

20th October 2003

National Enquiry to the Workers Compensation & OHS Issues.

PO Box 80
BELCONNEN ACT 2616
AUSTRALIA

Dear Sir/Madam

I write as part of the public submissions request by this enquiry into the Workers Compensation and these issues also relate to OH&S concerns relating to “Bullying” in the work place. As a result of a Workplace Injury 6/8/01 I submit the following for your perusal and intervention into the Workers compensation system here in W.A. Although I must also express that I do not believe these issues are just a state-by-state concern. They are National and as an Australian I also feel I speak for many other who have been subjected to primitive practices under the Workers Compensation schemes across Australia, that may not for personal reasons and ill health are not be able to express their own experience. These are very much Federal concerns, and will impede on own welfare system if allowed to continue.

Despite my injury being substantiated by the Insurer and my employer they continued to deny weekly payments and payments of medicals throughout my ordeal.

Due to W.A legislation in relation to “stress” claims they argued predisposition for illness.

The dehumanizing methods used was an Insurers Psychiatrist that is also a Medical Practitioner who resides on the Register for Panel Membership Under Section 145B of the Workers Compensation & Rehabilitation ACT. This Psychiatrist ignored all evidence I supplied in relation to my injury, making no mention of the correspondence or the details surrounding internal investigations by my employer into the “Abusive, Bullying & Intimidation” of a Site Manager in their employ. These practices aggravated my injury, no support or concern for my well-being was ever protected or supported by the Workcover processes

The internal investigations by my employer and the Workers Compensation investigations relating to statements that my manager after reporting serious concerns relating to breeches of contract under the “JobNet work” and the abusive working environment under the management of this particular woman, the Insurer and my employer denied the existence of a report 6th February 2002 into another staff members resignation on medical certificate and the subsequent findings of similar abuse in the forms of management surveys. These admissions finally came the morning prior to the commencement of the 2nd prior to preliminary review 10th June 2002, that I was seeking an order to obtain the denied documents.

At this point in time I was suffering from the devastating effects of Major Depression and Serve to extreme levels of Anxiety.

Workcover review was set for the 20th June 2002. My injury was not in question and despite the findings of the investigations I was merely setting myself up for a “Character Assassination” and the Insurers Psychiatrist 2nd report, and the site manager (who had resigned April 2002), my friend and work colleague who had supplied the letter to the insurer were the first to be witness against myself at review.

I was advised by my lawyers whom I have since learnt are not known to work in the “workers” best interest, I was subjected to what is commonly known by Workcover, an agreement known as a “Global agreement”, this agreement allows for nominal information to fill in the gaps of a form 15C. This practice has been confirmed as “Insurers practice” by Workcover, there is no information available as to these Unjust agreements, the required statement of benefits that are required under Section 76 Workers Compensation ACT is fabricated as **NO weekly payments** ever commenced. Also on form 15c all medical ect were NOT paid by the employer or insurer prior to the agreement and did not undertake to pay them. As a requirement of this “Global agreement” I had to pay for these out of the amount I received \$45,000.00 although the agreement states that I was to be paid \$49,350.00, all medical paid etc.

Yes I did sign this agreement 25/7/02 and please refer. These letters are dated 8th July 2002 prior to signing the agreement, in which my layers ignored and yes I did sign them. Heaven knows why. The mental health Act should have been invoked as I was in no fit state to full understand the repercussions of such and agreement and was mislead into believing that the outstanding issues were Industrial related and could not be addressed. This agreement has prevented myself from seeking the Justice I need to move forward. It has also allowed further detriment. Employers response to return to work conditions dated 29/7/02 within 4 days of signing the agreement.

Despite numerous and at times desperate attempts to have these matters addressed and resolved, I come up against a brick wall. The Workers Compensation agreement has taken away all my rights as decent human being. I see no way forward. I signed away my rights to rehabilitation because my employer is a large National based community and JobNet work provider who lead me to believe that I was more than welcome back as investigations etc had taken place. Medical reports were provided 24/7/02 to my injury management the day prior to signing the agreement. Written advice as to return to work condition and grievance findings handed down 29/7/02.

I do not have the financial means to take the matters through our judicial system. To obtain justice cost “Big Bucks” that I just do not have. I am unemployable, as I need to declare Workers compensation claims on any employment application. “Stress” as a basis for a claim is not going to be understood by any prospective employer. If I have to explain my circumstances it will be seen that I am just a “Mere Trouble Maker” regardless of the “Abnormal” and “Unbelievable aspects of my Claim” that have been substantiated.

Drastic changes and federal intervention need to take place to stop the corrupt and gutter practices of the Insurers in the W.A Workcover. An independent enquiry should consider the workers who have been subjected to further abuse and victimisation when claiming VAILD workers comp claims. It is the system that is

corrupted by Insurers that continue to make huge profits and the workers who are returned to the community to then be beggars of the social welfare system. Many of whom simply cannot cope and ultimately chose to end their life. Whose families' breakdown, lose more self esteem and confidence and then have to rely on government assistance to live out a very sad future existence.

I also further wish to support Evelyn Field submissions to this enquiry. I have never met this woman nor been in contact. I have researched this evil in the workplace and have read her own submission to this enquiry and visited her web site **Evelyn M. Field is a counseling psychologist and an Accredited Speaking Member of National Speakers Association of Australia. She is the author of “ Bully Busting” (Finch 1999) and is currently completely her second book to assist targets, employers and bullies to deal with workplace bullying.**

If I can further assist with enquires relating to my experience please do not hesitate to contact myself.

Yours sincerely

Ms Julie Marie Bates