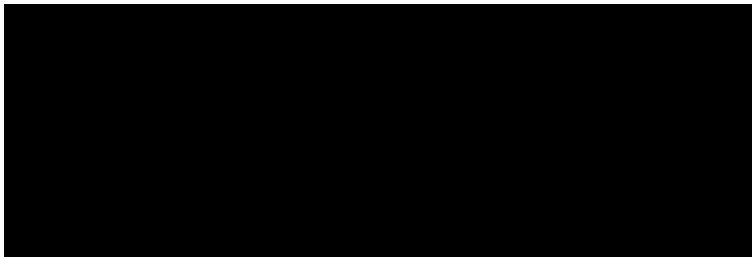


## GRIEVANCE/COMPLAINT – REQUESTING UNION ASSISTANCE

### About Me



### My Grievance/Complaint

I believe that I have been harassed and discriminated against by my Manager [REDACTED] submitted false and misleading statement relating to my workers compensation claim. I discovered this to be the case when I requested a copy of my Workers Compensation file prior to the reconsideration of my case in [REDACTED] 2009. This is when I saw a copy of the Memo [REDACTED] sent to Compensation Section in [REDACTED] 2008 stating that [REDACTED] did not support my claim and the reasons for doing so. It is not the fact that [REDACTED] did not support my compo case that I have decided to lodge this grievance. It is the inappropriate and unacceptable accusations contained in his memo that I am complaining against.

I consider that [REDACTED] deliberately sought to undermine my workers compensation case through the abuse of [REDACTED] authority and by personally discrediting me by making defamatory and misleading written statements to Australia Post's Workers Compensation section. That is [REDACTED] in effect, asserted that I, in collusion with my [REDACTED]

1. Knowingly provided false information to Australia Post regarding a workers compensation claim.
2. Submitted a false/fraudulent workers compensation claim in relation to a non-existent knee injury.

The things that [REDACTED] claimed/suggested I have done in this memo are matters that if true, could be viewed by others as being dishonest and fraudulent. IE an attempt to breach existing OH&S laws and therefore potentially constitute criminal behavior punishable by a fine and or a prison term.

### Background Information

On the [REDACTED] 2008, I complained to my manager [REDACTED] (PM [REDACTED] that my left knee hurt because I was repeatedly crouching to get my cash tin from the bottom drawer six to eight times a day. I asked to fill in a P400 form, [REDACTED] directed me to record in the P400 the date that I reported pain in my left foot two months prior and after giving it some thought [REDACTED] then went and checked my personal file to confirm that the date that occurred was [REDACTED] This

is in spite of me telling [REDACTED] that I was not referring to my foot pain of two months ago (which had since been resolved) but my present knee pain. I however did as [REDACTED] instructed because [REDACTED] is my boss and I felt I was unable to challenge [REDACTED] any further on it.

On the [REDACTED] 2008 he sent me to see [REDACTED] (FND). [REDACTED] said to me nobody should ever use a lower drawer that many times a day. [REDACTED] advised me that my knee injury is injured a result of repeated crouching. [REDACTED] also stated that my knee injury was not related to my previous foot pain. I reported to [REDACTED] what the FND said to me as soon as I got back to the office. My manager subsequently gave me a drawer higher up so that I would not need to crouch down to use it anymore but I felt that [REDACTED] personally was reluctant to take the matter seriously as an OH&S issue.

On my follow up visit to Dr [REDACTED] [REDACTED] provided a letter of referral in order for me to have physiotherapy on my knee. This however was not immediately arranged and it was not until the next visit to Dr [REDACTED] that [REDACTED] provided instructions that I undergo physiotherapy as a matter of urgency and it was acted upon by Australia Post. IE the instructions stated "Referred for physiotherapy for left knee..Referral letter given last visit. Supervisor please organise appointment. URGENT!

This MC was faxed to [REDACTED] and I was subsequently able to see a physio for treatment on my knee which had deteriorated since the last visit.

In other words [REDACTED] was being kept fully informed re the nature of my injury (IE it was my knee that was injured) and the seriousness of my condition by myself and through documentation provided by the FND either directly or via HR Commercial. Yet in spite of being in possession of this information, [REDACTED] sought to deliberately promote contradictory statements claiming that it was my foot (which [REDACTED] knew had arthritis) that was the problem not my knee. Further, that [REDACTED] suggests that my knee injury is actually a fictitious injury and was dreamt up after I allegedly had a conversation with my [REDACTED] on the matter.

In addition, [REDACTED] stated that [REDACTED] actually observed me working/walking normally when I was not aware of anyone else's presence. By making this assertion, [REDACTED] is re affirming that in [REDACTED] opinion my injury was not real and that I was in fact "faking" the injury.

The following is [REDACTED] reasons for not supporting my compo claim per [REDACTED] memo to Workers Com Section dated [REDACTED]

Point 1. When [REDACTED] initially called in as having a sore foot on [REDACTED] [REDACTED] said it was not work related and [REDACTED] did not know how the injury occurred but that [REDACTED] woke up with it on the Monday [REDACTED] went to [REDACTED] doctor who diagnosed [REDACTED] with Osteoarthritis.

[REDACTED] made this statement whilst knowingly contradicting the medical advice from Australia Post's FND that I had in fact injured my knee and the injury which occurred in November 2008 was not related to my foot condition which had occurred two months previously. [REDACTED] made this statement despite my

repeatedly informing [REDACTED] that the injury I was referring to and complaining about related to my knee not my foot and it was made despite [REDACTED] being in possession of documentation [REDACTED] is being made fully aware from the FND stating that my knee had been injured and that I required urgent physio treatment for it.

[REDACTED] further stated at point two 2. On return to work on [REDACTED] there was no indication of any lingering problems such as limping or moving slowly. Here again [REDACTED] talk about my foot not my knee.

I believe that this was a calculated effort on the part of [REDACTED] to attribute my injury to a known and pre existing non work related condition motivated by [REDACTED] desire to not have to incur workers compensation costs.

[REDACTED] stated at Point 3. "It was only on the [REDACTED] that [REDACTED] thought (after speaking with [REDACTED]) that the injury could be due to [REDACTED] having to bend down to get [REDACTED] advance out of the bottom compartment. At this point I sent [REDACTED] to the FND for assessment. As part of the investigation I changed the compartments so that there would be NO bending. It was only after this that [REDACTED] started to walk slowly and move up the stairs one at a time.

In this statement [REDACTED] is suggesting that I colluded with my [REDACTED] to "suddenly" fabricate a work related knee injury. How on earth [REDACTED] was in a position to be able to come to this conclusion is beyond belief.

The statement is totally unsubstantiated and fictional but it is a calculated statement on [REDACTED] part designed to undermine my compensation claim for a work related injury by trying to deliberately discredit me.

[REDACTED] has demonstrated on a number of occasions that [REDACTED] has a tendency to treat me differently to other employees in the office.

My [REDACTED] also works in Australia Post's Head Office. This is something that [REDACTED] is fully aware of and appears to have issues with as it seems to be a contributing motivator for [REDACTED] treating me differently to others in the work place.

I do not know if it is because [REDACTED] feels that [REDACTED] ability to manage in the workplace is under additional scrutiny or [REDACTED] authority is being undermined by my connection to someone who [REDACTED] thinks is senior (management rank) than [REDACTED]. It became clear to me that it was a significant issue for [REDACTED] when [REDACTED] explained to me that my [REDACTED] was the reason why [REDACTED] had to take the action [REDACTED] did in relation to a leave issue I had in 2006.

At the time my then three year old daughter got sick quite often because that was the first year for her to go to long day care. I thought as a parent [REDACTED] would understand this. I had to take days off from work to take care of my daughter, on this particular occasion I telephoned [REDACTED] stating I had to take leave to care for my daughter. [REDACTED] became quite aggressive and tried to bully me into making a public apology to my work colleagues for taking time off to care for my daughter when I returned to work. I told him that I refused to make this apology. [REDACTED] strongly insisted I should.

The day after this confrontation took place over the phone, I arrived at work and [redacted] immediately apologised to me and when I asked [redacted] why [redacted] was doing this to me [redacted] said it was "Because of [redacted] (referring to my [redacted]). I was quite stunned by [redacted] reply. When I asked [redacted] if any of my work colleagues had complained to [redacted] about my leave [redacted] responded by saying "No, but it would be better if they did"

I could only assume that [redacted] meant that if they did complain then that would make it easier for [redacted] to take action against me instead of [redacted] having to arbitrarily initiate this inappropriate and irrational behavior towards me.

I can only assume that his memo is just another example of this irrational behavior where [redacted] is trying to neutralise [redacted] perception regarding my influence (and my [redacted] influence) in [redacted] office. This time by trying to discredit both me and my [redacted] and caused damage our reputations. I consider this to be defamation of character and that is totally inappropriate and unwelcome behavior on [redacted] part.

In hindsight I probably should have taken action back in 2006 and perhaps that would have prevented [redacted] making the accusations [redacted] has in [redacted] memo to Workers Comp section.

During my reconsideration interview, I was informed by the Reconsideration Officer that this type of statement should have been immediately followed up and challenged due to the extraordinary and defamatory statements contained in it.

[redacted] stated at point 4. "I and my supervisor have noticed [redacted] moving up the stairs more easily when [redacted] is not aware of anyone around on occasions".

Here [redacted] is indicating that I was actually pretending to be injured and that I did not have a real knee injury. [redacted] claimed this in spite of the fact that [redacted] was fully aware of medical advice provided by Australia Post's FND indicating that my knee was injured and further that the injury required urgent Physiotherapy treatment.

Still, I am currently being subjected to continued harassment in the workplace by a supervisor at [redacted] Post Office over the issue of my knee injury. This person is aware that I am on restricted duties because of my knee injury but we have not worked together and [redacted] arrived well after I suffered my knee injury. In spite of [redacted] lack of familiarity regarding my medical condition [redacted] is publicly making statements in the workplace that I am making it all up to gain some sort of advantage: EG

1. [redacted] is not fit for full duties but [redacted] is fit enough to go to a party" The party [redacted] is referring to was the recent Telstra promotional night held for Australia Post retail staff"
2. [redacted] doesn't have a work related injury, [redacted] has arthritis, anybody gets it when they getting old!"

I have not personally heard [redacted] make these statements however I have been

informed of what [REDACTED] is saying by a number of my work colleagues. I am advised that [REDACTED] has made other statement but my colleagues are reluctant to speak further in order to not upset me.

When I complained to [REDACTED] some days ago I had to press [REDACTED] hard to take action as I felt he was reluctant to act even when [REDACTED] was aware of what was being said.

I received a phone call on [REDACTED] 2009, when I was working at the kiosk from the supervisor in question, asking me to come up to the main office with the cheques. I assumed that it was regarding my complaint. I was going to go up there when [REDACTED] walked past the kiosk on [REDACTED] way home.

In other words [REDACTED] had left it up to [REDACTED] supervisor to summon me to the office to discuss the complaint against [REDACTED] in private after [REDACTED] had left the office for the day.

I declined to go as I felt this was not an appropriate way to resolve this matter.

The following morning I spoke to [REDACTED] in person and [REDACTED] confirmed to me that [REDACTED] had admitted saying the first statement above to me. [REDACTED] said that [REDACTED] wanted to see me and asked me to give [REDACTED] a chance to apologise. [REDACTED] stated that [REDACTED] had spoken to [REDACTED] and that [REDACTED] "is mature enough to admit what [REDACTED] had said and shouldn't say it and that [REDACTED] wanted to apologise to me.

[REDACTED] then stated that [REDACTED] did not believe that [REDACTED] made the second statement. [REDACTED] then added that [REDACTED] is the one who "does the least bitching in the office". [REDACTED] stated that this behaviour by the supervisor was not harassment. [REDACTED] said that it is better if when these situations arise that the staff don't need to come to [REDACTED] (the manager) to resolve the matter, the staff can sort it out between themselves.

I then met with my manager and the supervisor regarding the matter as [REDACTED] requested.

Instead of an apology, the supervisor denied making any statement about me and my condition and then proceeded to interrogate me insisting that I tell her who was responsible for telling me that [REDACTED] had made those statements about me.

[REDACTED] was there and did not challenge what [REDACTED] had just said in spite of the fact that [REDACTED] had told me earlier that day that [REDACTED] had admitted saying those things and wanted to apologise.

I decided to end the meeting as it was clear that proper processes had not been followed regarding my complaint and it appeared that [REDACTED] had not bothered to properly investigate the matter. Further that the supervisor was using [REDACTED] position of authority in the office to sweep the matter under the carpet.

Later that afternoon the supervisor appeared at the kiosk without warning and proceeded to apologise to me whilst I was actually serving a customer. [REDACTED] was standing next to the customer whilst I carried out the transaction. [REDACTED] claimed that [REDACTED] did not know what the other staff had been telling me but apologised if it

had hurt me.

In other words [REDACTED] was continuing to deny that [REDACTED] made those statements and the apology was made on behalf of and in relation to unspecified things another person had said.

I found this to be upsetting and bizarre behavior especially to be subjected to this on the counter whilst I was in the process of serving a customer!

It is clear that the matter is not being handled appropriately and the manager [REDACTED] clearly would prefer not to manage this issue according to Australia Post Harassment Policy. I believe that this is another example of [REDACTED] hostile attitude towards my injury situation.

I would suggest that the supervisor is reflecting [REDACTED] behavior and attitude in relation to me and my injury or medical condition and I felt [REDACTED] is totally ignoring [REDACTED] responsibility because it's me.

#### **How has this affected me?**

[REDACTED] comments (memo to Compensation Delegate) resulted to the Compensation Delegate denying my compensation claim based on too many confusing dates and convoluted information. In [REDACTED] (Compensation Delegate) decision – I quote:

*"In deciding liability for your claim, I must look at the contribution of your employment to any diagnosed condition. The evidence provided with your claim for compensation does not establish that you sustained a left knee injury on [REDACTED] 2008. By your own admission, the symptoms complained of on [REDACTED] 2008 were of unknown cause. Upon medical review, your own doctor attributed these to osteoarthritis, a degenerative joint disease which can not be considered "work related". It is worth noting that you continued full, unrestricted duties from [REDACTED] 2008 to [REDACTED] 2008 without complaint or reduction in work functioning. You did not avail of sick leave during this period.*

*I also note the inconsistencies between the date of injury listed on your claim form ([REDACTED] 2008), medical certificates ([REDACTED] 2008) and the onset of symptoms reported to Dr. [REDACTED] radiologist, being 1 day prior to the attendance for x-ray ([REDACTED] 2008)".*

The compensation delegate kept coming back to [REDACTED] 2008 rather than my claim for a work related injury I have sustained on the [REDACTED] 2008 the reason why [REDACTED] asked me to see the Australia Post FND. As I have already explained above, [REDACTED] deliberately confused all information with a view to distort my compensation claim which I only really realised when I decided to appeal the decision against my claim.

I cannot stop thinking why the Australia Post's FND would tell me that my injury was work related but the compensation delegate would not accept it.

During my Reconsideration interview I was so upset and emotional, I could not resist but cried hard and harder while trying to explain to the Reconsideration Officer what has occurred to me why I have suffered a work related injury and that the decision against my claim was wrong. The interview was almost further torture. I was embarrassed but could not care. [REDACTED] Reconsideration Officer and [REDACTED] of the CEPU should be able to attest to this.

Despite all the medical evidence available to the Compensation Section, until now I still have not received outcome of my reconsideration appeal. For health sake I have made a decision to follow advice of my treating doctors to go ahead for the operation.

I blame [REDACTED] calculated inappropriate behavior against me as the cause of my suffering which has been affecting my health, both physiologically and psychologically.

The system including the use of FND has made it worse for me in terms of [REDACTED] elaborate desire to harm my compensation claim. I cannot believe that the compensation delegate and the Reconsideration Officer for that matter could not pick up the phone and asked Australia Post's FND why I was with [REDACTED] on the [REDACTED] of [REDACTED] 2008. I thought the FND is Australia Post's method of making sure injured employees are looked after, not to mention to my surprise there was no record in my Compensation file that the FND said my knee injury was work related, despite what [REDACTED] told me – [REDACTED] clearly said to me nobody should ever use a lower draw that many times a day". I was confident then that I will not face this kind of experience later on.

Now I am in this situation where, I have to pay for Specialist to further my claim but to no avail anyway because I receive a letter months later from the Manager of Litigation Section of Australia Post directing me to another Specialist of his choice.

I am in the middle of nowhere in pain both mentally and physically.

It's now almost [REDACTED] I still have not heard the outcome of my appeal despite many follow-ups made by my union.

[REDACTED] memo to Workers Comp section with his false and defamatory statements about myself and my [REDACTED] and along with the method and system of compensation decision has placed me in this intolerable situation.

[REDACTED] written comments in [REDACTED] memo to Compensation Section/Delegate have not only contributed to the rejection of my workers compensation claim but in turn caused considerable delay to the proper and full diagnosis, treatment and resolution of my injury.

[REDACTED] and the system [REDACTED] was able to exploit has caused irreparable damage to my reputation and well-being and such damage to my reputation and well-being has continued on through me being taunted with unforgettable insulting comments by another supervisor under [REDACTED] control.

**What outcome I am seeking?**

I am seeking to receive in writing as soon as possible withdrawing [redacted] memo and comments [redacted] made to the Compensation Section/Delegate.

I am seeking a personal written apology from [redacted]

I am also seeking that [redacted] issue written instruction to all [redacted] supervisors that 'insulting' comments to any employee who has medical condition work related or not is not acceptable and not condoned, otherwise subject to appropriate disciplinary action.

I am also seeking for my lost sick leave credits as a result of the direction of Human Resources to force me on sick leave under the so-called Non-Work Related Injury Policy.

I wish the Union can also include aspects of my complaint/grievances mentioned above through the so-called Senate Inquiry into Australia Post's treatment of injured and ill workers.

[redacted]

Date: 19/11/2009

[redacted]

[redacted]

[redacted]