

# Psychological WorkCover Claim Process

## Information for principals and managers

On 1 January 2008 the [Workers' Compensation and Rehabilitation Act 2003 \(Qld\)](#) was amended to require an insurer (including WorkCover Queensland) to decide an application for compensation for physical and psychological injuries **within 20 business days** of the claim being lodged.

To decide a claim for a psychological injury, WorkCover may need to undertake an investigation. The purpose of this investigation is to:

1. determine whether work was significant in causing the injury
2. determine whether the injury was caused by reasonable management action, taken in a reasonable way by the employer in connection with the worker's employment.

The investigation undertaken by WorkCover may involve:

1. obtaining further details from the employee lodging the claim. This is to determine what the employee considered caused their psychological injury.
2. obtaining medical evidence to confirm that the employee has a medical condition and determine the significant factor(s) in causing the medical condition.
3. obtaining information from the employer to confirm whether the circumstances alleged occurred and whether any management action was reasonable.

## What information needs to be provided to WorkCover

Once WorkCover have obtained a statement from the employee they will contact the region and provide details of the factors that the employee believes caused the injury, and details of any witnesses that the employee has identified as being able to substantiate these allegations. This initial contact will generally be to regional [Senior Injury Management Consultants](#).

A regional representative will then liaise with the school or work area to gather all relevant information that exists in relation to these allegations in order to provide an employer response to WorkCover. Information that needs to be collected includes:

1. A statement from individuals that may be able to provide first hand knowledge of the event/s raised in the employee's allegations. Statements can include copies of emails or other relevant records of communications. Possible witnesses may include:
  - a. someone who witnessed, or was involved in, an event nominated as a stressor
  - b. someone who has allegedly caused a stressor
  - c. someone who can provide advice on relevant departmental processes referenced as causing a stressor
2. Copies of any departmental policies, guidelines or documents (e.g. investigation reports, performance management reports or rosters) that are relevant to the allegations.
3. Any other relevant information.

## **THIS INFORMATION MUST BE PROVIDED TO WORKCOVER, VIA YOUR REGIONAL OFFICE, WITHIN 5 BUSINESS DAYS OF LODGING A CLAIM**

Should WorkCover need to clarify any of the information provided or take a statement from one of the nominated witnesses, they may contact the regional contact person or the relevant person directly. For further information about being a witness, please see the [Witness Statement Guidelines fact sheet](#).

Should WorkCover confirm that work was NOT significant in causing the injury OR that the injury was caused by reasonable management action, taken in a reasonable way, the claim will be denied by WorkCover.

### **Reporting to Workplace Health & Safety Queensland**

Where the claimant received immediate treatment as an in-patient in a hospital as related to their injury claim, the Principal/Manager is to ensure that the Workplace Health and Safety Regulator has been notified as soon as possible on becoming aware of the incident as per the [Health, safety and wellbeing incident management](#) procedure. A record of the incident must be entered into [MyHR WHS](#).

### **What happens while waiting for a WorkCover decision?**

Whilst WorkCover are collecting and considering information to make a claim decision, the workplace is to implement reasonable workplace rehabilitation to support an employee's recovery. This can include supporting the employee to safely continue work or to return to work, based on medical advice. Temporary reasonable adjustments should be considered to support continued employment, which may include suitable duties or an alternate work environment.

The employee and their immediate family members can access free and confidential counselling services through the department's [Employee Assistance Program](#) via the 24/7 telephone number 1800 604 640. Managers seeking advice on how to help staff cope with current events are also able to call the Manager Hotline on 1800 604 640 for free 30 minute, confidential telephone consultations with a senior clinician.

### **What support services are available from WorkCover for employees?**

From 30 October 2019, section 232AB of the [Workers' Compensation and Rehabilitation Act 2003 \(Qld\)](#) requires WorkCover to take all reasonable steps to provide employees with support services from the day they make a valid application for compensation for a psychiatric or psychological injury and ends on the day WorkCover decides to allow or reject the application. Examples of services that WorkCover pays reasonable costs for include mediation, counselling, medical treatment and medicines.

### **What if you are unhappy with WorkCover's decision?**

Should WorkCover make a decision on a claim that you disagree with, you should contact your regional Senior Injury Management Consultant to discuss whether it is appropriate to request that the Queensland Workers' Compensation Regulator, review this decision.

### **Further information**

For further information on WorkCover's decision making process please contact your regional Senior Injury Management Consultant or visit [WorkCover's website](#).



# Example

## Step 1 – WorkCover advises the region of the allegations

A psychological injury claim is lodged by an injured employee. WorkCover request detailed information from the employee and determine that the following allegations form the basis of their claim:

1. That they were verbally assaulted by another employee during a *staff meeting*.
2. That they were *bullied by their supervisor*, by subjecting them to unwarranted discussions around their performance.
3. That they had an *excessive workload* which required them to work extra hours.

This information is provided to the region by WorkCover. WorkCover requests that the region respond to these allegations by providing relevant information within 5 business days.

## Step 2 – The region gathers relevant information

The region determines the appropriate person to gather the information and works with the relevant school/workplace. This person considers the allegation and determines the following is relevant in considering each allegation:

4. *The staff meeting* – need to determine when this was, who was in attendance, what occurred at the meeting and who witnessed it.

Relevant information to be obtained:

- i. Information from the person who is alleged to have verbally assaulted the employee
- ii. Information from others present
- iii. Copy of minutes from the staff meeting

2. *Performance discussions* – need to determine what the department's performance management procedures are, what discussions occurred, when these discussions occurred and whether the supervisor had appropriately followed departmental processes.

Relevant information to be obtained:

- i. Copy of performance management procedures
- ii. Information from the supervisor
- iii. Copies of any documents or case notes relevant to the performance management process

3. *Workload* – need to determine what hours the employee was working, how work was allocated, is there any relevant information in the employees award or enterprise bargaining agreement around work allocations and working hours, what supports were available, was the workload reasonable and how the workload compared to other similar employees.

Relevant information to be obtained:

- i. Copies of timesheets demonstrating the employee's hours of work
- ii. Information from the employee's supervisor
- iii. Information about any other employees performing the same job as the employee that lodged the claim
- iv. Copy of the relevant award or enterprise bargaining agreement

### Step 3 – The region provides relevant information to WorkCover

The following information (including a description of their relevance) is provided to WorkCover:

1. Copy of department’s Performance Management Procedure – this information is provided to establish the department’s process for managing performance and will help demonstrate that reasonable management action was undertaken.
2. Copy of documents relevant to the performance management process. This will help establish whether the performance management process was appropriately followed.
3. Copy of employee’s timesheets – this will help establish whether the employee was working excessive hours.
4. Copy of the minutes of the meeting – this will help confirm who was present at the meeting and what was discussed during the meeting.
5. Copy of employee’s award and enterprise bargaining agreement – this will help confirm the expectations around workload and hours of work.
6. Details of relevant witnesses:

<b>Names</b>	<b>Phone No.</b>	<b>Relationship</b>	<b>Comments about allegation</b>
Employee A	5555 5555	Employee’s supervisor	<ul style="list-style-type: none"> <li>• This person was present at the staff meeting on 13 March and did not witness any altercation between the injured employee and employee B.</li> <li>• This person was responsible for the performance management processes. This process followed department procedures and was warranted due to mistakes being made by the injured employee in day to day activities.</li> <li>• This person was also responsible for setting the injured employee’s workload and is able to confirm that workload was reasonable.</li> </ul>
Employee B	5555 5555	Employee’s co-worker	<ul style="list-style-type: none"> <li>• This person allegedly verbally abused the injured employee during the staff meeting on 13 March. They can provide details to confirm that at no time did they raise their voice or aggressively confront the injured employee during the staff meeting.</li> <li>• This person performed the injured employee’s role while they were on sick leave and is able to confirm that the workload is not excessive.</li> </ul>
Employee C	5555 5555	Employee’s co-worker	<ul style="list-style-type: none"> <li>• This person was present at the staff meeting on 13 March and did not witness any altercation between the injured employee and employee B.</li> <li>• This person performs a similar role to the injured employee and can state that the workload is reasonable. This person also sits next to the employee and can provide information that the injured employee has never advised that they felt their workload was excessive and spends significant periods of time on personal phone calls.</li> </ul>
Employee D	5555 5555	Region HR Consultant	<ul style="list-style-type: none"> <li>• This person can provide further information around the correct application of the department’s performance management procedure.</li> </ul>

