

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 11 July 2012 8:18 AM
To: [REDACTED]
Subject: Sub 140 - FW: Submission for workplace bullying Committee

From: [REDACTED]
Sent: Tuesday, 10 July 2012 7:16 PM
To: Committee, Reps (REPS)
Subject: Submission for workplace bullying Committee

Good morning,

I write to you on behalf of my wife [REDACTED] who, had been a child care group leader for 17 years and due to her present ill health cannot communicate her experiences.

On February 15th this year, [REDACTED] suffered a nervous breakdown as a result of long term workplace abuse including being intentionally overworked, bullied and harassed by management with letters of allegations and accusations, which were, upon investigation by head office, ([REDACTED] Brisbane) found to be false and subsequently retracted. No remedial action was taken by Head office, on both occasions, with regards to the offenders, therefore [REDACTED] was forced to remain working under the same circumstances and ultimately forced to resign due to her injuries.

With bullies suffering no consequences from either employers or via the law it is no wonder they continue their behaviour.

[REDACTED] is still suffering the effects and simply cannot discuss these matters without immediately suffering further stress and anxiety and I act as her nominee with Centrelink as well.

I lodged a claim with Work cover on [REDACTED]'s behalf on the 16th Feb which, inspite of all the evidence at hand was rejected as to, was her subsequent claim for review with Q-Comp.

We believe, that if the time is taken and all the details were closely looked into, the factual events, through the evidence, would be proven and we also believe that there must be some form of recourse available for [REDACTED] against those who have intentionally and willfully abused her over such a prolong time. The laws pertaining to her injuries are far to constrictive and should be amended accordingly.

Q-comp reviewed [REDACTED]'s work cover rejection and it too was constrained due current legislation. In their 'findings summary' they **did** however conclude as per following:

(full 8 page decision can be forwarded)

Q – Comp Summary

After consideration of the relevant evidence outlined above, I have determined that:

1. you sustained a personal injury
2. your personal injury arose out of or in the course of your employment
3. your employment was a significant contributing factor to the injury

I therefore conclude that the provisions of section 32(5) of the Act exclude the psychiatric/psychological condition from the definition of 'injury' within section 32(1) of the Act.

Therefore my decision is to confirm the decision by WorkCover to reject the application for compensation.

██████████
Review Officer

Review Unit

cc ██████████

cc WorkCover Queensland

In spite of these conclusions clearly showing the workplace (staff) were the cause of ██████████'s injuries it has become abundantly clear that restraints under the Work Cover act have resulted in Work covers decision of rejection of cover. It was concluded that only 1 of the 3 stressors causing ██████████'s injuries were deemed 'unreasonable' and according to the act referred to with regards to a psychological injury only *one* stressor is required to be deemed 'reasonable' for the cover to be rejected regardless of how many stressors are deemed 'unreasonable'. Such legislation would never apply to any other physical injury but only to psychological claims.

However, as is stated in the summary ██████████ *has in fact* suffered a workplace injury due to long term deliberate increased of her workloads, workplace neglect, bullying and harassment. The staff involved and *who have been the sole cause of these injuries to my wife* have not been reprimanded in anyway and go on in their positions having their abusive actions condoned and endorsed by ██████████ and lack of possible action under the act, through *their* lack of any corrective action.

We simply cannot afford to appeal Q-Comps decision. Documented evidence of over 60 weekly written reports from ██████████ to management are available plus many other supporting documents, including rosters, letters of abuse against her and retractions, witness's of same, plus more. (*it should be noted that statements from parents who witnessed ██████████ everyday were not taken by either Q Comp or Work cover as they said 'it was against the procedures to take statements from parents*).

In brief, Q-Comps findings were incorrect for the following reasons in evidence:

Out of 3 stressors given by Q- Comp as causes to ██████'s injuries, stressors 1 & 3 were deemed 'reasonable management actions'. And stressor 2 was deemed by Q-Comp as 'unreasonable management actions')

Factors that were overlooked or not taken into consideration by Q-Comp follow

Stressor 1.

Q-comp maintains that Stressor 1 was 'reasonable management' action due 'budget restraints and to save costs of an extra assistant staff member' as was the argument of ██████.

This deduction however is simply *incorrect* as was explained clearly in the letter to work cover previously with documents submitted to them.

Reducing ██████'s children numbers did NOT repeat, not have this affect, as the children removed resulted in an assistant being *then* required in the other room to which they were transferred *anyway*. The only difference was the room that the children were transferred to was the room of ██████'s tormentors and a room which then had *minimal* children numbers for the then 2 staff the Group leader and *the assistant* that *should* have been allocated to ██████. This is one of several very important points that for some reason is not accepted or understood by either Work cover or Q-comp.

For some unknown reason, Q- Comp also have failed to understand the facts in evidence.

For example, it was *not 2 assistants*, as they deduce, that were allocated to ██████ in the room of 25 children and which they have cited as their justification as 'reasonable action' but a *choice of only 1* assistant out of the 2 (*physically limited staff*) allocated to her whilst all other rooms had fully physically capable staff members allocated to them in spite of the fact that all the other rooms were all of *lesser workloads than* ██████'s room.

The roster was *deliberately* designed in this fashion, directly in contradiction to what was discussed and in writing with ██████ (Co coordinator) as to how ██████ 'could' take that room in 2012 (i.e.) "██████ would require fully capable assistants (i.e. Not pregnant or physically limited)" requested in writing. (Dec 2011).

This was *not* implemented by the Director ██████ and complicit staff in ██████'s abuse, so as to deliberately maintain, continue and increase ██████'s maximum workload, abuse and harassment.

It was also made clear to ██████, over a long period by Director ██████ that the Centre needed to "reduce a staff member so as to be able to employ the 'teacher' that was now required under new regulations" and ██████ was 'encouraged' to resign time and time again.

Stressor 2.

Here Q-Comp agreed that actions taken against ██████ were deemed 'unreasonable' although many of the deductions are also, amazingly, incorrect and contrary to the evidence supplied.

Stressor 3.

The issues of [REDACTED]'s hand pain (RSI) were obvious and written in reports plus verbally mentioned to both Director and Assistant director and also acknowledged by same. After total long term neglect of these reports, [REDACTED] used her *own sick leave* which she took on *her own accord*, to do her operation privately on her hand. Goodwin also states [REDACTED] would wear her brace but did not complain of being overworked, yet, by her own admission ([REDACTED]) and the weekly reports signed by [REDACTED], [REDACTED] continually requested help and assistance.

Q-Comp states :-

In your weekly report dated 5 November 2010, you noted that your arm was still hurting. In your weekly reports dated 1 April 2011, 15 July 2011 and 18 July 2011/22 July 2011 you also referred to your hand hurting due to writing.

In light of the evidence for Q-Comp to later state management 'were not aware of [REDACTED]'s condition and therefore not neglecting [REDACTED]'s situation' also does not make sense. (64 ignored weekly reports requesting help, clearly, is neglect)

Q-Comp also, *once again*, erroneously refers to [REDACTED] being given 2 assistants again when rostered to the Preschool room, when, again, only 1 was available and both were incapable of full duties. (1 being 7 months Pregnant 1 limited by her physical stature).

It is also stated by [REDACTED] and accepted by Q-Comp, that these (2 assistants) were allocated to that room as they were in that room in 2011 and it would "***maintain the children's stability and continuity***" an argument that has no merit in light of the fact that the children from 2011 *were no longer even at the centre and had moved on to school*. This roster allocation for the coming year, had one sole and deliberate intention that being, to affect [REDACTED] adversely, a goal achieved, as this was the event that caused [REDACTED]'s breakdown on the day given to her by the Director [REDACTED]. (15th Feb 2012)

It is also insinuated that in light of the fact that letters of abuse were retracted that this in itself, somehow then meant that management action was 'reasonable' and no damage had been done which, of course, is incorrect, the damage had been done and [REDACTED] is still suffering that damage.

These points alone bring into serious doubt the validity of the conclusion by Q-Comp that management acted reasonably in stressor 1 & 3.

The 14 page letter submitted to Work cover by [REDACTED] clarifies many other factors of evidence that have been overlooked or misunderstood and support [REDACTED]'s case.

(This can be forwarded to you if required)

Through and because of these events, [REDACTED] felt she was forced to resign and did so on the 18th April 2012.

Once again, if all the evidence is closely scrutinized it is abundantly clear that crucial evidence has been misunderstood or overlooked in the assessment by Q-Comp but costs associated to do so are far beyond our means.

The present laws be relaxed and proven injuries such as [REDACTED]'s due workplace abuse must be supported by legislation and treated as any other injury.

I have approached over 15 law firms who *all* refuse to assist us due to what they say is the present legislation making it near impossible for a successful action to be taken against the abusers. Meanwhile our income has halved and my wife's is almost permanently depressed as she, in her mind, has had everything she worked for taken from her and `no one cares' and the bullies go on merrily in their daily life's with no consequences.

Thankyou for your time.

Sincerely

[REDACTED]

(Written by husband [REDACTED] due to her present medical condition)