

# Chapter 1

## Introduction

1.1 On 29 October 2009, the Senate referred the matter of the Australian Postal Corporation's (Australia Post) treatment of ill and injured workers to the Senate Environment, Communications and the Arts References Committee (the committee) for inquiry and report by 2 February 2010. The reporting date for the inquiry was subsequently extended on two occasions, to 17 March 2010 and then 12 May 2010.

1.2 The terms of reference for the inquiry were:

The practices and procedures of Australia Post over the past three years in relation to the treatment of injured and ill workers, including but not limited to:

- (a) allegations that injured staff have been forced back to work in inappropriate duties before they have recovered from workplace injuries;
- (b) the desirability of salary bonus policies that reward managers based on lost time injury management and the extent to which this policy may impact on return to work recommendations of managers to achieve bonus targets;
- (c) the commercial arrangements that exist between Australia Post and InjuryNET and the quality of the service provided by the organisation;
- (d) allegations of compensation delegates using fitness for duty assessments from facility nominated doctors to justify refusal of compensation claims and whether the practice is in breach of the *Privacy Act 1988* and Comcare policies;
- (e) allegations that Australia Post has no legal authority to demand medical assessments of injured workers when they are clearly workers' compensation matters;
- (f) the frequency of referrals to InjuryNET Doctors and the policies and circumstances behind the practices;
- (g) the comparison of outcomes arising from circumstances when an injured worker attends a facility nominated doctor, their own doctor and when an employee attends both, the practices in place to manage conflicting medical recommendations in the workplace; and
- (h) any related matters.

1.3 In accordance with its usual practice, the committee advertised details of the inquiry in *The Australian* on 4 November 2009. The committee also contacted a range of organisations and individuals, inviting submissions. The committee received 37 submissions from individuals and organisations, listed at Appendix 1, including

several from interested advocates in Canada and the United States and a joint submission from Australia Post and the Communications, Electrical and Plumbing Union. A list of tabled documents is at Appendix 3.

1.4 The committee held a public hearing in Melbourne on 12 February 2010. Details of the hearing are at Appendix 2.

## **Report Structure**

1.5 This report deals with the key issues raised during the inquiry. It does not attempt to make findings on specific allegations or individual cases. Instead, this report aims to draw general conclusions about the key barriers to the effectiveness of Australia Post's injury management system, which in the committee's view underpin the majority of complaints about Australia Post's treatment of ill and injured workers. It also makes broad recommendations as to how these central issues may be resolved by Australia Post and its employees.

1.6 Chapter 2 outlines the background to this inquiry and sets out the legislative framework underpinning Australia Post's injury management programs.

1.7 Chapters 3, 4 and 5 explain key issues with Australia Post's injury management programs, and the committee's recommendations as to how those issues may be addressed. Chapter 3 discusses the confusion over when Australia Post employees may, and when they must, attend a facility nominated doctor. Chapter 4 considers issues related to the appropriate and legal use of facility nominated doctors' assessments. Chapter 5 reviews allegations that Australia Post employees are routinely being returned to work too early or on inappropriate duties.

1.8 Chapter 6 contains the committee's concluding remarks and recommendations for improvement of Australia Post's approach to injury management.

## **Acknowledgment**

1.9 The committee would like to thank all of the organisations and individuals who contributed to this inquiry.