

03 April 2003

Disability Discrimination Inquiry  
Productivity Commission  
LB2, Collins Street East  
MELBOURNE VIC 8003

Dear Sir or Madam,

I am writing to you as I would like to voice my opinion on the Disability Discrimination Act. I have ongoing pain and weakness in both of my wrists. This is due to my employment with Telstra. I was forced to seek workers compensation in Dec 1994 as a lump in my wrist was not going away. As Telstra handled their own workers compensation, I did not receive any assistance from comp care or any other agencies that dealt with workers compensation.

I was treated poorly and just pushed from one position to another. I had a case manager within Telstra for my workers compensation but I never once in four years met with her. I was eventually sent to CRS for a report to be done on my ability to work for Telstra. Telstra were advised that I needed to be retrained as I was now only able to type for approx 1 hour out of an eight hour day. This was to be broken up over the period of the working day. Telstra gave me two options, find a job in Telstra I could do or leave. Without the assistance of any workers compensation agencies, I was forced to leave in October 1998. Telstra gave me a redundancy payout and got rid of me that way.

In August 1998, I consulted with a lawyer re my rights. I have still got an ongoing claim for compensation. The problems I have come across are that I have not been able to find employment anywhere, despite my education and training. I have been assessed with a 10% permanent disability in both my right and left wrist. There is not a day that goes by where I do not suffer with pain. I have been told that it will always be like this. Even normal day-to-day tasks irritate my injury and cause pain. As I have lived with the injury since 1994, I have learnt to tolerate the pain and know my limitations.

Since I left Telstra, I have not received any wages from them, even though I am still on workers compensation. I have been forced to rely on a parenting payment. This caused a further financial burden for my two children and myself. I have come up against many obstacles since being termed Workers Compensation. I continually apply for work but have had no success in finding employment. I go really well in the interviews and am short listed for the position, but when they give me the form that asks have you ever had workers compensation, my name gets lost off the list. This has happened on many occasions. I find that by having to answer that question before being offered a position that I am being discriminated against. I only apply for positions that I know I am able to complete on a daily basis. I believe it is unfair to have to answer this question. I think that I should be assessed by my ability to do the work rather than have I ever had workers compensation. I can honestly say that I believe 100% that the reason I have not been able to find any type of employment is because I have had workers compensation. This has made life really hard. Not only do I have to tolerate daily pain in both of my wrists, I can not find gainful employment. I never thought I would be unemployable especially with my back ground and working history.

I have been seeing CRS Australia, but even they have been unable to assist me. Since commencing CRS in June 2002, I have had 7 case workers. I just keep getting pushed from pillar to post without any results. The final insult came when in trying to come to a settlement with Telstra that CRS lodged an account of \$2496.00. When I found out this, I contacted them and wanted to know why their account was so high, given that I had not received any sort of rehab. I had requested to them on a number of occasions that I would like to do a travel course as my administration back ground was of no use to me anymore. I was advised that they could not fund any course over \$1000.00 and only short term courses could be funded. I find that it is a catch 22 situation, I have plenty of experience with clerical and admin work but no-one will give me a job doing this anymore and CRS will not fund a course for me and yet they want payment of \$2496.00 for nothing. I do not see why I should have to pay CRS and then fund my own rehabilitation course.

Since commencing with CRS in June 2002, I have done all of the running around, applying for positions and ringing around about employment. I have my current up to date resume and did this without any assistance from CRS. So taking all of this into consideration, I would like to know exactly what it is they are charging me for. They say that I am not the one paying them, but ultimately in the end, it comes out of any settlement amount that I may receive.

Just because I have a disability, does not give departments the right to treat me this way. Even if I should get a small payout just to settle this matter, I have lost so much more. I have been advised that should I proceed with this matter to court that the magistrate in making his decision will not allow for the fact that I have been unable to find any other employment since being forced to leave Telstra due to my disability.

I really think that the workers compensation and disability discrimination act does not take into consideration how it effects a persons life. It is about time that this matter should be looked into. I would hate to see anyone else have to go through the appalling treatment that I have received over the years.

I look forward to hearing the outcome on your inquiry into the Disability Discrimination Act. I know the law already states that you can not be discriminated against because of a disability. The only difference is an employer can not come straight out and state you did not get this position because of your disability. This does not mean that you are not discriminated against. An employer will just find another reason why you were not suitable, rather than state it is because of your disability. If they did this, then you could take them to the discrimination board. Even a person with disabilities has rights and should be treated accordingly.

Yours sincerely,  
Debbie McAullay