



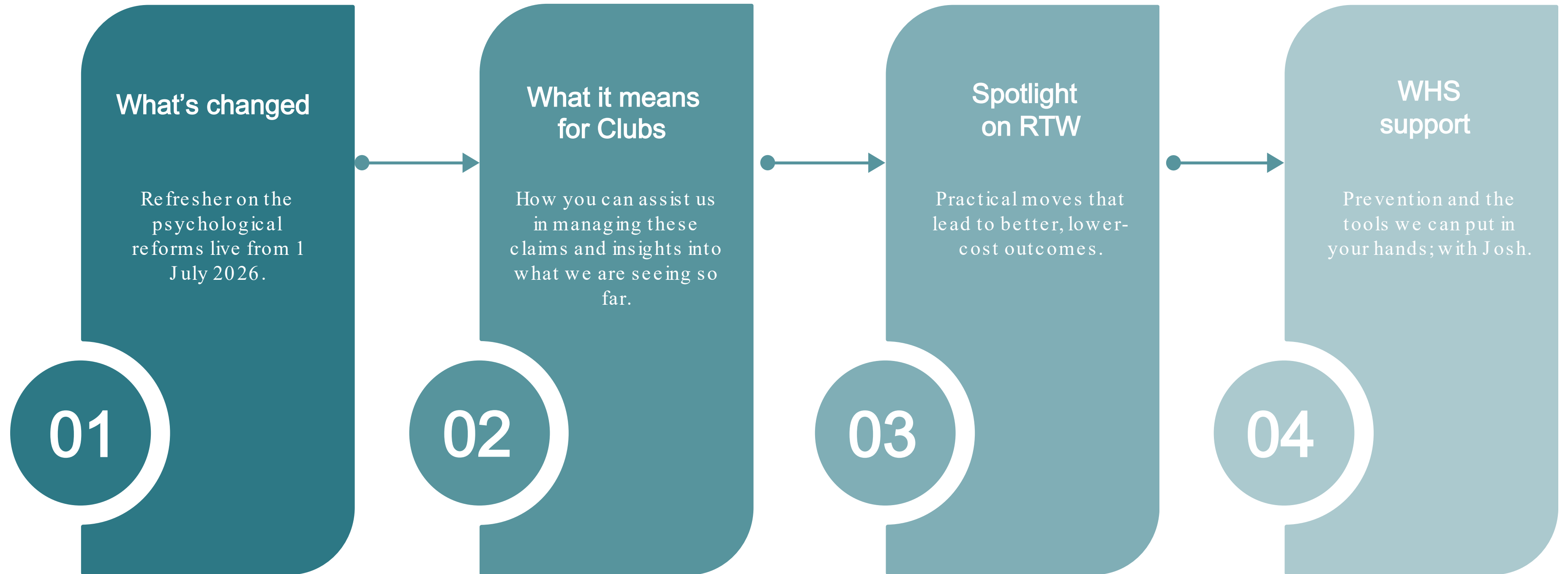
Navigating an evolving Workers Compensation System

Practical strategies for member clubs

August 2026

we help people get their lives back

What we'll cover today



Psychological reform refresher



A primary psychological claim is only compensable if it was caused by a **relevant event**.



Relevant event is grouped into 2 categories:

1. **Traumatic events**
2. **Relevant conduct**



Relevant conduct claims are treated differently to all other claims:

- Reasonable person test applies
- New claims determination process



New reasonable management action definition.



130-week cap on weekly benefits where whole person impairment is under 21%.



Whole person impairment thresholds will increase over the next 3 years.

New liability determination process for Relevant Conduct claims

42
days to decide liability

During this 42-day window:

- Interim payments start from date claim is 'complete'
- 75% PIAWE weekly payments
- Up to \$7,500 in medical expenses
- No 'reasonable excuse' available

Day 0–3	Notification received. Insurer determines if the worker has provided enough information for the claim to be 'complete'.
Once claim is complete	Interim payments commence (75% PIAWE, up to \$7,500 medical). Insurers cannot apply reasonable excuse.
Claim completed to day 42	Insurer and employer gather statements, file notes and factual & medical evidence. Focus on return-to-work strategy.
Day 42	Decision must be made. Claim deemed accepted if not disputed. If disputed, 14 days notice before payments cease (therefore worker can be paid up to 56 days).
Post-decision	A worker must seek an internal review by the insurer first, then proceed to the Industrial Relations Commission (Relevant Conduct dispute) or Personal Injury Commission (other disputes).

Liability decision dispute pathways



Internal Review

- May consider new information submitted
- Focuses on evaluating the accuracy of the decision made by the insurer, to ensure it is aligned with legislative requirements



Industrial relations commission (IRC)

- Determines whether alleged relevant conduct occurred
- Focuses on employment and industrial matters
- Resolves disputes between employers and employees



Personal Injury commission (PIC)

- Will no longer have jurisdiction to determine disputes relating to relevant conduct
- Focuses on Workers Compensation matters such as disputes relating to injury, entitlement and compensation benefits

Bullying & excess work demands



Bullying

In this Act, bullying means an individual or a group of individuals **repeatedly behaving unreasonably** towards the worker—or a group of workers of which the worker is a member.

“Repeated” is the key word.

A one-off incident is generally not bullying.



Excessive work demands

Work demands that are **all of:**

- beyond the worker’s role
- repeated or persistent
- not reasonable in all the circumstances

Considerations:

- Workplace needs, and usual industry work patterns
- The role, level of responsibility & employment arrangement
- Industrial agreements and arrangements
- Entitlement to overtime, penalty rates or pay for extra hours
- Staffing levels and skill / qualification mix that relate to workload
- Level of supervision and control over tasks, any unreasonable surveillance of the worker.
- Serious or repeated WHS Act breaches

Bullying claim

Relevant Conduct

Hospitality manager alleged:

- reduced staffing
- increased workload
- guest complainants for slow service
- feeling intimidation and bullying from new manager.

Overall felt micromanaged resulting in deterioration in work performance which led to subsequent termination.

Selected Bullying and Excessive work demands on the claim form and provided a certificate of capacity with diagnosis of adjustment disorder and depression.

Old Legislation

Likely compensable.

- Would look at a s11a defense for performance management (termination) however unlikely to be successful given perception of events leading up to termination.
- Factual investigation and independent medical examination would be required to investigate the claim.
- Claim would be provisionally accepted and would receive 95% PIAWE for up to 12 weeks whilst investigations took place.

New Legislation

No compensation is payable for a primary psychological injury unless:

- a relevant event or a series of relevant events caused the primary psychological injury.

The relevant events here are alleged bullying and excessive work demands.

“Bullying” means an individual or a group of individuals repeatedly behaving unreasonably towards the worker or a group of workers of which the worker is a member.

It’s unlikely the allegations will meet the definition, so a quick employer factual statement was required to determine liability.

Claim declined within 3 weeks resulting in only 5 weeks of payments being required at 75% PIAWE.

Excessive work demands

Relevant Conduct

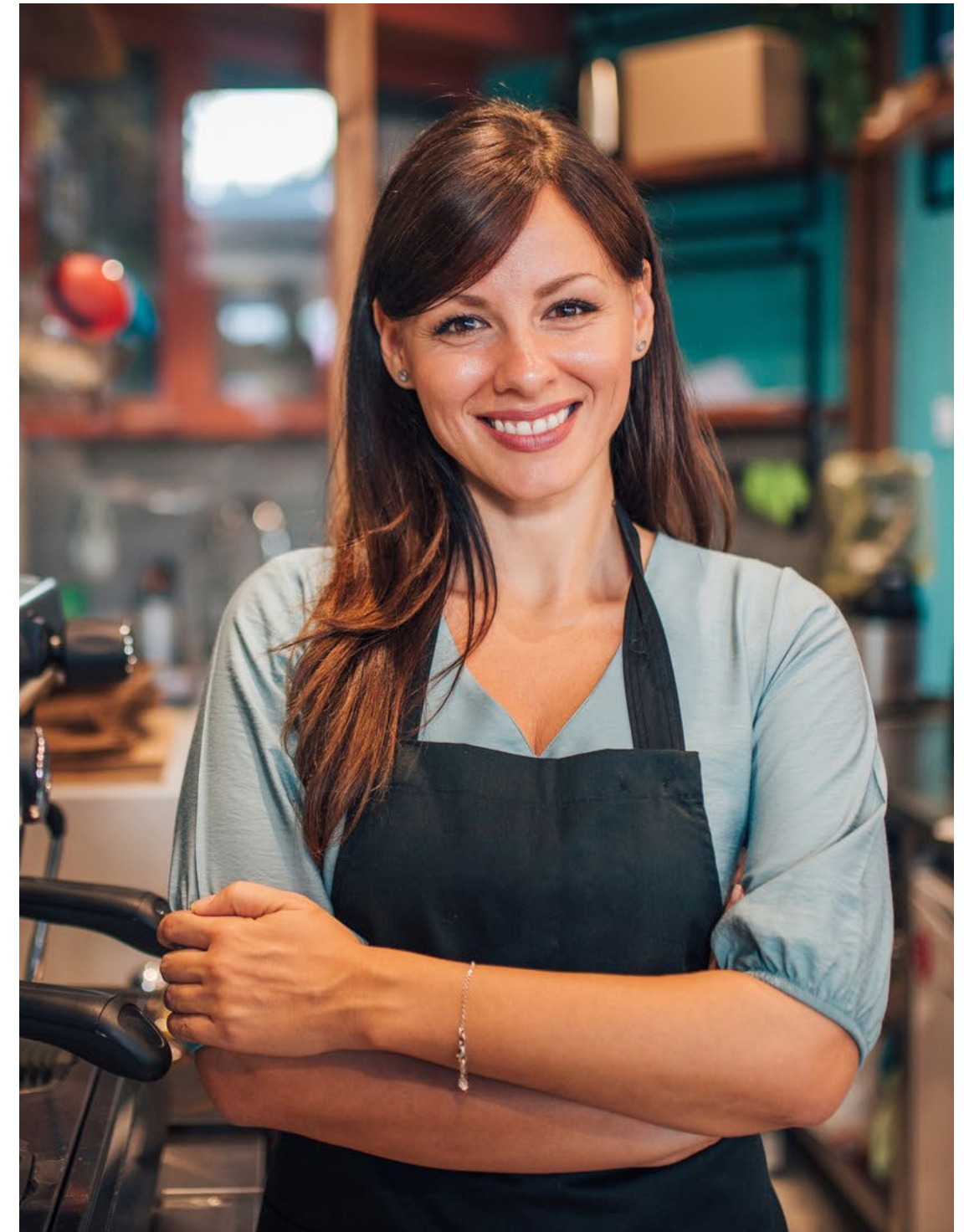
- Groundskeeper lodged claim with certificate of capacity diagnosed with adjustment disorder and anxious mood.
- The certificate noted the incident related to someone walking on the grass that was just mowed disrespectfully and when raised they weren't supported and feels like he is now being ignored.
- A claim form was submitted for excessive work demands which also outlined other events including needing to clean areas outside his jurisdiction and a tree being planted that impacted his ability to do his job well.

New Legislation

The preliminary view was that the circumstances described do not appear to meet the threshold for excessive work demands.

To confirm this, an employer statement was obtained and supported that excessive work demands definition was not met.

No IME was required and through HII's discussions with the worker about the definitions of excessive work demands, they returned to their doctor to obtain a PID certificate so that they could return back work to pursue mediation regarding the issues raised.



Introduction of 'reasonable person' test



Applies to relevant conduct claims: bullying, excessive work demands, racial harassment or sexual harassment claims.

Under the **new objective test (8L)** , conduct is judged using a **reasonable person test** - meaning the behaviour must be something a reasonable person would consider offensive, intimidating or unreasonable in similar circumstances.

A worker's personal perception is relevant only if it is considered **reasonable** when weighed against the **facts and context** .

Actions for employers to take:

- ✓ **Document** decision and management actions.
- ✓ **Explain** reasoning.
- ✓ **Ensure** procedural fairness.

S11A extended reasonable management action defence

Reasonable management action

means management action -taken in a reasonable way,
and reasonable in all circumstances

Section 11A

No compensation is payable if the **significant** cause was reasonable management action **taken or proposed**

or

worker's **expectation** of reasonable management action

or

worker's **perception** of reasonable management action

- Appraisal of or feedback about the workers performance.
- Counselling of the worker, disciplinary action.
- Training in relation to employment.
- Suspension or stand-down, or dismissal.
- Transfer, demotion, redeployment or retrenchment of the worker.
- Reclassification of the worker's employment position.
- Promotion of the worker, including a worker being unsuccessful in a promotion.
- Investigation into alleged misconduct by the worker or others.
- Provision to the worker of a benefit connected with the worker's employment.
- Provision of leave of absence to the worker.

What the last month has looked like

More claims are being declined

Decide now how you will handle the underlying issue if the claim is declined.

Claim forms aren't straight forward

Be available for the first contact with the Case Manager to provide us with the context to determine next steps.

Which relevant event or series of relevant events caused your psychological injury? You may select more than one, if applicable.

More information about each relevant event can be found on [page 12](#).

Note: Police officers, firefighters and paramedics do not need to complete this question.

☐ An act of violence or a threat of violence	☐ Serious criminal conduct
☐ Witnessing a traumatic incident happen	☐ Witnessing a dead or seriously injured person at the scene of a traumatic incident
☐ Death of a person in your care from a traumatic incident	☐ Experiencing vicarious trauma
☐ Bullying*	☐ Sexual harrassment*
☐ Racial harassment*	☐ Excessive work demands*

Send evidence fast

Statements, file notes, rosters and investigation records as soon as possible. Prioritise time to provide and review factual statements.

RTW is still the winner

Keep return to work moving whilst eligibility is still being decided. Ensure you have a dedicated person staying in contact with the worker throughout the process.

Live case studies

Certificate of capacity received for racial harassment and bullying by direct supervisor.

Club RTW coordinator assisted worker by finding an alternate department to work in and commenced investigations into the grievances according to policy and procedure.

As a result of the RTW coordinators quick support, the worker decided not to complete the claim form and wanted the claim closed off as a notification.

Certificate of capacity and claim form received for bullying by direct supervisor dating back to 2024. Specific incidents and witnesses provided. Factual investigations are being undertaken but from preliminary view looks likely the events will meet the definition of bullying and claim will be accepted.

Whilst we gather evidence to determine the claim, HII and the employer organised mediation and attended a case conference together and were able to achieve an upgrade to 28 hours per week with a plan for full hours next month.

Despite the claim likely being accepted, the RTW coordinator and HII worked together to support the worker and achieve a positive claim outcome with minimal costs.

Certificate of capacity received for bullying by colleagues. Upon review, no specific incidents were provided.

Employer participated in the factual investigation within a week of the claim being lodged and reasonable management action applied.

The claim was declined however the RTW coordinator still organised for mediation to go ahead and the worker has now returned to work on full duties.

Facilitating a return to work during this period remains a priority.



Every-day counts

60%

of workers are given no capacity on their first certificate - and the average totally unfit certificate has stretched from 3.5 days to 14 days in under a decade.

Days off work

Likelihood of ever returning to work

20

70%

45

50%

70

35%

Suitable duties are the best lever you have

\$1,000

is the average weekly compensation payment we make on a claim.

\$1,800

buys a first response assessment from a rehabilitation provider - less than two weeks of wages.

Day 1

is when a suitable duties list or return to work plan should reach your case manager.

From 1 July 2026, failing to provide suitable work to a worker with capacity carries penalties up to \$11,000.

The power of case conferencing

Our case managers attended more than 2,000 case conferences last financial year - around 700 of them in person.

The chef who couldn't bend down

Worker and doctor both believed she could not do her pre-injury duties. The employer came to the conference and explained the change they had made to the role. The doctor upgraded her that afternoon and the claim closed.

The worker with no breaks

Certified totally unfit on that basis. Our case manager's reassurance by phone did not shift it. The manager attended the next appointment in person and the worker was upgraded to full hours on suitable duties.

Neither outcome happens without the employer in the room. Tell your case manager when you can attend.

Four things to do when you get back to your club

1

Build or refresh your suitable duties register and make sure you send to your Case Manager at claim lodgment.

2

Support your worker and go to the case conference - in person if you can, by phone if you cannot.

3

These reforms reiterate the need for closer collaboration between teams that hold workers compensation, HR, WHS and risk portfolios within a Club.

**How do your teams share information and manage risk together?
Is everything documented? Could this be done better?**

4

Is your Club equipped to respond at short notice to a request to participate in a evidence gathering, a factual investigation or IRC process?

**Prevention
is better
than cure**

WHS: Prevention & practical support



Joshua Murphy
HII Safety & Risk Manager

Everything today is easier when the injury never happens. Josh covers prevention and the practical tools we can put in your hands.



WHS self-check surveys

Simple, high-level health check to find risks before they become claims.



Suitable Duties Register

A co-branded tool that provides options for duties across common Clubs roles, as well as auto-populating RTW plans, so you can offer suitable work fast.



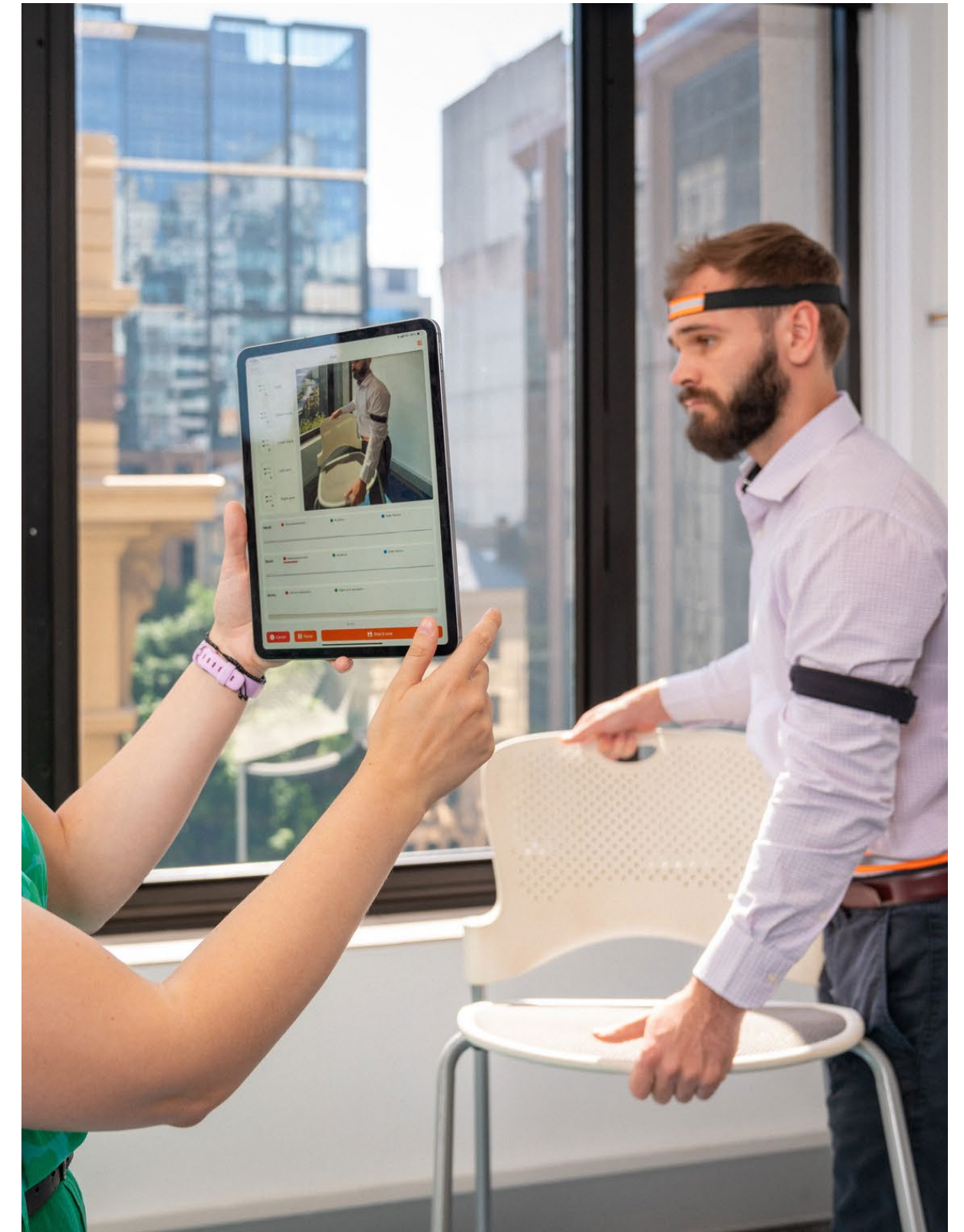
On-site visits & wearables

- Hands-on WHS support for clubs that want it.
- Have a third-party eye complete an Inspection to find what you may be missing.
- Wearable tech assessments to understand manual handling risks.



Education sessions

Best-practice claims management and managing psychosocial hazards for your front-line staff and leaders, as well as WHS Committee training.



WHS Self-check Surveys

Workplace Safety Health Check

The Workplace Safety Health Check aims to evaluate the approach to safety management within the workplace.

[Access the WHS Health Check HERE](#)

Upon completion of the Health Check, a detailed report will be emailed to the participant covering:

- A summary of the results and recommendations including:
 - Overall Workplace Health Check Score,
 - Safety Management Systems Review,
 - Injury Risk Management Review, and
 - Overall indication of the business' maturity towards managing WHS risk.
- Links to our free tools and resources to support a business' WHS needs such as Risk Master, poster library and our comprehensive education and training program.

SAFETY SYSTEMS REVIEW

Safety systems are the documents, procedures and management strategies you have in place to support the prevention of incidents and injuries.

The Workplace Safety Health Check Reviews your safety systems by asking questions about the existing processes and procedures you have in place. Your responses to each question inform your overall score. Areas where there is an opportunity for improvement have a recommendation and links to resources that may support you.

SAFETY SYSTEMS SCORE (%)



INDUSTRY RISK MANAGEMENT REVIEW

Risk Management is the actions, processes and activities you have established to address the areas where hazards may arise in the work your people complete.

The Workplace Safety Health Check asks industry specific questions to assess how you address the hazards that are relevant to your organisation's activities. Your overall score compiles your risk management processes across all areas reviewed. Areas where there is an opportunity for improvement will detail a recommendation and link to resources that may assist you.

RISK MANAGEMENT SCORE (%)



Individual surveys cover general WHS, industry specific risks, as well as common Psychosocial hazards (Bullying/Harassment and Occupational Violence and Aggression.)

Suitable Duties Register

Hospitality Industry Insurance

Suitable Duties

ClubsNSW

Select all that apply. There is a limit of 8 duties that can be selected at any one time.

Duties can be provided across a range of roles, and can be selected according to capacity.

If a Worker cannot perform duties in their normal role, consider other roles that may have tasks that they can perform while they recover.

De-select all

Roles	Duties	Suitable?
Concierge / Receptionist	Greeting guests	☒
Concierge / Receptionist	Checking memberships	☒
Concierge / Receptionist	Answering calls	☒
Concierge / Receptionist	Managing reservations	☒
Concierge / Receptionist	Assisting members	☐
Gaming Attendant	Assist patrons with gaming	☐
Gaming Attendant	Ensure compliance	☐
Gaming Attendant	Handle payouts	☐
Gaming Attendant	Preparing drink orders	☐
Gaming Attendant	Drink service	☐
Gaming Attendant	Cleaning pokie machines	☐

A co-branded tool that provides options for duties across common Clubs roles, as well as auto-populating RAW plans, so you can offer suitable work fast.

Hospitality Industry Insurance

Recover at Work Plan

ClubsNSW

Fill out the shaded fields below

Clear RAW Plan

The following Recover at Work (RAW) Plan has been developed for:

Worker:	Mr Bond
Employer:	Club ABC
Pre-injury job title:	Chef
Work location:	Liverpool
Supervisor:	M
Return to Work Coordinator: (if different from Supervisor)	Moneypenny
RAW plan commencement date:	Monday, 10 August 2026
Plan end / review date:	Thursday, 10 September 2026

Current certificate of capacity:

Restrictions	
Lifting/carrying capacity:	5kg
Sitting tolerance:	
Standing tolerance:	
Pushing/pulling ability:	No pushing/pulling
Bending/Twisting/squatting:	
Driving ability:	
Other: e.g. duties to be performed at a different venue	

Duties to be performed:

Details	Considerations / Restrictions
Greeting guests	
Checking memberships	
Answering calls	
Managing reservations	

WHS support



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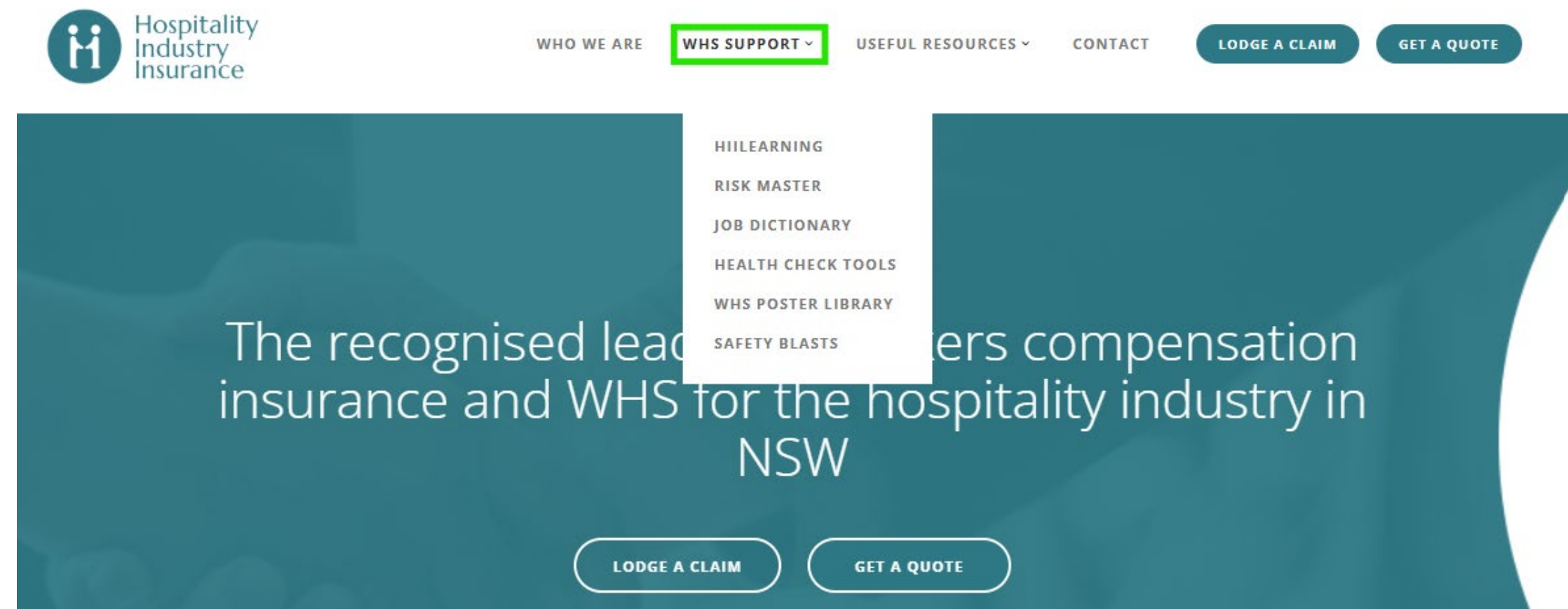
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Your HII Account Manager





Hospitality
Industry
Insurance

Any Questions?

We're here to help



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we help people get their lives back