

Checklist: Preparing your Agency for NSW Workers Compensation legislative reform

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

Readiness check: Are relevant policies, procedures, systems, 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 impartial investigation processes and consistent, factual documentation of performance discussions, conflict resolution and management action.
- Leadership action and interpersonal issues consistently documented on a standard template.
- Claim notification processes and systems meet the minimum requirements for new psychological claim lodgement, including the ability to nominate relevant events and submit claim form.

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.

Contact your icare Client Engagement Manager (CEM) or insuranceforNSW@icare.nsw.gov.au for further information and support.