

Chapter 6

Committee conclusions

6.1 Due to the level of highly contradictory evidence presented to the committee, it is difficult to accurately gauge the extent to which Australia Post's injury management system is problematic. On one hand, Australia Post argued that:

With around 4,000 referrals under the early intervention program each year to independent doctors, a relatively small number within the three-year period have been presented to this inquiry. We submit they are not representative and do not support the submission that Australia Post's policies and programs are fundamentally or systemically flawed.¹

6.2 Dr Milecki also gave evidence that the number of complaints he receives regarding FNDs under Australia Post's program are relatively small compared to InjuryNET's other clients.²

6.3 However, on the other hand, Secretary and Treasurer of the Victorian Branch of the Postal and Telecommunications Branch of the CEPU, Ms Joan Doyle, told the committee that:

We have only put forward a tiny fraction of the cases we know about, only cases where there is no doubt about medical evidence and we have been proved to be right...It is a systemic problem that needs to be stamped out.³

6.4 In the committee's view, the only objective measure of Australia Post's injury management system is the series of audits conducted by Comcare, in which no systemic issues were found with Australia Post's injury management system. Mr Steve Kibble, Deputy Chief Executive Officer of Comcare explained that:

Generally [Australia Post is] a good performer in terms of rehabilitation and return to work. They are generally regarded by us as a good performer by comparison with others.⁴

6.5 Having considered all of the evidence presented during the course of this inquiry, the committee sees the key problem with Australia Post's treatment of injured and ill workers not being the program itself, but its communications with employees and with unions about the program; the links between EIP medical assessments and

1 Mr Rodney McDonald, Group Manager, Corporate Human Resources, Australia Post, *Committee Hansard*, 12 February 2010, p. 3.

2 Dr David Milecki, Director, InjuryNET, *Committee Hansard*, 12 February 2010, p. 38.

3 Ms Joan Doyle, Secretary and Treasurer, Postal and Telecommunications Branch, Victoria, CEPU, *Committee Hansard*, 12 February 2010, p. 63.

4 Mr Steve Kibble, Deputy Chief Executive Officer, Comcare, *Committee Hansard*, 12 February 2010, p. 83.

the workers' compensation scheme; and the lack of involvement and input that employees have in developing their own return-to-work program.

6.6 Dr Wyatt commented that the problems experienced at Australia Post are not unusual, and are common across the country, as well as internationally. She stated that 'employees are often disenfranchised and employers often struggle'.⁵

6.7 Similar evidence was also presented by international experts from Canada and the United States.⁶

6.8 In her evidence to the committee, Dr Wyatt explained that the situation at Australia Post with regard to injury management has become highly emotional. She explained that:

When you get that you have a lot of perceived injustice and blame so it becomes very hard to read the situation...Often the issue is what control the person has when they go back to work. The best evidence we have about back problems, for example, is that activity is important and people should not be terribly restricted. It does not mean they can do everything, but they should not be unduly restricting their activity.⁷

6.9 The expert medical evidence offered during the inquiry clearly shows that it is in an injured person's best interest to minimise the time they spend away from work, and to return to work as soon as practicable performing satisfying and physically appropriate duties. Australia Post's EIP attempts to put this evidence into practice by allowing employees to access medical services early and at no cost, when they are injured in the workplace. The appropriateness of the 'theory' of Australia Post's injury management program is supported by evidence from Comcare.

6.10 However, the benefits of the program have been frustrated as a result of insufficient employee buy-in, and a lack of clear agreement between Australia Post, supervisors, workers and unions regarding the rights and obligations of each party under the program. In the committee's view the frustration of a fundamentally positive program because of a lack of communication and empathy between the parties involved is extremely disappointing.

6.11 The committee has made four recommendations as to how specific elements of Australia Post's injury management program might be improved. Each relies on good faith negotiation between Australia Post, employees and unions, greater information-sharing, and improved knowledge about Australia Post's injury management programs at all levels. The committee notes that significant good-faith negotiation has already begun—for example with respect to the in-principal agreement

5 Dr Mary Wyatt, Chair, Policy and Advocacy Committee, Australasian Faculty of Occupational and Environmental Physicians, *Committee Hansard*, 12 February 2010, p. 70.

6 Dr Lisa Doupe, *Submission 22*; The 60 Summits Project, *Submission 1*.

7 Dr Mary Wyatt, Chair, Policy and Advocacy Committee, Australasian Faculty of Occupational and Environmental Physicians, *Committee Hansard*, 12 February 2010, p. 72.

between Australia Post and the CEPU on the new FND policy to be incorporated into Australia Post's new enterprise agreement, and the recent MOU in which Australia Post agreed to abolish bonus payments based on LTIs. The committee urges all parties to continue this constructive process.

Senator Mary Jo Fisher
Chair

