expense, they can manipulate everything, as long as they can mislead the court and reach their "goal."

According to the e-mails and other documents, I knowledge that they already planed to "set up" my rehabilitation program into fail, such as they directed me to do the work and reach the standard, which they believed I unable to reach. Then they could label me as "refused suitable duty". Further they could again to suspend my rehabilitation, and apply Code of Ethics to me, finally terminating my employment successfully (without further liability).

7. Conclusion

I am very disappointed; I suffered pain and mental distress, lost my long term employment, lost all my physical and mental well being. My unhappiness definite interfere my family relationship, affecting my husband's work, my children study.....In fact, injury is devastating.

Being in a good health is most important to the person, the family, and good for the society. So the amendment is good for the injured employee, preventing delay rehabilitation and medical treatment, and has their fair entitlement as soon as possible.

If Committee need further details or investigation, please kindly contact me and I am willing to provide more evidence and documents as assistant for the Inquiry.

Thank you for taking time to read my submission.

Yours sincerely,