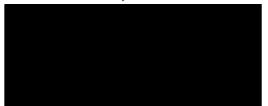
SUBMISSION – KEVIN CHLEBOWCZYK

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.



5 May 2009



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

Joan Doyle **Branch Secretary**

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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 if he did not attend the FND. threatened with being 'coded' by

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

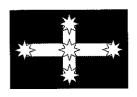
Australia Post's most senior Human Resources Manager has responded to Senate Estimates Committee questions making it perfectly clear that the Early Intervention Program is entirely voluntary.

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 should have provided to Mr Chelbowczyk on this instructions that 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



11 May 2009

Ms Joan Doyle Victorian Branch Secretary CEPU P & T 200 Arden Street NORTH MELBOURNE VIC 3051

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Dear Ms Doyle,

Early Intervention - Bendigo Mail Centre Re:

I refer to your letter dated 5 May 2009 requesting an investigation into the management of Mr Kevin Chelbowczyk, Mail Officer at Bendigo Mail Centre when he advised of an absence from work on 28 April 2009. An investigation has been conducted into the matter you have raised.

Australia Post's Early intervention Program as well as offering medical treatment also provides a mechanism, in appropriate cases, for early intervention in the assessment and management of employee illness and injury, where a work relationship may be indicated.

During the shift prior to his absence, I am advised that Mr Chelbowczyk had complained. after an incident lifting a parcel, "that his back was twinging" and ceased work early. When he reported to the Mail Centre the next day with a medical certificate for his absence from work, it was understood by local management the absence was possibly linked to his reported back problems the night before and his early cessation from work. In accordance with the Early Intervention Program, an appointment for an assessment was made for Mr Chelbowczyk, who at the time agreed to attend. As you have noted, following advice from the CEPU, Mr Chelbowczyk then rang the Mail Centre to notify he was not attending the medical appointment based on Union advice.

contacted Mr Chelbowczyk in regard to the appointment, based on his understanding that Mr Chelbowczyk possibly had a work related injury. Like other is aware of the aims of the Early Intervention Program and the managers. principles applying to the implementation of the program.

As you are aware, the Principal Determination, clause 10 enables Australia Post to refer an employee for a medical assessment concerning fitness for duty to perform all or part of the employee's duties.

I have not found evidence of your allegation that or anyone else, bullied Mr Chelbowczyk by contacting him and discussing the provisions of the Early Intervention Program, nor do I regard the contacting of an employee about a direction to be bullying.

Any application of the ECDP is because Mr Chelbowczyk failed to follow a direction.

Yours sincerely,





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