

Vinod Johnny Kumar has been recently convicted (2012) of the sexual assault of several disabled clients in a Yooralla supported accommodation residence in Box Hill.

In 2009 I worked for Yooralla as a DSW (support worker). I worked at Blackwood St, Carnegie (Yooralla supported accommodation). I worked a shift with Vinod Johnny Kumar, he was a casual worker at the time. We worked during the morning doing various domestic and care routines together. Through the morning we had a series of conversations about Johnny's experience in the Indian army.

The conversations became uncomfortable and increasingly bizarre. He talked about training to be an army doctor, then about his time as an army commando. He described an army operation where he was sent to a country region to apprehend some bandits who were preying on tourists. He said he had to shoot several bandits in the head. He also said he came from a very rich Indian family. I found these conversations inappropriate to the workplace and quite bizarre but remained calm and kept on working.

Over lunch, Johnny began talking about being banned from Grange Rd, Carnegie (Yooralla supported accommodation). He had had a confrontation with a staff member there, and was subsequently banned from that House. He talked about how angry he was at this staff member, and how he would take action through his lawyer.

Up until lunch ended there were four staff on shift. They witnessed the conversation about being banned from the Grange Rd House, only I heard the conversation about his army experiences.

After lunch the other staff left and only Johnny Kumar and I remained on shift. We were unpacking the dishwasher. Johnny spread all the large carving knives out on the counter in a fan shape and asked "How long would you get in an Australian jail for murder?" He then put the knives away. I assumed he was still angry at the staff member from the other House where he had been banned.

At this point the bizarre conversations of the morning gelled, the other staff had left, and I felt unsafe. I made an excuse and exited to the garden. I called the area manager for the House and described the morning's events and stated that I felt unsafe. The manager told me to take one of the residents down to the local shops and return at end of shift. I did this. Johnny Kumar remained at the House with clients. There was only an hour remaining until new staff came on shift.

After the shift, I filled out a report describing the morning's events and took it to the south east regional office. The manager phoned me the next day and stated that Johnny Kumar would be banned from Blackwood St from now on. Some months later I was shocked to hear that Johnny Kumar was still working casually at other Yooralla Houses. I personally feel he should have been sent for a psych assessment at that point. I think an assessment would have established he was unstable and unsuited to caring for disabled clients. If appropriate action (vetting) had been taken at this point, the future assaults and conviction need not have occurred.

The above took place in 2009. From time to time I heard anecdotes about Johnny Kumar's erratic behaviour as he worked at various Yooralla Houses. Yooralla management had many complaints and feedback from support staff about his erratic, unstable behaviour. Management should have taken action.

Dinah Phillips

[REDACTED]

[REDACTED]

04/01/2015

EMPLOYMENT RELATIONS MATTER WITH YOORALLA 2012/2013

- I was employed as a Disability Support Worker (DSW) with Yooralla from Oct 2008 to Aug 2014. I always regarded myself as a reliable employee. In 2012 I was working at a Residential house in Kew. In Aug/Sept 2012, I asked the service manager [REDACTED] to take me off sleep over duties as I was being harassed by (external) Yooralla staff during the nights of my sleepover. These Yooralla staff also harassed me at my home address on a regular basis. They were admin staff and had access to my private address and roster details. The harassment took the form of yelling out abuse and names. It happened consistently and was definitely directed at me. **I stated to the manager that , if I ever moved house, Yooralla would not be getting my new address.** The manager took me off sleep over duties as requested. The manager asked me to name the staff involved, but I declined to name them as I had no proof. In hindsight, I think the following disciplinary events were related to my complaint about bullying. It was very much a case of 'shoot the messenger' and the disciplinary matters that followed were only a pretext.
- 19th Oct 2012. At the end of shift, I passed an inappropriate note to another staff member saying I had not had time to count the petty cash. The next day the service manager [REDACTED] phoned and suspended me (with pay) from active duty because I failed to count the cash. **THIS WAS A MINOR CLERICAL MISDEMEANOUR. NO CASH WAS MISSING AND NO RECORDS WERE FALSIFIED.**
- 4th Dec 2012. Eastern Region Manager [REDACTED] took over investigation into the matter. She personally interviewed other staff members at the Kew house regarding my work performance. I had previously taken a client shopping for new clothes and subsequently donated some of his old clothing to an Op Shop. This was deemed inappropriate and was added to the list of disciplinary matters. I was interviewed by the Regional Manager [REDACTED] to explain my side of the story.
- 27th Dec 2012. I was interviewed about disciplinary matters (cash & clothes) with employment relations officer [REDACTED] & service manager [REDACTED] present. The above matters were briefly discussed as inappropriate, then WITHOUT NOTICE, and with strong urging from both [REDACTED] & [REDACTED] I was asked to name the staff involved in harassing me. I very reluctantly named the three staff involved stating I had no proof. I said I did not want an adverse outcome to myself for reporting the matter. [REDACTED] the manager said "You have my personal guarantee".
- 5th Feb 2013. Interview regarding the discipline matters and the harassment. [REDACTED] (employment relations) [REDACTED] (service manager) and a Psychologist from D'Accord were present. The above discipline matters were noted on my record but did not warrant dismissal. They stated they found no evidence of harassment by the three named staff. **THEIR METHOD OF INVESTIGATING THE HARASSMENT WAS TO PHONE THE**

STAFF CONCERNED AND ASK THEM IF THEY WERE HARASSING ME.

Of course the staff said "No" and my claim of harassment was not substantiated. I was then required to attend a medical interview to assess my mental fitness to return to work.

- 15th Feb 2013. I attended a consultation with GP [REDACTED] in Forest Hill. **HER REPORT (15/02/2013) WAS POSITIVE AND RECOMMENDED MY RETURN TO WORK.**
- 27th March 2013. A phone call from [REDACTED] (employment relations) informed me that the report did not specifically address my mental health fitness to return to work. I was then referred to psychologist.
- 16th April 2013. I attended an appointment with Psychologist [REDACTED] of D'Accord/OAS.
- 29th April 2013. Psychologist's report contained some factual errors, seemed quite biased, and did not give the sensible context of many of my comments making them seem inappropriate.
- **HOWEVER, THE REPORT DID RECOMMEND MY RETURN TO WORK.**
- 15th May 2013. My old position (#1170) at the CRU in Kew was advertised as a vacancy on Yooralla's internal website. This was before a formal outcome has been decided regarding the matter. The position should have remained open until a formal outcome was reached.
- 15th May 2013. I met with Eastern Region manager [REDACTED] employment relations officer [REDACTED] and HSU Union Rep [REDACTED] were present. We discussed my possible return to work. [REDACTED] stated there were no suitable vacancies for me in the south eastern region of Yooralla except in the Casual Pool. (My former position was still vacant.) She went on to say they have found no evidence of bullying or harassment.
- **SHE REMINDED ME OF THE COMMENT I MADE ABOUT NOT GIVING MY FUTURE ADDRESS TO YOORALLA. SHE SEES IT AS A PROBLEM THAT I HAVE SO LITTLE TRUST IN YOORALLA.**
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- **THIS COMMENT WAS MADE TO THE SERVICE MANAGER IN AUG/SEPT 2012. THIS STRONGLY IMPLIES THAT THE REGIONAL MANAGER HAS WANTED A NEGATIVE OUTCOME TO THE DISCIPLINARY PROCESS FROM THE OUTSET: I.E. THE PROCESS HAS NOT BEEN FAIR OR TRANSPARENT AND HAS LOOKED FOR A PARTICULAR OUTCOME.**
- [REDACTED] suggested I voluntarily resign for six weeks additional pay. I said "No", I wanted to return to work. I reminded her that the psych report has recommended my return to work. Yooralla Employment Relations [REDACTED] later emailed HSU union Rep and again suggested I quit voluntarily.

- 21st June 2013 A meeting at Yooralla's Carnegie office with myself, employment relations [REDACTED] and staff from the Yooralla Respite Casual Pool. HSU union rep [REDACTED] is also present. [REDACTED] reiterated there were no vacant permanent positions across all the services. The only available position was working casually in the Community Respite programme.
- **This is the same position offered to me at meeting with Regional Manager on 15th May.** This is a casual position assisting people in their own homes. [REDACTED] stated i would receive top-up wages to 64 hours for a two month period, then I would be fully casual. [REDACTED] stated if I did not accept this position there would be forced redundancy.
- I refused the offer: I could realistically look forward to about 4 Hours paid work per day, with 2 Hours unpaid driving time between Clients. This is a total of 20 hours paid work per week. This casual work would not replace the 64.5 Hours per fortnight I worked in my old position. Also, as a casual I would lose annual leave entitlements or have no recourse to unfair dismissal protection.
- 23rd June 2013: I applied to the Fair Work Commission under the provisions relating to 'obstruction of the right to work'.
- 28th June 2013: I received an email from employment relations officer [REDACTED]. The email stated I would be returned to an active duties position. I was placed in a residential service in Preston within a week.

In total, I was suspended on full wages (tax payer dollars) for approximately ten months.

I feel that Yooralla's employment process was definitely designed to fatigue and push me out of the job:

- the extended suspension on a minor pretext, the multiple meetings (often rescheduled last minute), the multiple referrals, the quibbling over lack of suitable vacancies etc - all while still operating within employment rules and regulations. I think the way in which Yooralla used these processes against me was tantamount to harassment using procedural means. It is obviously not safe to report harassment or bullying to Yooralla.

I have heard anecdotally of other similar instances of extended suspension of Yooralla employees (with pay).

Yooralla management used forensic detail and effort in the above employment relations matter. Please contrast this with the dismissive, negligent attitude taken to early warning signs about an unstable, erratic and ultimately criminal casual worker.

Dinah Phillips

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04/01/2015

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