

NSW employer checklist

Preparing your business for legislative reform



Clearer definitions of trauma, harassment, bullying, excessive work demands and reasonable management action

Readiness check: Are relevant policies, procedures, risk mitigation and workplace training up to date?

Bullying/harassment and reasonable management action policies updated to reflect new legal definitions.

All leaders trained in consistent, factual documentation of performance discussions, conflict resolution and management action.

Leadership action and interpersonal issues consistently documented on a standard template.

Increased emphasis on psychosocial risk prevention and early intervention

Readiness check: Are psychosocial risk assessments and early intervention return to work practices regularly reviewed and implemented?

Develop a psychosocial risk register in consultation with leaders to ensure they understand all risks and develop strategies to eliminate or mitigate risks in the workplace.

All job roles and position descriptions reviewed and clearly define actual responsibilities and workload requirements.

Leaders equipped to recognise and respond early to signs of distress and conflict, including where to direct employees to mental health support (e.g. EAP).

Leaders trained in how to provide feedback, how to manage performance and how to take disciplinary action in a reasonable and effective way.

Grievance handling processes reviewed, ensuring a focus on early intervention in emerging issues and mediation for interpersonal conflict.

When a claim is lodged:

Skilled leaders nominated to provide supportive contact with the worker through the entire claim journey.

Processes and communication prioritised for early intervention and support for return to work, regardless of potential liability outcomes.

Faster liability determinations for relevant conduct claims

Readiness check: Can relevant information be easily provided to the insurer on lodgement of the claim, to ensure 42 day liability determination timeframes can be met?

Central location established for storing documentation relating to performance discussions, interpersonal conflicts, formal management actions and investigations into complaints and grievances.

Return to work coordinators, or those responsible for managing injury claims, trained on new liability determination timeframes and evidence requirements.

Relevant staff promptly available for insurer-requested investigations or statements.

Processes in place to support the worker to access suitable treatment and to return to work safely as soon as possible.

An excess will be applied across most, if not all claims with wage loss

Readiness check: Have you consulted with your broker or claims service provider on the potential financial impact to your business, and ways to prepare?

Financial impact of expected excess payments based on historical claims volumes assessed.

There is an established suitable duties register based on roles in your business. This will support a quicker return to work following a claim, and reduce excess impact.

Supporting you, your business and your people

Over the last ten years through our **Mutual Benefits Program** we have invested over \$144M into services designed to help employers to address workplace health and safety challenges and help their workers recover and get their lives back after injury.

Our customers benefit from a range of value-added programs and tools to support their workplace goals including:



Over 80 facilitated training events covering injury prevention and management.



45 online courses available via EMlearning or your own learning management system.



Access to a range of workplace resources including online tools, videos and posters.



Innovative research, pilots and marketing leading programs to reduce risk and improve return to work outcomes.



EML Offers designed to help employers navigate psychosocial hazards and mental health in the workplace.



We're here to help

Explore our **legislative reform employer resources webpage** to access services, tools and support designed to help you confidently complete each action outlined on the NSW employer checklist.

Visit our page today to see what we have on offer:



EML NSW Limited ABN 52 003 201885 (part of the EML Group) is an authorised scheme agent of icare (Insurance and Care NSW) and the Workers Compensation Nominal Insurer. This information is provided for general purposes only and accepts no liability for any loss arising from its use. For more information, contact us on 133 365 or visit eml.com.au.