

NAB call centre off the hook over psychological condition claim *Plummer and National Australia Bank Limited [2020] AATA 3759*

Key Points

- The Tribunal was asked to consider whether a call centre worker suffered a psychological condition as a result of receiving abusive telephone calls.
- The Tribunal noted that the applicant failed to raise work-related stressors which had allegedly caused his illness, either to his doctors or supervisors.
- The Tribunal accepted evidence that the psychological condition was caused by pain from a previous back injury, as well as several non-work related stressors, and found in favour of the Respondent.

Background

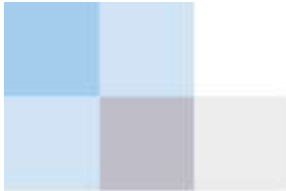
Mr Michael Plummer commenced employment with the National Australia Bank (NAB) as a Contact Centre Service Advisor on 27 February 2017. The role primarily involved dealing with customer enquiries.

On 9 October 2018, Mr Plummer submitted a claim for workers' compensation for an anxiety disorder, panic attacks and agoraphobia. Mr Plummer attributed his psychological condition to abusive telephone calls he dealt with in the course of his employment. On 7 December 2018, liability to pay compensation was denied under section 14 of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act), on the basis that the psychological condition had not been contributed to, to a significant degree by Mr Plummer's employment. The decision was affirmed on reconsideration and Mr Plummer sought further review of that decision at the Administrative Appeals Tribunal.

Mr Plummer played rugby when he was younger and worked as a marine mechanic for eight years prior to his employment with NAB. Mr Plummer sustained a back injury during his employment as a marine mechanic and experienced dramatic weight gain when he transitioned to the more sedentary role with NAB.

Mr Plummer relied on the evidence of Dr Lee Ingram, Psychiatrist, who diagnosed major depressive disorder. Mr Plummer advised Dr Ingram that he had suffered increasingly debilitating back pain from November 2017 and that his mood had deteriorated around that time. Mr Plummer informed Dr Ingram of multiple non-work stressors, including his father being diagnosed with multiple sclerosis, his partner experiencing medical problems which resulted in financial difficulty, weight increase, his parent's separation, a difficult relationship with his mother, and having a difficult relationship with his former manager during his employment as a marine mechanic.

NAB relied on the evidence of Dr Geoff McDonald, Psychiatrist, who diagnosed an exacerbation of pre-



existing chronic adjustment disorder. Dr McDonald did not attribute the exacerbation to abusive phone calls. Dr McDonald believed the exacerbation of Mr Plummer's psychological condition was caused by multiple pre-disposing and non-work stressors, including back pain, financial stress, his father's health problems and taking weight loss medication.

Evidence from Mr Plummer's supervisor at NAB, Ms Thorley, demonstrated that he did not have a particularly heavy exposure to difficult customers and that he had confided in her about the non-work stressors that were described to Dr Ingram.

The Law

"Disease" is defined in section 5B (1) of the SRC Act as an ailment suffered by an employee or the aggravation of such an ailment, that was contributed to, to a significant degree, by the employee's employment.

The expression "significant degree" is defined as a degree substantially more than material.

An ailment is defined in section 4 of the SRC Act as a physical or mental ailment, disorder, defect or morbid condition (whether of sudden onset or gradual development).

Conclusion

The Tribunal found that Mr Plummer's chronic back pain exacerbated his underlying mental illness. This was further exacerbated by the non-work stressors he had discussed with Dr Ingram. The Tribunal accepted Ms Thorley's evidence that Mr Plummer had confided in her about primarily non-work stressors, which were the same as those described to Dr Ingram, and that he did not have a particularly heavy exposure to difficult customers during his employment at NAB.


The Tribunal found that the non-work stressors, including his father's multiple sclerosis diagnosis and his back pain, were the primary causes of the onset or aggravation of his major depressive disorder.

The Tribunal found that Mr Plummer's employment with NAB did not significantly contribute to the onset or aggravation of his major depressive disorder.

The Tribunal affirmed the reviewable decision dated 7 February 2019.

Lessons Learnt

When considering a claim for workers' compensation for a psychological condition, the Tribunal will assess all predisposing and non-work-related factors that may have contributed. Taking contemporaneous notes of supervisor-employee discussions is crucial for employers, as they can be produced as evidence to assist in defending claims for workers compensation.





Contact:

Naomi Adams

Associate

Direct: +61 (08) 9265 6015

naomi.adams@hbalegal.com

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