

Eligibility and Initial Liability Determination

New eligibility criteria for psychological injury claims.

- There must have been a 'relevant event' for liability to arise.
- There are two kinds of relevant event:
 - Conduct event (e.g. bullying, unreasonable work demands, racial or sexual harassment)
 - Traumatic event (e.g. threat or act of violence, witnessing a serious accident, death or other traumatic incident)

A new initial liability assessment process for psychological injury claims, dependent on which kind of relevant event is alleged.

- For conduct-based claims the insurer has 42 days to investigate and determine liability.
 - During that time weeklies up to 75% PIAWE and \$7,500.00 in medical expenses can be paid.
- If the insurer does not make a decision in the 42-day period, then liability for injury caused by the relevant conduct is deemed to have been accepted.
- If liability is accepted or deemed to have been accepted, the insurer then has 21 days to backpay weeklies up to to 95% PIAWE and pay any additional medical expenses.
- If liability is declined, a s78 notice is issued. The worker must seek a review before commencing in the Industrial Relations Commission (IRC). The IRC will decide if the conduct happened. The IRC decision is binding (subject to appeal).
- If the IRC finds in favour of the worker, the insurer has 7 days to either accept or continue to dispute the claim. If the insurer continues to dispute, the matter proceeds to the PIC.

The establishment of a new Workers Compensation bullying and harassment jurisdiction in the NSW IRC.