

# GREEN MEADOWS COLLEGE

## DEMONSTRATE AN UNDERSTANDING OF OHS, REHABILITATION PROGRAMME & SERVICE MANAGEMENT



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**Note:** The comments made herein are based on information obtained during the Intervention study. As the OH&ES consultant, there are no representations as to the accuracy of material obtained from third parties, or to advise the community's liability or future conduct of this matter. Please refer to the qualified judgement of your legal advisers for further information. Peter Adamis

# REPORTING AN INCIDENT INVESTIGATION IN THE WORKPLACE

## Executive Summary

**Scope.** Educational industries that invest in a safety culture are rewarded with greater productivity outcomes that lead to further prosperity. Organisations with a pathological approach to safety are prone to end up in the county court for failing to address health and safety issues in the workplace. Acts of bullying, intimidation and harassment in the workplace are no longer tolerated at any level and as such employers are taking positive steps to reduce and eradicate this type of behaviour. The Green Meadows Community (GMC) Trustees in light of recent events have taken positive steps to eradicate such illicit behaviour.

## Definitions.

- Bullying “is to be loudly arrogant and overbearing” [4].
- Harassment is “to disturb persistently; torment [4].
- Intimidation is “to force in to or deter from some action by inducing fear” [4].
- Rehabilitation is “the use of medical, social, educational or vocational measures or a combination of these to train or retrain someone who has a disability as a result of illness or injury” [4].

**Purpose.** The purpose of the report is to investigate why matters had escalated to this unfortunate state, what actions were taken at the time of these incidents, who was responsible for the member, were procedures followed (if any) and what rehabilitation steps were taken to assist the worker to return to the workplace. It is not within the scope of this report to address all matters concerning the case other than to provide recommendations that will impact on College management and the College. A detailed report of events is at Annex D.

**Background.** Created in 1973, the Green Meadows Community (GMC) is located in South East of Melbourne. The Community held in trust by a Board of Trustees is managed by a Committee of Management (CM) of 11 members. The Community has assets in excess of \$60 million and an annual budget of \$8 million. A major component is that of a College, managed by an Educational Senior Management Team (ESMT) of 10, with 20 administrative staff and 115 teachers. The College has 650 student base, drawn from five ethnic Groups, such as Greek, Serbian, Armenian, Russian and Coptic of the Orthodox faith.



## Objectives

**Aim.** The aim of this report is to document the procedures of the steps taken to rehabilitate a worker back into the workforce. A detailed and comprehensive history of the case and of the culture within the College is at Annex D. It is not within the scope of this report to detail all of the communication, discussions, coordination and liaison other than to make the point that the information may be found at Annexes C & D.

## History

**Workplace culture.** The case involves Ms Mareeba Pellanis, who is a 33 year old female teacher. She was at the time of the initial interview approximately five months pregnant. She had been hired by the Principal on the basis of her extensive knowledge in science and fitness subjects of which she was suitably qualified and for her assertive no nonsense approach to her outlook on life. The Principal was impressed by the fact that she had also been an Army reservist and that she had considerable life experience. A male teacher known for his intimidation and overbearing manner especially towards female teachers often had his brazen manner interpreted by others as just cultural machismo that came with the territory and turning a blind eye was always the response to any criticism. Besides the teacher was related to the local regional Bishop and rumored that he was untouchable and as such had never been counseled regarding his behaviour manner. On the arrival of Ms Pellanis, the male teacher singled her out for particular attention.

**Unwarranted behaviour.** Ms Pellanis began her tasks well and had no problems in asserting herself in the workplace and was liked by the students and other members of the staff. During the initial few months she parried the mischievous and unwarranted advances of the male teacher who well knew that she was married. She made complaints to the Heads of School and subsequently to the Principal. In both cases, her allegations were brushed off as “teachers being teachers” as the Principal put it to her and told her not to take it too seriously. She then sent a letter directly to the Management Committee marked Private and Confidential outlining her complaints and grievances. The following day she was called into the Principal’s office and reprimanded for going behind his back and that if matters were so serious she should have made it quite clear. At the end of the conversation, the Principal looked at her body and said to her that “you are getting a little fat to be the fitness instructor”. Ms Pellanis burst into tears and told the Principal that she was five months pregnant. The Principal did not say anything and Ms Pellanis left the office. Under the EO Act the male teacher and the Principal’s behaviour would warrant disciplinary action being taken against them.

**Duty of Care.** Under the Victorian Occupational Health and Safety Act 2004, employers are “so far as is reasonably practicable, to provide and maintain for employees a working environment that is safe and without risks to health” [9] in accordance with the OH&S Act 2004. It was clear that under this climate of fear, controlled by the Principal, life for the staff left a lot to be desired. The employer being the Management Committee in this case did not get involved in the educational environment and allowed matters to take their natural course. It is of interest to note that the CEO was also prevented by the Management Committee to intervene even though his contract of employment clearly indicated his duties and responsibilities were senior to that of the Principal. This oversight on the part of the Management Committee was soon to be tested in the case of Ms Pellanis.

## Intervention

**Unfair Dismissal.** Two days before Christmas, Ms Pellanis was again called into the Principal's office and was advised that her contract was not to be renewed and that she was to collect her personal belongings before the end of the year. When Mareeba asked why she was being advised at this late stage and on what basis was her contract not being renewed, the Principal advised her that she was not getting on with other staff and that her teaching methods were not compatible with the ethos the College. She walked out of the office and accidentally bumped into the Vice Principal who had seen her in tears in the corridor.

**CEO intervention.** After some time when Ms Pellanis had composed herself she finally blurted the truth out and told the Vice Principal that the reason she did not want the matter taken further was because she felt intimidated by the current dominant, male-oriented workplace culture. The Vice Principal brought the matter to the CEO of the Community who took on the case on her behalf. It was of interest to note that neither Ms Pellanis nor the staff was aware that they had access to the CEO and matters could have been addressed at that level. This matter was soon to cause further pandemonium but that was down the track. Further details regarding this matter may be found at Annex D. The CEO counseled Ms Pellanis on her rights and suggested that she seek union representation, legal support and to visit her doctor to ascertain her current health and well being status. Within two days, Ms Pellanis had returned with completed Work Cover applications that had been completed by her legal representative and submitted them to the CEO who duly processed them. The CEO advised the Principal that a complaint had been made against him without disclosing the teacher's name and a copy of the complaint was sent to Management Committee.

## Obligations

**Employer obligations.** An employer is obligated to retain an employee's job open for twelve months and to make every effort to support that employee to return to work. Unfortunately in the case of Ms Pellanis this option although still technically open was not possible for the following reasons:

- a. Work environment was not conducive to good working relationships;
- b. Principal and Heads of School were hostile and antagonistic towards Ms Pellanis;
- c. The job title and tasks were removed and reallocated amongst other teachers;
- d. The principal advised that he would not accept Ms Pellanis back;
- e. Ms Pellanis was in fear of returning to the College;
- f. Ms Pellanis had been diagnosed as suffering from a stress related disorder; and
- g. Medical opinion advised against Ms Pellanis returning to the workplace.

**Work Cover.** Work Cover providers are responsible for monitoring the health and well being and assisting in the rehabilitation of the employee to return to the work place. Work Cover providers work under the jurisdiction of Worksafe and provide workers compensation to injured workers. The Work Cover for the College has been associated with CGU for the past seven years. In that time it has processed in excess of 42 Work Cover claims, which is an average of six per year. A perusal of historical records indicated that claims that had been submitted were based on psychosocial disorders rather than physical ailments. This tends to infer that the pressure and demands of the workplace are above that what is to be expected. A Health and Safety study on the College will reveal the true nature behind the current educational culture.

## Rehabilitation

According to Bruce Hocking, rehabilitation consists of “coordinating all activities which enables a person’s safe return to work” [3]. In the case of Ms Pellanis, the CEO coordinated all of the activities ranging from counselling in the initial stages through to the member returning to work. A brief sequence of events is found below while a comprehensive account is found at Annex C.

- Initial interview;
- Counselling;
- Work cover application assistance;
- Liaison with Work Cover provider;
- Management kept in the loop;
- Accountant advised for salary purposes;
- Communication with Ms Pellanis;
- Liaison with medical professionals;
- Liaison with rehabilitation providers;
- Discussions with Accident Compensation Conciliation Service;
- Discussions with Work Cover provider; and
- Final report to Management Committee.

**Suitable Duties.** A Return to Work coordinator (RTW) in collaboration with the Work Cover provider is responsible for finding alternative work for an injured worker. Some of the factors to be considered are as follows:

- Current work capacity of the employee;
- Job availability and if not suitable alternative duties found;
- Consultation with supervisors and management;
- Restrictions if any of worker due to disability or mental illness;
- Support and changes to workplace environment;
- Communication, Consultation and Cooperation by all stakeholders; and
- Monitoring and supervision of injured employee.

**Costs and benefits.** In Victoria alone, an injured worker will be paid benefits for the first 13 weeks at 95%; followed by a further 26 weeks at 75% of their pre-injury pay. Employees will continue to be paid even after the 130 weeks if their condition is unlikely to change and then it may continue to retiring age. This is only a basic outline of what an employee can expect while they are injured and on work cover. During MS Pellanis’ time on Work Cover, approximately 19 weeks had transpired prior to any acceptance of employment. When calculating costs that have been incurred on behalf of Ms Pellanis to reach the point of returning to work, the following must also be considered as the true costs of returning an employee to the work force.

- Salaries - Employee;
- Salaries – Employer(s);
- Salaries - Work cover provider;
- Medical Doctor invoices;
- Psychiatrist consultant invoices;
- Psychologist invoices;
- Work Safe - costs;
- Rehabilitation invoices;
- Transport costs - Employee;
- Medication - Employee;
- Medical Costs - Employee;
- Health Aids - Employee;
- Counselling - Employee; and
- Home services - Employee.

**Hidden costs.** However, what are not shown above are the hidden costs associated with an injured worker such as impact on family, relatives, friends, associates and professional colleagues. The CEO through conversations with Ms Pellanis had reached the conclusion that the workplace was unsafe for her to return; a decision equally shared by the psychiatrist and medical doctors who are the gatekeepers in these matters. A decision was reached between all the stakeholders including that of Ms Pellanis regarding the best course of action.

## Recommendations

In view of the circumstances regarding this particular case and the information provided to the Management Committee by the CEO the recommendations being provided below are an indication of the covert and sub culture that is rife within the College Community. It is strongly recommended that actions be taken by the Trustees who are entrusted with the affairs of the Community to ensure that they are managed at the appropriate level of governance. Recommendations as follows:

- a. Employ a Health and Safety consultant, GT Health and Safety;
- b. Counsel members of the Management Committee;
- c. Counsel the Educational Senior Management team;
- d. Introduce a Safety Intervention procedure;
- e. Conduct an immediate review of College senior management;
- f. Introduce an Employee Assistance Programme, (EAP);
- g. Review teaching staff qualifications and competency;
- h. Review Conflict Resolution procedures for access to Trustees;
- i. Introduce Induction training on safety for all staff including that of management;
- j. Introduce a complaints procedure with access to CEO and Trustees for appeals;
- k. Introduce counselor for staff - short term only;
- l. Request for a financial audit for a report on expenditure; and
- m. Request for external staff appraisal to be conducted by GT Health and Safety.

## Summary

The College Educational Senior Management team and that of the Management Committee have clearly violated their positions of trust and have lost the respect and confidence of the teaching and administrative staff. Parents who have withdrawn their children have indicated that they will not return to the College unless drastic action is taken by the Trustees to rectify the conditions at the College. Suffice to say, the Trustees have put on notice the Principal, the ESMT and that of the Management Committee until the arrival of the Health and Safety Consultant. The trustees have taken positive action in accordance with the Community's constitution and installed a temporary governing body under the leadership of the CEO.

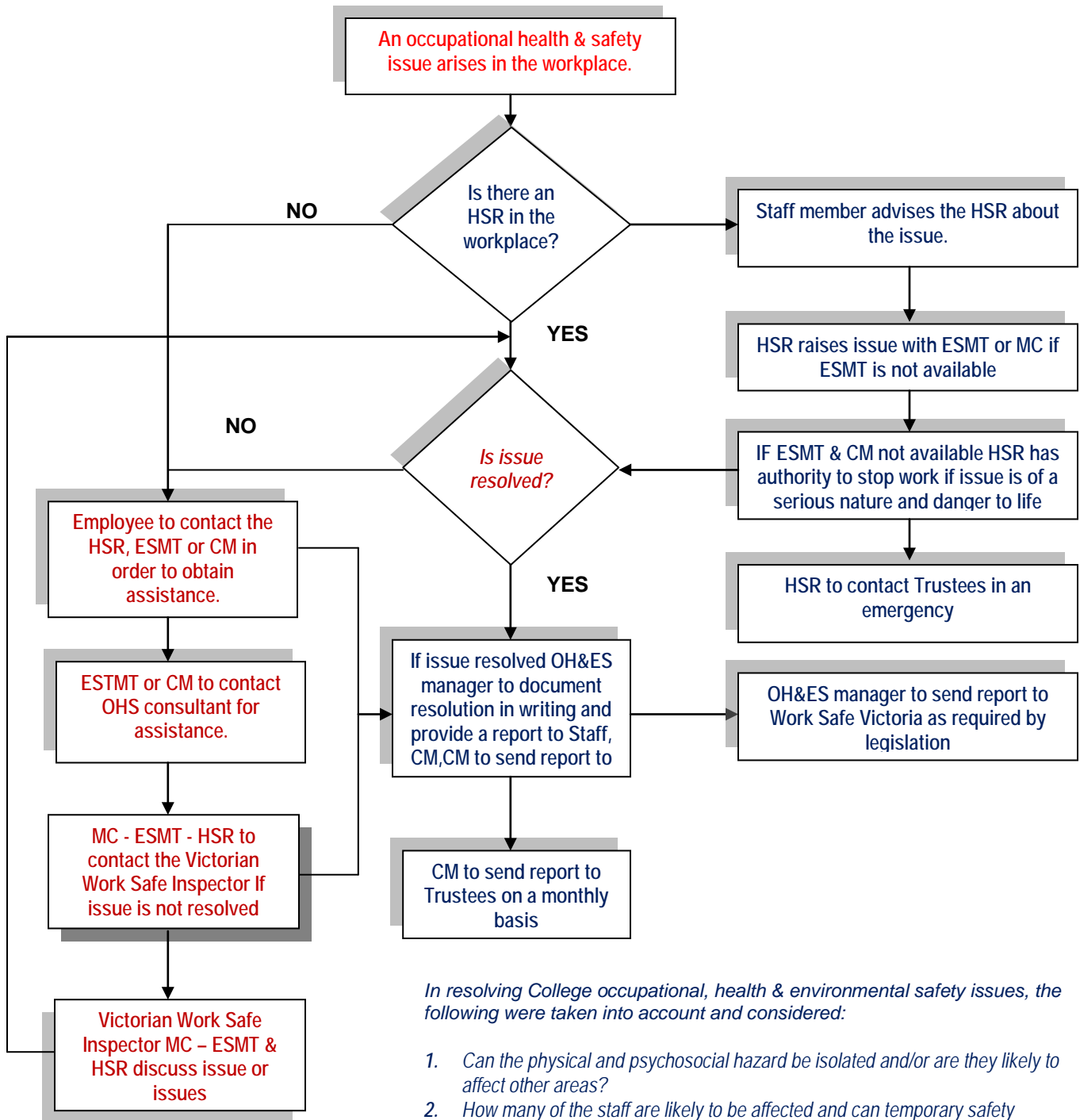
## ANNEXES

- A. SAFETY INTERVENTION FLOWCHART
- B. REHABILITATION SUPPORT PROGRAMMES
- C. WORK COVER CHRONOLOGICAL RTW CHART
- D. MS PELLANIS CASE
- E. DUTY OF CARE
- F. SUPPORTING NOTES

## REFERENCES

- 1 CGU <http://www.cgu.com.au/cgu/cgu/linkAuthContent.do?contentId=/OurProducts/WorkersCompensation>
- 2 **Human Rights and Equal Opportunity Commission.** EO Act 1995 (Vic) (EOA) Amdt 11 October 2006. <http://www.humanrightscommission.vic.gov.au/publications/miscellaneous/>
- 3 **Implementing Health Promotion in the workplace.** Hocking, B. (2000) Lecture Notes
- 4 **Macquarie Dictionary,** Macquarie University, NSW, Australia, 4 Ed. (2005)
- 5 **Prevention of Bullying and Violence at Work.** Worksafe Victoria Guidance Note. Victoria WorkCover Authority. (2003)
- 6 **Preventing and Addressing Bullying at Work.** Worksafe Victoria Guidance Note Ed, 2. Victoria WorkCover Authority. (2009)
- 7 **RTW Solutions Training Provider** <http://www.rtwolutions.com.au/>
- 8 **Gary Thexton CPMSIA OH&S Consultant** [www.gtthealthandsafety.com](http://www.gtthealthandsafety.com)
- 9 **Victorian Occupational Health & Safety Act 2004.** [http://www.austlii.edu.au/au/legis/vic/consol\\_act/ohasa2004273/](http://www.austlii.edu.au/au/legis/vic/consol_act/ohasa2004273/)

**Note:** See Annex F for additional reading material not used within assignment.



*In resolving College occupational, health & environmental safety issues, the following were taken into account and considered:*

1. *Can the physical and psychosocial hazard be isolated and/or are they likely to affect other areas?*
2. *How many of the staff are likely to be affected and can temporary safety measures be taken?*
3. *Consider protective clothing and equipment if the hazard or safety issue warrants it*
4. *How long will it take to correct the hazard or safety and will it require a permanent correction*
5. *Who is responsible for performing and overseeing the hazard or the risk?*

The Bursar/Accountant is the designated College OH&ES Issue Resolution Manager

Updated 6 June 2009.



## REHABILITATION & WORK PROVIDER SUPPORT **ANNEX B**

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**REHABILITATION PROVIDER -- RTW SOLUTIONS.** The College current preferred training establishment located in the City of Monash is well placed and qualified to undertake the Induction Training and rehabilitation support. The training provider has previously provided training on Fire and emergency drill training, Food handling course for the Hospitality teaching staff, First Aid training, OH&S and Asset Management. They also provide rehabilitation service for Work Cover insurance providers, and employers. "RTW Solutions is an accredited Registered Training Organisation (RTO) and Rehabilitation provider with a proven history of successful outcomes. Our front-line training staff are qualified in Certificate IV in Workplace Assessment and Training with extensive industry knowledge and first-hand experience with health professional relating to Work cover and rehabilitation programmes. " [7] See below for website details

Telephone: (W) 95632122 (E) [Steve@syj.au.com](mailto:Steve@syj.au.com) <http://www.rtwolutions.com.au/>

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CGU is the largest workers' compensation services provider in Australia. The CGU Workers Compensation strategic business unit encompasses both fee-based and risk-based workers' compensation services, self insurance services and safety and risk services. The Victorian and New South Wales Workers Compensation schemes are state-run and are sometimes referred to as 'non-risk' or 'fee-based' states. In these states, CGU acts as an agent for the respective state government WorkCover authority, providing policy and claim management services. Our Workers Compensation businesses in Western Australia, Australian Capital Territory, Tasmania and the Northern Territory are sometimes referred to as 'risk-states', as CGU underwrites these insurance policies. There are almost 1100 employees working across Australia within the Workers Compensation business unit. [1]

<http://www.cgu.com.au/cgu/cgu/linkAuthContent.do?contentId=/OurProducts/WorkersCompensation>

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**Employee Assistance Programme. GT HEALTH & SAFETY.** The College currently employs a Health and Environmental consult to conduct Employee Assistance programmes on staff health and well being. "Gary Thexton is a Health, Safety Consultant with considerable background enables organisation to create positive proactive Health and Safety systems for the well being of everyone, workers, contractors and visitors. " [8]

Gary Thexton CPMSIA OH&S Consultant GT Health and Safety Office/Home 9585 4232 Mobile 0409 210 883 Email: [gary@qthealthandsafety.com](mailto:gary@qthealthandsafety.com) Website: [www.qthealthandsafety.com](http://www.qthealthandsafety.com)

# WORK COVER CHRONOLOGICAL RTW CHART **ANNEX C**

Serial	Date	Subject	Notes
1	Thursday, January 10, 2008	Email from Vice Principal	Teacher visits Doctor
2	Friday, January 11, 2008	Interview with Teacher – counseled regarding rights	Vice Principal present
3	Monday, January 14, 2008	Teacher completes Work cover Application	
4	Tuesday, January 15, 2008	Principal and Community President advised	CEO contacts Teacher for health
5	Wednesday, January 16, 2008	Principal contacts Union	Union friend of Principal
6	Thursday, January 17, 2008	Union attempts to change teachers mind m- salary paid to Teacher	Teacher visits psychologist
7	Friday, January 18, 2008	Principal advises Head of Secondary to contact Teacher	Teacher upset at call
8	Monday, January 21, 2008	CEO advises Principal not to get involved- Allegations against him	Principal does heed advice
9	Tuesday, January 22, 2008	Message to President advising for principals unorthodox actions	No response from President
10	Wednesday, January 23, 2008	Principal sends letter to Teacher at home address – CEO contacts Teachers Doctor – Advised matter is confidential	Teacher upset at letter CEO seeks approval to speak with Doctor
11	Thursday, January 24, 2008	CEO advises cautions Principal regarding his actions	Principal does heed advice
12	Friday, January 25, 2008	Message to President advising for principals unorthodox actions	No response from President
13	Monday, January 28, 2008	CEO seeks Conflict Resolution process for Teacher and Principal	Principal not interested
14	Tuesday, January 29, 2008	Work Cover provider instigates investigation – Advises CEO	CEO contacts Teacher for health
15	Wednesday, January 30, 2008	CEO advises Principal and President of pending investigation	
16	Thursday, January 31, 2008	Investigator interviews stakeholders - College Gazette sent to Teacher – CEO speaks with Doctor	Doctor advises member suffering anxiety and signs of depression
17	Friday, February 01, 2008	Principal contacts Work Cover provider	CEO advise by work cover
18	Monday, February 04, 2008	CEO sends letter to Principal and copy to President – No response	No response from President
19	Tuesday, February 12, 2008	Work Cover investigator find in favour of teacher	CEO contacts Teacher for health
20	Wednesday, February 13, 2008	Work Cover provider approves weekly compensation payments	CEO advises Accountant
21	Thursday, February 14, 2008	Principal sends additional supporting documents to Work cover	Salary paid to Teacher
22	Friday, February 15, 2008	CEO speaks with Teacher regarding Conflict resolution	Teacher seeks justice
23	Monday, February 18, 2008	CEO creates Return to Work Plan and speaks with Teacher	Teacher does not want to return
24	Tuesday, February 19, 2008	Head of Secondary as contact -Teacher visits Doctor Medical Certificate.	Teacher prefers CEO. CEO has discussions with Principal
25	Wednesday, February 20, 2008	CEO advises Principal he is not responsible for RWT	No response from Principal
26	Thursday, February 21, 2008	CEO contacts Work cover provider and advises of RTW Plan	CEO contacts Teacher for health
27	Friday, February 22, 2008	Teacher attends Psychologist - Report sent to Work cover	Psychologist advises not to return
28	Monday, February 25, 2008	CEO writes letter to principal regarding RTW protocol	
29	Tuesday, February 26, 2008	Work Cover arranges Teacher to see Psychiatrist	Teacher not happy but agrees
30	Wednesday, February 27, 2008	Principal sends letter to Teacher	Teacher under stress
31	Thursday, February 28, 2008	CEO advises Principal of consequences if Teacher is contacted	CEO advises Teacher
32	Friday, February 29, 2008	Principal complains to President about CEO handling the case	College Gazette sent to Teacher
33	Monday, March 03, 2008	CEO advises President of his OH&S and RTW responsibilities	Principal does not accept status
34	Tuesday, March 04, 2008	CEO removes Teachers file from Principal	
35	Wednesday, March 05, 2008	Teacher visits Doctor Teacher contacts CEO regarding health	CEO contacts Teacher for health
36	Thursday, March 06, 2008	Teacher visits Psychiatrist	Teacher under stress
37	Friday, March 07, 2008	Teacher advises CEO that she will never return to the workplace	CEO advises President
38	Monday, March 10, 2008	Teacher visits Psychologist – Anti depressants prescribed	Teacher advises CEO
39	Tuesday, March 11, 2008	RTW Plan reviewed and updated – copy sent to Work cover provider	Teacher in better frame of mind
40	Wednesday, March 12, 2008	CEO advises Management committee	
41	Thursday, March 13, 2008	College Gazette sent to Teacher	CEO speaks with Work cover
42	Friday, March 14, 2008	Psychiatrist Report recommends not to return to workplace	Change of employer discussed
43	Monday, March 17, 2008	CEO updates RTW Plan an speaks with Teacher	Discusses choices when better
44	Tuesday, March 18, 2008	Teacher visits Doctor Medical Certificate	CEO briefs Principal
45	Wednesday, March 19, 2008	Teacher receives Get Well cards from students	
46	Thursday, March 20, 2008	Teacher contacts CEO and provides change of mobile numbers	Salary paid to Teacher
47	Friday, March 21, 2008	Accountant send salary details to Teacher	
48	Monday, March 24, 2009	Teachers name appear on Rate your Teacher Website	Teacher laughed at notes
49	Tuesday, March 24, 2009	Teacher visits Psychologist	
50	Wednesday, March 25, 2009	College Gazette sent to Teacher	
51	Thursday, March 26, 2009	RTW Plan reviewed and updated – copy sent to Work cover provider	CEO speaks with Work Cover
52	Friday, March 27, 2009	CEO discusses RTW plan with Teacher	RTW not discussed again
53	Monday, March 30, 2009	Teacher and CEO discuss RTW Plan Teacher not happy to RTW	
54	Tuesday, March 31, 2009	Email sent to Teacher by CEO on RTW follow	Teacher responds – not well
55	Wednesday, April 01, 2009	College Gazette sent to Teacher	CEO briefs Principal
56	Thursday, April 02, 2009	Teacher contacts CEO for advice on Statement of Service	CEO requests an email

Serial	Date	Subject	Notes
52	Monday, March 30, 2009	College year book sent to Teacher by CEO	
53	Tuesday, March 31, 2009	Email sent to Teacher by CEO advising of College events	Teacher does not respond
54	Wednesday, April 01, 2009	Teacher visits Psychologist	
55	Thursday, April 02, 2009	RTW Plan reviewed and updated – copy sent to Work cover provider	CEO speaks with Work cover
56	Friday, April 03, 2009	Teacher requests support - CEO contacts Work Provider	Discusses Rehabilitation
57	Monday, April 06, 2009	Work Cover advises Teacher of Rehabilitation support	Teacher accepts & will not return
58	Tuesday, April 07, 2009	College Gazette sent to Teacher	CEO briefs Principal
59	Wednesday, April 08, 2009	CEO briefs Management committee that teacher will not return	No response from Management
60	Thursday, April 09, 2009	Teacher posts Conciliation documents to ACCS	Request for conciliation
61	Friday, April 10, 2009	Teacher visits Doctor Medical Certificate	
62	Monday, April 13, 2009	Email sent to Teacher by CEO saying hello	Teacher feeling down
63	Tuesday, April 14, 2009	Teacher sends letter to CEO of well being status – Letter filed	Salary paid to Teacher
64	Wednesday, April 15, 2009	College Gazette sent to Teacher	
65	Thursday, April 16, 2009	Teacher visits Psychologist – Anti depressants prescription	Willing to attend Rehabilitation
66	Friday, April 17, 2009	RTW Plan reviewed and updated – copy sent to Work cover provider	CEO briefs President
67	Monday, April 20, 2009	Teacher attends Rehabilitation Training	Assessed by Rehabilitation
68	Tuesday, April 21, 2009	Rehabilitation report sent to Work cover	Work cover advises CEO
69	Wednesday, April 22, 2009	CEO discusses rehabilitation choices with Teacher	Does not wish to return to work
70	Thursday, April 23, 2009	CEO advises Work Cover and choices	
71	Friday, April 24, 2009	Teacher commences Job placement support - updates Resume	Sends Resume to schools
72	Monday, April 27, 2009	Teacher speaks with Union representative – requests conciliation	Union contacts CEO
73	Tuesday, April 28, 2009	CEO and union discuss options – Teacher will not return to work	Conciliation discussed
74	Wednesday, April 29, 2009	Teacher posts request for conciliation with ACCS	CEO speaks with Work cover
75	Thursday, April 30, 2009	College Gazette sent to Teacher	CEO briefs Principal
76	Friday, May 01, 2009	Teacher visits Psychologist	
77	Monday, May 04, 2009	Email sent to Teacher by CEO saying hello	Teacher responds as doing fine
78	Tuesday, May 05, 2009	ACCS advises of conciliation date	
79	Wednesday, May 06, 2009	RTW Plan reviewed and updated – copy sent to Work cover provider	
80	Thursday, May 07, 2009	Teacher visits Doctor Medical Certificate	
81	Friday, May 08, 2009	Reports sent to ACCS by CEO	
82	Monday, May 11, 2009	ACCS sends documents to CEO from Teachers representative	CEO brief President
83	Tuesday, May 12, 2009	College Gazette sent to Teacher	Salary paid to Teacher
84	Wednesday, May 13, 2009	Teacher requests Statement of Service from CEO	Statement sent to Teacher
85	Thursday, May 14, 2009	Rehabilitation discusses the WISE Scheme with Teacher	Teacher happy with WISE Scheme
86	Friday, May 15, 2009	Teacher submits seven job applications	CEO advised
87	Monday, May 18, 2009	Teacher visits Psychologist – Discusses job applications	CEO briefs Principal
88	Tuesday, May 19, 2009	Teacher receives two positive job offers RTW Plan reviewed and updated – copy sent to Work cover provider	CEO advised
89	Thursday, May 28, 2009	Date of conciliation – President and CEO attend conciliation ACCS finds in favour of Teacher after reviewing all documents and statements	Teacher accepts 6 months wages as payout and rehabilitation support and medical bills paid
90	Friday, May 29, 2009	Teacher attends Rehabilitation – CEO advises Principal and Accountant CEO Advises accountant to ensure all outstanding Teacher payments met	Principal not happy with outcome
91	Monday, June 01, 2009	Teacher offered employment three days a week and considers options	Advises CEO of job offer
92	Tuesday, June 02, 2009	Teacher visits Doctor Medical Certificate not submitted to CEO	Teacher send email to CEO – Thank you for support
93	Wednesday, June 03, 2009	Teacher visits Psychologist – discuss the job offer. File closed – letter sent to Teacher by CEO – Best wishes for future	No further contact with teacher
94	Thursday, June 04, 2009	Teacher accepts employment under the WISE Scheme Rehabilitation provides support to commence employment	Continues with rehabilitation
95	Friday, June 05, 2009	Teacher commences employment with New employer under WISE Scheme	Rehabilitation continues

**The lessons learnt:** Commitment and support by Management is mandatory. Principal hostility and attempts made to discredit teacher making communication difficult and conflict of interests. The Conflict Resolution policy needs to be reviewed. Teacher went into depression. Communication, consultation and cooperation with the injured worker are essential. Support by Health professional essential. Contact with Work cover staff important. RTW coordinators role is a full time job. Policies in College need updating and enforcement. Training for all staff at college on Work cover and rehabilitation is required. Communication, Consultation and Cooperation are key points. A total of 19 Weeks not including time under the Wise programme.

**Post Script Concerns.** The requirement for a Health and Safety Intervention to be conducted immediately is of considerable importance. Furthermore, there are sufficient written statements by the Trustees from staff, work cover applications and Exit statements to warrant the immediate removal of the Principal from the College. In addition the entire ESMT should be stood down until the Health and Safety Consultant arrives. It is also strongly suggested that administrative controls be placed under the office of the CEO until the completion of the Health and Safety Intervention Study is completed

In 2005, a battle over control of the College raged between interested members of the Green Meadows Community that had financial interests in the Green Meadows College. The Principal had been forced to leave the College earlier than his expected date according to his contract leaving a power vacuum in the educational leaders' position. The interim Principal lobbied behind the scenes in undermining the CEO of the Community to obtain privileges and rights that were normally that of the CEO.

The President of the Community had left for an overseas trip and the Community was under the leadership of a novice Acting President who soon found that it was beyond her capabilities. Her husband being the Community's solicitor was responsible for drawing up the Principal's employment contract and had personal and financial interest in the Community and that of the College while his wife was the Acting President. Furthermore the Acting President's sister was the manager of the College canteen and also had a financial interest in the College and the Community. The father of the Acting President was also an honorary member that gave him some privileges and influence in the affairs of the College and that of the Community. This was clearly a case of self interest and a conflict of interest by all parties.

Within four months of the President being overseas for a long standing commitment, the Acting President resigned on the grounds that she was required to cater for the needs of her family and therefore not in a position to manage and/or lead the Community and that of the College. The incompetent handling of the Community affairs was clearly demonstrated when she contacted the Community auditors and began to undermine the CEO who had been hired specifically to bring order and good governance to the Community as a result of previous management.

During this time, the Principal began his covert moves by building the lobby group responsible for the removal of the previous Principal. This act alone was not conducive to good working relationships within the College environment and it caused much angst amongst the teaching staff. Some teachers decided to resign, others were forced out and the remainder felt cornered into a corner feeling helpless and without any means of being assertive. A climate of fear bordering on the pathological descended upon the College. The CEO in his own right brought stabilization during this period within the Community and laid the foundations upon which the Community and that of the College could build upon. However, the covert machinations of the Principal soon overwhelmed that of the CEO whose reserve of resources dwindled over time under the thinly veiled attacks of the Principal.

The College workplace environment was split into two camps. On one side there was the group of teachers loyal to the previous Principal who had departed under an acrimonious climate undermined by management and a selective lobby group of recalcitrant teachers. Suffice to say the Principal in this case was pleased to leave despite being a member of the College for the past 25 years. On the other side there was the "young guns" lobby group that wanted change at any cost as they felt that the teaching paradigms of the past should remain so, in the past. They were advocates of the androgogy style of learning and teaching where facilitation, participation and learning had proven to be superior to the pedagogy style of teacher to student instruction style.

The failure on the part of senior management to act in a positive manner became apparent during a spate of verbal and intimidating attacks of teachers against other teachers. It seemed that during the transition period, staff had used the lull in leadership to settle old scores, which only led to more confrontation and strife. In the ensuing months where senior management began to settle into their new role, the damage to interpersonal relationships had been complete. Staff felt uneasy and many used sick leave as means of removing oneself from the workplace interrelationship rivalry.

The workplace environment went from bad to worse and staff had now been overwhelmed by the sheer arrogance of the Principal and the lack of leadership on the part of the new Acting President. The new acting President had envisaged himself as the savior of the Community who was to eradicate debt, bring order and stability to the Community, put his chest up against the religious authorities who threaten to take over the Community as they had accomplished in other regions round Australia. The only obstacle to their strategy was the CEO who had been hired to specifically stop this from occurring. The CEO was fully aware of his duty to his employer but also cognizant of his responsibilities under the EO and OH&S legislation not to mention other responsibilities that came with his role. The CEO was concerned at the decline in the College but was unable to stop the Principal from carrying out his programme of bringing about another "renewal project" headed by one of his sycophant staff members. The President and the Management Committee who had the majority vote. Continued to provide the Principal with whatever resources he had requested despite the College not having the funds to cover the expenses. At one stage the President withdrew funds in excess of \$500,000 which was against the constitution and was kindly reminded by the CEO that it was not in his or the Community's interest to take this line of action regarding the College debt. The President did not take kindly to this and did not heed the CEO's advice. The CEO had some support within the Management Committee but they had no power either than to voice their concerns and have it recorded in the minutes. Suffice to say a check of the minutes during the audit period uncovered that many of the decisions had not been entered. The President also fought a vote of no confidence by manipulating the meeting with Trustees in conjunction with the parish priest who was also in collusion with the Management Committee.

Throughout the remainder of 2007, staff were resigning, others were applying for annual leave, and long service leaves and leaves without pay. Some teachers were absent on days on end using up their sick leave entitlements to cope with the stress at the workplace. The Principal to overcome these deficiencies in his character and lack of qualification and leadership embarked on ambitious programmes using others as proxies to head the projects. However when the projects failed to get off the ground those responsible were made scapegoats and removed quietly from the scene.

The Principal, to remove potential trouble makers or rivals in this case, who had qualifications in excess of his own, engineered their removal by the fabrication of information and effective use of misinformation to discredit colleagues and other teaching staff. One teacher's personal files and records were broken into and information planted to destroy his character. In another case misinformation about a teacher's sexuality was made public, and then withdrawn when legal action was being threatened. Any complaints and/or representations to the Management Committee by the CEO were met with silence as the new Acting President had effectively dismantled the procedures and processes put into place to safeguard against such events occurring. The Management Committee became dysfunctional and controlled by a handful of sycophants loyal to the Acting President.

This climate of unease and instability continued throughout the years of 2006 and 2007 without any leadership action being taken by the President and Committee. The Principal was given additional powers that equaled the CEO and the circle of covert action was complete. By the end of December 2007 all efforts to stop the decline had fallen on deaf ears. The CEO's attempts of writing to the Trustees, Honorary members, the Management Committee and the Principal voicing his concerns that the Community and the College were losing a million dollars a year fell on deaf ears. The three year approved Budget Deficit Reduction plan instigated by the CEO and approved by the previous Management Committee was not embraced by the new Management Committee who had an agenda of their own and that they had colluded with the religious authorities to bring the Community and that of the College into debt. In this manner the religious authorities would move in and take over the assets.

A series of active failures had thus been laid for what was to follow. By January the following year, the CEO was contemplating his future. He had worked as normal over the Christmas period of celebrations in order to bring the College back to its former glory and completed all maintenance and repairs accordingly. Monthly reports had been completed, administrative returns finalized and budget and other financial commitment checked for their validity and in line with budget parameters. During the first week of January the CEO received a call from the Vice Principal that he had an issue that he would like to resolve before he left the College. The Vice Principal was another member that the Principal had engineered his removal and from all accounts the Vice Principal had worked tirelessly for the College and the Community and was only glad to leave.

However the Vice Principal being a man, who prided himself on his work ethos and his values, did not wish to depart until he had completed any unfinished projects or leave issues outstanding. In his case, he had been approached by a staff member who had been the subject of a series of intimidation and bullying and had just returned to pick up her personal belongings. The Vice Principal had spoken to her and realised that she was under considerable stress and had not appeared to have been given the support by the Principal. The full details of the teachers complaints are documented elsewhere, however post interview action may be viewed at Annex C.

The matter of the female teacher was then formally addressed and an email was sent to the CEO. The CEO in line with his duty of care responsibilities realised from the email message that an injustice had been done. However allegations made by the female teacher in the email forwarded by the Vice Principal had to be checked and confirmed against other supporting evidence. Preliminary details of the case were documented and reports sent to management and to the Principal.

During the initial discussions, it was ascertained that although the matter fell under the jurisdiction of HREOC [2], Mareeba's health and well being were being affected which was also supported by medical evidence from her treating Doctor. Mareeba was counseled regarding her rights and what action she could take. In addition she was counseled on what action would take place once she had decided what she wanted to do. Furthermore Mareeba was told that the Principal and the Management Board would also be advised that a complaint had been made.

When it became known that Ms Pellanis was on Work Cover the Principal in conjunction with the Management Committee covertly attempted to stop the process. However the CEO stood his ground and advised both the President and the Principal that under the EO [2] and OH&S Acts [9], the College and the members involved could be and may be held responsible for their actions.

The Principal in this case attempted to bypass the system by involving the union and that of the Independent Schools Association to stop any investigation into the matter. The CEO advised the President of the Principal's attempt to thwart the investigation but received no response. Suffice to say the CEO followed his instincts and carried out what ever administrative actions were required to bring about a successful outcome. In the course of the next few days' events, the CEO counseled the teacher of her rights and subsequently she returned and completed a Work Cover application which was fully sent to the Work Cover providers for their action and investigation. The Work Cover providers instigated an investigation into the matter and an investigator soon confirmed the allegations and those proper procedures had not been followed in the matter of the teacher. The teacher's application was approved much to the chagrin of the Principal and that of the President.

The Green Meadows College is cognizant of its Duty of Care responsibilities in accordance with the Victorian OHS Act 2004 [9] to ensure that it provides a safe and healthy work environment free of any physical and psychosocial hazards for the staff, students, parents, clients, visitors and the public. The following commitment extends to ensuring that Green Meadows administrative and educational operational aspects do not endanger or place the Green Meadows Community or the community at large at risk of injury, illness or property damage. In this obligation staff infers to the teaching and administrative employees.

The following obligations template has been designed for the Green Meadows College for distribution to staff.

## College Staff.

- Follow all health and safety policies and procedures
- Report all known or observed hazards to their immediate supervisor or manager
  - (1) While at work, an employee must -
    - (a) take reasonable care for his or her own health and safety; and
    - (b) take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace; and
    - (c) co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or under this Act or the regulations.
  - (2) While at work, an employee must not intentionally or recklessly interfere,
  - (3) with or misuse anything provided at the workplace in the interests of health, safety or welfare, [20].

**Consultation & Conflict Resolution - CCR.** Green Meadows College Consultation and Conflict Resolution procedure has been discussed, acknowledged and agreed by management, employees and/or their representatives. It has been acknowledged and agreed that objective of the procedure is to seek and obtain the best and most effective solution for matters concerning health, safety, equal opportunity and conflict management issues when they arise. It has been agreed upon that it is the collective responsibility of management at all levels to workplace issues.

**Assignment Notes.** The information contained within the report is based on a real college. Names and identification marks and material have been changed or removed for legal reasons. The report is the catalyst that drove the Trustees to make the drastic decisions necessary to ensure the survivability of the community and that of the college. The report has been written for an audience (Trustees) that have a poor command of the English language and rely on consultants for professional advice and support.

**Name.** The name Pellanis was derived from the name of a village in ancient Greece. It was where Helen of Troy lived with her husband Menelaus prior to and after the Trojan War. It is also the birthplace of the author.

PETER ADAMIS 6 JUNE 2009

### ***ADDITIONAL READING MATERIAL***

The following was also read for research reasons only. No material was used from the books other than to have a greater knowledge of the unit in general and to further my experience.

- A **Occupational Therapy for people with Learning Disabilities.** Goodman, J, Hurst, J & Locke, C. Elsevier Publishing, USA (2009)
- B **Style Manual for Authors, Editors and Printers,** 6<sup>th</sup> Ed John Wiley & Sons, Revised Snooks & Co, (2007)
- C **The Unwritten Rules of PhD Research,** Rugg, G & Petre, M. McGraw-Hill, (2009)
- D **Learning Disabilities and mental Health,** Raghavan, R & Patel, P. Blackwell Publishing, (2005)
- E **Occupational & Environmental Medicine,** Ladou, J. 4<sup>th</sup> Ed, McGraw-Hill, (2007)
- F **Rehabilitation for Work matters,** Ford, J, Parker, G, Ford, F, Kloss, D, Pickvanvce, S & Sawney, P. Radcliff Publishing, New York, USA, (2008)
- G **Occupational Health and safety Law and Policy,** Johnstone, R. 2<sup>nd</sup> Ed, Ligare Pty Ltd. (2004)
- H **The Scientific Basis of Injury Prevention and Control,** McClure, R, Stevenson, M & McEvoy, S. IP Communications, Melbourne, Australia. (2004)
- I **Practical Occupational Medicine,** 2<sup>nd</sup> Ed, Agius, R & Seaton, A. Hodder Arnold, London, Great Britain, (2006)

**In real life.** Ms Pellanis (not her real name) never returned to the College. Alternative employment was never found. There was collusion between the Principal and the Union representative and Head of Secondary. Ms Pellanis went to conciliation and was awarded three months pay in accordance with the teacher award conditions of employment. She gave birth to her second son and lives at home. She is still having problems with her previous employer who is sending her letters stating that she had gone on leave without pay for insurance reasons and not work cover. The management Committee is up for re-election in June 2009. The Trustees power and authority was removed in 2007, leaving the community without any safeguards. The CEO left in disgust and is now taking legal action for defamation amongst other matters.