

Factual evidence checklist

Relevant conduct primary psychological injury claims

This checklist has been designed to assist employers in identifying records that may be relevant to a psychological injury claim. The information collected may also assist insurers and factual investigators in understanding the circumstances surrounding the claim. The documents required will vary depending on the individual circumstances of each matter.

Employee information

- ☐ Position description, record of length of employment and employment status/contract.
- ☐ Organisational chart/reporting line.
- ☐ Performance expectations and key performance indicators (KPIs).
- ☐ Flexible work requests.

Alleged events timeline

- ☐ Chronology of key events including dates, times and locations.
- ☐ Identification of individuals involved in the worker's claim, including witness names, roles, involvement in the alleged events and their contact details.
- ☐ Any records that support, verify, clarify or contradict information contained within the worker's claim form, including communications, attendance records, location records, meeting notes, file notes or other relevant documentation.

Communication records

- ☐ Any written documents the worker has already submitted to the employer that addresses the same topics that are covered by the worker's claim, such as incident reports, complaints, grievances, emails, HR tickets, hotline reports and the like.
- ☐ Any written responses given by the employer to the worker that addresses the same topics that are covered by the worker's claim (this could be in emails, messages, meeting notes, letters and the like).
- ☐ Performance records including but not limited to performance reviews, development plans, coaching records, formal performance improvement plans, warnings or disciplinary records for the worker (if they are relevant to the worker's claim – for example, the worker was taking part in an investigation or performance management process at or around the time they lodged their claim).
- ☐ Previous complaints or concerns raised with support documentation or communication.

Workplace complaints and investigations

- ☐ Complaint documentation, investigation reports and findings.
- ☐ Witness statements (signed and including consent from witness for statements to be shared).
- ☐ Actions taken following findings including any follow-up communications and documentation.
- ☐ Any complaints, reports, correspondence, notices, findings, applications, investigations, settlements or outcomes involving external bodies (e.g. SafeWork NSW, NSW Police, Fair Work Commission, Industrial Relations Commission, unions or other regulatory bodies).

Workload and work environment evidence

- ☐ Rosters and hours worked including overtime records and leave records.
- ☐ Workload assessments, where applicable, including comparisons between the employee's workload and that of other employees performing similar duties.
- ☐ Resourcing information including onboarding and coaching support.
- ☐ Any documented concerns regarding the worker's workplace behaviour.
- ☐ Modern award or enterprise agreement that was/is applied to the worker's employment for the period relevant to the claim.

Policies, procedures and training records

- ☐ Rosters and hours worked, including overtime records and leave records and work allocation records.
- ☐ Workload assessments, if applicable.
- ☐ Relevant policies and procedures, together with evidence they were communicated, followed and consistently applied (e.g. inductions, training records, acknowledgements and investigation documentation).