

# Mental health fact sheet for employers

This fact sheet is to support employers in promoting a healthy workplace, understanding the nature of psychological claims, and the benefits of early intervention. Psychological claims in NSW are on an upward trend and the pandemic is taking a toll on mental health, causing increased stress, anxiety and depression.<sup>1</sup>

Psychological claims are unique in nature, as they are not immediately obvious or tangible like a physical injury would be. Given that psychological claims typically take longer to report than other claims, it may be a while before insurers see the true effect of the mental health consequences of COVID-19.

Did you know that psychological claims take on average 210 days longer to return to work compared to physical claims (PRY18)

## Prevention - Promoting a healthy workplace

Employers in NSW have a duty under the Work Health & Safety Act to ensure, so far as is reasonably practicable, the health and safety of workers and also to ensure that other persons are not put at risk from work carried out by the business. The definition of health in the Act covers both physical and psychological health.

Practical guidance for employers on how to meet this duty and ultimately prevent or reduce the risk of psychological injury and illness can be found in the Code of Practice for Managing Psychosocial Hazards at Work. The Code outlines four steps that employers should take:

- 1 Identify psychosocial hazards that arise as a result of work
- 2 Assess and prioritise the psychosocial hazards and risk
- 3 Control psychosocial hazards and risk
- 4 Proactively implement, maintain, monitor and review the effectiveness of controls

To successfully reduce psychosocial risk it is essential that there is genuine commitment from leaders and managers to this process, and that at each step in the process workers are engaged and consulted.

## Resources

- › **Code of practice - Managing psychosocial hazards at work**  
[https://www.safework.nsw.gov.au/\\_\\_\\_data/assets/pdf\\_file/0004/983353/Code-of-Practice\\_Managing-psychosocial-hazards.pdf](https://www.safework.nsw.gov.au/___data/assets/pdf_file/0004/983353/Code-of-Practice_Managing-psychosocial-hazards.pdf)
- › **Legislation | SafeWork NSW**  
<https://www.safework.nsw.gov.au/legal-obligations/legislation>

## Supporting early intervention

The best way for you to protect your business from psychological injury claims is by taking a risk management approach. However, if an injury does occur early intervention can help you achieve the best possible outcome.

You can connect and support your worker during this period by:

- › asking how they are feeling and discuss ways to work together to facilitate a positive outcome,
- › offering a support person (such as a health and safety representative, union delegate, family member or friend) to support workplace meetings, and
- › remaining in contact and offer alternate duties to assist your worker in returning to work.

<sup>1</sup> COVID-19 Mental Health Boost for New South Wales, Ministers Department of Health, <https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/covid-19-mental-health-boost-for-new-south-wales>

## Your responsibilities

Before you submit a claim, gather as much information as possible. Potential items to consider can include:

- » issues in the workplace raised by your worker or other workers about the worker prior to the date of injury,
- » events or issues outside of the workplace that may be a contributing factor to your workers' injury,
- » transfer discussion prior to the date of injury,
- » issues involving Human Resources prior to the date of injury, including documented discussions regarding ongoing employment, suspension, or potential dismissal, and
- » formal disciplinary action or performance appraisal plans discussed with your worker, including documented policies and procedures, evidence of meetings, and letters or agreed action items.

## Claims Management

### Claims Service Provider

Your Claims Service Provider will manage your psychological injury claims. These claims are allocated to Case Managers who have extensive experience and capability to manage this claim type.

Specialised claim strategies will be applied by the claims service provider to these psychological claims to ensure recovery and return to work is maximised, and liability is managed in a way that recognises the unique needs and challenges of this claim type.

### icare

Once a claim is submitted, the claim is allocated to an icare Specialised Case Manager. icare has vigorous strategies in place to manage complex and high-risk claims proactively and carefully.

## Provisional Liability

When Claims Service Providers (CSPs) are notified of a new claim, they have seven days to make their initial liability decision. Mental Health injuries can be complex and often require medical and factual investigation before a full liability decision can be made. In these instances, CSPs can choose to commence Provisional Liability while investigations are carried out. Provisional Liability enables an injured worker to start receiving treatment and be supported with weekly benefits for a period of up to 12 weeks while investigations are underway. CSPs must decide to accept or decline liability in full before the period of Provisional Liability expires.

In some instances, CSPs will make an initial decision to Reasonably Excuse a claim. This happens less frequently when CSPs have insufficient information to proceed or if the claim is reported a long time after the injury occurred. When a Reasonable Excuse is applied, the worker can be supported by having their medical costs reimbursed, but don't receive weekly benefit payments until the Reasonable Excuse has been addressed. Once it has, CSPs can decide to commence Provisional Liability, or to accept or decline the claim.

## Return-to-work

icare has developed a [Psychological Injury Checklist](#) that includes evidence-based strategies and techniques to increase the likelihood for a successful recovery and return-to-work outcome. This resource has been developed to be a practical tool for you to engage and support your workers who have experienced a psychological injury within the workplace.

### Other resources

[SafeWork NSW - Mentally Healthy Workplaces](#)

[SafeWork NSW - Mental Health Matters](#)

[SIRA - Managing Psychological Injury Claims](#)

[Psychological Injury Checklist](#)

[Social Connections Toolkit](#)