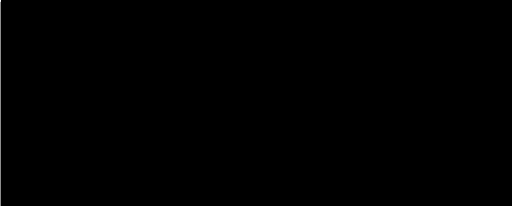


SUBMISSION – KEVIN CHLEBOWCZYK

Kevin Chlebowczyk



Mail Officer – part-time – Bendigo Mail Centre

My submission is about the pressure staff experience to attend Australia Post's FNDs.

1. Recently, I injured my back at work. I was in very bad pain and very incapacitated. I had managed to struggle in to see my family doctor.
2. Once it was advised that I would be off work, my manager rang to say I had to go to an FND.
3. I was in no state to move, much less go for another doctor's consultation. I checked with the union who advised that the direction was not under the SRC Act and that therefore I did not have to go. I conveyed this to my manager.
4. I then had a series of three phone calls from HR and more senior managers saying that I had to go and that I would face disciplinary action if I did not. I asked the union to write to Australia Post as I was in no state to deal with the issue being medicated, in pain and incapacitated.
5. I have attached these letters to this submission.



Communication Workers' Union

5 May 2009



P&T Branch (Vic)
ABN 30 490 675 447

Joan Doyle
Branch Secretary

200 Arden St
North Melbourne
Victoria 3051
Australia

Ph: (03) 9600 9100
Fax: (03) 9600 9133
Email: cdptvic@cepu.asn.au

Dear [REDACTED]

Re: Treatment of Injured Worker – Bendigo Mail Centre

I am writing concerning an incident that occurred on Tuesday 28 April, 2009.

Mr Kevin Chelbowczyk, a mail officer at Bendigo Mail Centre was sent an Early Intervention letter about his injury sustained at work. Mr Chelbowczyk upon receiving advice from the union decided not to avail of this offer, but to follow his treating family doctor's advice and to rest. When he rang up to advise of this decision he was threatened with being 'coded' by [REDACTED] if he did not attend the FND.

This is not treating him with courtesy and respect and in fact could be characterized as the bullying of an injured worker.

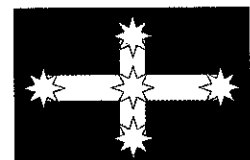
[REDACTED] Australia Post's most senior Human Resources Manager has responded to Senate Estimates Committee questions making it perfectly clear that the Early Intervention Program is entirely voluntary.

The union recognizes your right to direct employees under section 57 of the Safety Rehabilitation and Compensation Act to an FND for an assessment of a work-related injury once it has been reported in writing. Employees however do not have to put up with being bullied to go to an FND under the Early Intervention program.

Could you please investigate this matter and report on your understanding of the correct instructions that [REDACTED] should have provided to Mr Chelbowczyk on this afternoon.

Yours faithfully

Joan Doyle
Secretary
Communication Workers Union
Postal and Telecommunications Branch Victoria



**Communications Electrical
Electronic Energy
Information Postal
Plumbing and Allied
Services Union of Australia**

18 May 2009



Dear 

Re: Early Intervention – Bendigo Mail Centre

I refer to your letter of 11 May 2009.

Firstly, before you can discipline an employee for not following a direction it needs to be established that the direction is reasonable and lawful.

I note that Catherine Walsh from corporate level has provided undertakings that Clause 10 of the Principal Determination will only be used under certain circumstances (which are quite different from those pertaining to the current case).

I also refer you to hearings before Senior Deputy President Drake in relation to compensation claims and Australia Post's mis-use of referrals under Sick Leave and Fitness for Duty provisions.

It is quite clear that if you wish to have Mr Chelbowczyk medical condition assessed you need to provide him with a direction under section 57 of the Safety, Rehabilitation and Compensation Act.

Yours faithfully

Joan Doyle
Secretary
Communication Workers Union
Postal and Telecommunications Branch Victoria