

Second submission re *Workers Compensation Legislation Amendment Bill 2025*

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About Women's Legal Service NSW

Women's Legal Service NSW ('WLS NSW') advocates for an end to gender-based violence and for gender equality in Australia. As a state-wide specialist women's legal service, we assist women across NSW by providing legal advice and representation from our trauma informed, holistic legal practice across a range of practice areas including family law, domestic/family and sexual violence, compensation and victims support for victims of crime, discrimination, employment and sexual harassment. We prioritise women who are experiencing deep and persistent disadvantage.

Our specialist programs include:

- First Nations Women's Legal Program, led by First Nations staff and supported by a First Nations Women's Consultation Network,
- Women's Rights, and
- Working Women's Centre.

All three programs focus on responding to legal issues faced by women with a particular focus on responding to gender-based violence and addressing women's safety, economic security and intersecting discrimination.

We use our experience gained from working with over one hundred thousand women and our feminist analysis of social issues and the law to determine where we can make the most impactful and positive change. We advocate for systemic change through policy and law reform, strategic litigation and by providing education and training to the legal profession, the community services sector and other key stakeholders.

Acknowledgments

We acknowledge the Traditional Custodians of the lands on which we work and live across NSW. We pay deep respects to Elders past and present. Is, was and always will be Aboriginal land.

We acknowledge the many women subjected to gender-based violence with whom we work and whose voices and experiences inform our advocacy in the hope for positive change.

Opening comments

We thank NSW Treasury for the opportunity to comment on the *Workers Compensation Amendment Bill 2025* (NSW) ('the Bill') regarding claims for psychological injury in the workplace. This is an updated submission following on from our first submission to the initial inquiry by the Law and Justice Committee.

The Working Women's Centre NSW ('WWC') provides advice, support and representation to women who are experiencing issues related to employment including discrimination, sexual harassment, unfair dismissal, underpaid wages or superannuation, or difficulty accessing flexible work arrangements or domestic violence leave. We advocate for gender equality and safety in the workplace and economic security for women. We provide a variety of education, training and capacity building for stakeholders, including for employers, legal and affiliated professionals and community members. A significant part of the work of the WWC is responding to sexual violence, including sexual harassment in the workplace.

In principle, we welcome improvements to the way NSW workplaces respond to psychological injury, in particular, focussing on the responsibility and obligations of employers to prevent psychological injury in the workplace, and to prevent the kinds of behaviours and practices, such as sexual harassment, that are likely to cause psychological injury in the first place. However, we remain deeply concerned that in their current form, the proposed reforms in the Bill will have a radical and disproportionate impact on working women in NSW.

The primary objective of reform must be the introduction of concrete steps to end sexual harassment by holding perpetrators and employers to account, rather than taking steps to end remedy, restitution and recovery pathways for victim-survivors.

Recommendations

1. We recommend the Government takes note of the gendered and discriminatory impacts of this Bill and amends it to ensure that the proposed changes to the way psychological injury is regulated in NSW will not have a deleterious and disproportionate effect on women.
2. We recommend that any change to the way psychological claims are regulated must be based on research and evidence. Multiple inquiries and reports over the last six years have recommended that the regulatory framework treat claims for psychological injury more, not less, akin to claims for physical injury. We support this approach.
3. We recommend that the definitions of 'primary psychological injury' and 'relevant event' are widened to be inclusive of the range of circumstances in which genuine psychological injuries are incurred in the workplace. The current definitions are unreasonably narrow, restrictive and limiting, and will likely have a disproportionate effect on women facing multiple layers of marginalisation.
4. We welcome the removal of the requirement that a positive determination be made by "a Tribunal, Commission or Court" that an employee has been subjected to "sexual harassment, racial harassment or bullying" prior to making a claim for psychological injury in the workplace stemming from the above. However, we recommend that the requirement to conciliate/litigate matters at the IRC when a claim relating to sexual harassment, racial harassment or bullying has been denied by an insurer is also removed because this requirement will create an insurmountable financial, logistical and psychological barrier for women to be able to effectively challenge claim decisions.
5. We oppose the raising of the Whole Person Impairment ('WPI') threshold from 15% to 31%, as this will effectively end appropriate and/or ongoing compensation for WPI for psychological injury claims. We do not believe that the staged approach to the new thresholds, first to 25% in October 2025 and then to 31% from 1 July 2026 goes any way to ameliorating the negative impacts of the new threshold.
6. We oppose the introduction of a restrictive framework to significantly curtail the way that permanent impairment assessments are able to be made. Affected individuals should retain the ability to choose independent medical providers to conduct assessments and further, should not be restricted to one review of a determination.
7. We oppose the use of the 'reasonable and necessary' standard in place of 'reasonably necessary', on the basis that curtailing the coverage provided for medical and psychological care even once someone has made a successful claim will have a punitive and exiling effect, rather than encourage someone to return to the workplace sooner.
8. We recommend that greater onus must be placed on employers to prevent psychological injury. In particular, to prevent:
    a. sexual harassment in the workplace by placing the onus on the employer for prevention and holding perpetrators to account;
    b. harm and injury resulting from sexual harassment and/or sexual violence in the workplace;
    c. harm and injury resulting from employers' inadequate response to sexual harassment and/or sexual violence in the workplace; and

d. harm and injury resulting from employers' inadequate response to employees who are subjected to domestic and family violence at home.

9. We recommend, as per the *Respect@Work* report recommendations, workers compensation bodies and WHS regulators should undertake training in the drivers and impacts of sexual harassment and role of gender inequality in sexual harassment to inform their work. Greater resourcing for and rollout of this training must be prioritised.[1]

10. We recommend that the Bill be amended to include:

    a. compulsory training in the federal sexual harassment Positive Duty and *WHS (Sexual and Gender-based Harassment) Code of Practice 2025*;

    b. that investigations of sexual harassment matters are an allocated priority for SafeWork NSW;

    c. that SafeWork NSW is required to collect and publicly report annually on data, including number and type of complaints made regarding sexual harassment, number of site visits, number of investigations, prosecutions and outcomes;

    d. that SafeWork NSW be adequately resourced to have a dedicated, effective investigations and prosecutions team in relation to sexual harassment in the workplace; and

    e. a Positive Duty under state WHS legislation that is specific to sexual harassment.

11. We recommend that the new Consolidated Amendments (Mr Latham and Mr Tudehope Amendments) be rejected in their entirety. These amendments serve to further narrow the type and number of workers who can make psychological injury claims contain fundamental and egregious misunderstandings of not only the constitutive elements of sexual harassment, but the nature and impact of sexual harassment on women and would place the burden on victim survivors of sexual harassment, racial discrimination and bullying to prove the perpetrator deliberately intended to harm them.

[1] Australian Human Rights Commission, *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Report, 29 January 2020), recommendations 36 and 37 <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020>.

Disproportionate effect on women

12. We are gravely concerned that the proposed changes in the Bill significantly narrow the avenues and circumstances through which claims for psychological injury can be made and that this will have a deleterious and disproportionate effect on women. This is due to the fact that:

    - the majority of claims for psychological injury in Australia are made by women.[2] We know that "[w]orkplace psychiatric injury is suffered at a disproportionately higher rate by women, particularly in sub-categories of mental stress such as work-related harassment, workplace violence, bullying and work pressure where women suffer injuries at more than twice the rate of men."[3] This is not in small part due to the gendered nature of violence in the workplace, most often perpetrated by men against women.
    - a not insubstantial portion of those injuries stem from sexual harassment or bullying. Of the approximately 10,000 serious mental stress claims in 2021–22, the highest proportion was attributed to work-related harassment and/or workplace bullying (27.5%), followed by work pressure (25.2%) and exposure to workplace or occupational violence (16.4%)."[4]
    - sexual harassment is rife, and its unabated proliferation in Australian workplaces is a scourge. The Australian Human Rights Commission's ('AHRC') fifth national survey on sexual harassment in Australian workplaces found that:
        - one in three workers (33%) had experienced sexual harassment at work in the last five years;
        - women (41%) were far more likely than men (26%) to experience workplace sexual harassment;
        - more than three quarters of harassers were men (77%); and
        - the reporting of workplace sexual harassment remains alarmingly low at 18%.[5]

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[2] "By gender, females accounted for about 58% of work-related mental health claims in comparison with 42% for males on average between 2012–13 and 2016–17." See Productivity Commission, *Mental Health: Inquiry Report* (Report No 95, 30 June 2020) vol 2, 311 <https://www.pc.gov.au/inquiries/completed/mental-health/report>.

[3] Kylie Burns, 'Liability for Workplace Psychiatric Injury in Australia: New Coherence and Unresolved Tensions' (2023) 45(2) *Sydney Law Review* 157, 158–9, citing Safe Work Australia, *Psychosocial Health and Safety and Bullying in Australia Workplaces: Indicators from Accepted Workers' Compensation Claims* (Annual Statement, 2021) 2 <https://www.austlii.edu.au/au/journals/SydLRev/2023/7.pdf>. See also Australian Human Rights Commission, *Everyone's Business: Fourth National Survey on Sexual Harassment in Australian Workplaces* (Report, September 2018) 8, cited in Burns (n 3) 159, which showed disparity between sexes in sexual harassment in the workforce. We also know that <https://humanrights.gov.au/sites/default/files/document/publication/AHRC_WORKPLACE_SH_2018.pdf>.

[4] Safe Work Australia, *Psychological Health and Safety in the Workplace* (Report, February 2024) 8 <https://data.safeworkaustralia.gov.au/sites/default/files/2024-02/Psychological-health-in-the-workplace_Report_February2024.pdf>.

[5] Australian Human Rights Commission, *Time for Respect: Fifth National Survey on Sexual Harassment in Australian Workplaces* (Report, November 2022) <https://humanrights.gov.au/time-for-respect-2022>.

Evidence base to inform change

13. Any proposals to change the way psychological claims are regulated must be based on rigorous research and evidence, of which there is now a substantial canon.

14. We acknowledge that the past decade has seen an increase in the number of claims for psychological injury, and the corresponding increase in cost for employers, insurers and the Government. Research also shows that the average time away from work for people with psychological injuries tends to be longer than that for people with physical injuries.[6] However, none of the above justifies arbitrarily restricting psychological injury claims. There may be several reasons as to why psychological claims have increased in recent years, such as:

    a. decreasing stigma over mental health in the workplace;

    b. increasing levels of harassment, bullying, violence and workplace pressure; and/or

    c. lack of awareness on the part of employers as to how to work with and respond to employees who may be experiencing psychological distress.

15. Furthermore, despite certain preconceptions, getting a claim for psychological injury approved is not easy. Psychological injury claims are much more likely to be rejected than physical injury claims. State and territory workers compensation schemes reject 24–60% of claims related to mental health, compared to 6–10% of physical injury and disease claims.[7]

16. Multiple recent government inquiries and reports have drawn attention to the failure of Australian law, including workers compensation and WHS laws, to adequately recognise, respond to and compensate workplace psychological injury. Many of the recommendations have urged governments to treat claims for psychological injury with the same gravitas as those for physical injury. The reports include:

    a. 2018 review of the model WHS laws ('Boland Review');[8]

    b. 2019 report by the Senate Education and Employment References Committee on the mental health and suicides of first responders;[9]

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[6] Per State Insurance Regulatory Authority, 'Recovery at Work Insider: Psychological Injury Warning Signs' (updated 20 January 2025) <https://www.sira.nsw.gov.au/news/recovery-at-work-insider-september-2024>: "Employers report that they become aware of potential psychological injury by observing the behaviour of their employee and/or employee self-disclosure but that they often feel uncertain or have a lack confidence to raise the topic.

- 43% of workers with a psychological injury felt that they were discouraged from putting in a claim compared to 15% for a physical injury.
- 20% of workers with a psychological injury said they received assistance prior to lodging a claim compared to 60% for a physical injury.
- These factors were associated with delayed recovery and poorer return to work outcomes for psychological injury."

[7] Productivity Commission (n 2) vol 2, 310. See discussion of how workers compensation schemes restrict compensation recovery for psychiatric injury claims: at 312–14. See also Safe Work Australia, *Comparison of Workers' Compensation Arrangements in Australia and New Zealand: 2021* (Report, August 2022) 204–8 (Table 4.18) <https://www.safeworkaustralia.gov.au/doc/comparison-workers-compensation-arrangements-australia-and-new-zealand-2021>.

[8] Marie Boland, *Review of the Model Work Health and Safety Laws* (Final Report, December 2018) 34 <https://www.safeworkaustralia.gov.au/doc/review-model-whs-laws-final-report>.

[9] Senate Education and Employment References Committee, Parliament of Australia, *The People Behind 000: Mental Health of Our First Responders* (Report, February 2019)

c. 2020 report by the Productivity Commission on mental health;[10]

d. 2021 report of the Royal Commission into Victoria's Mental Health System;[11]

e. 2020 report of the AHRC on the inquiry into sexual harassment in Australian workplaces ('*Respect@Work*');[12]

f. 2022 report of the AHRC on the independent review into Commonwealth parliamentary workplaces;[13]

g. 2022 Western Australian Legislative Assembly Report on sexual harassment in the fly-in, fly-out mining industry;[14] and

h. 2023 Independent Review into SafeWork NSW ('McDougall Review')[15].

17. In 2022, the NSW Government introduced the WHS Amendment Regulations[16] to give effect, in part, to the recommendations of the Boland Review and echo the Model WHS Regulations in setting a new standard and obligations for managing psychosocial hazards in the workplace. Safe Work Australia's Codes of Practice, "Managing psychosocial hazards at work" and "Sexual and Gender-Based Harassment" (issued in 2022 and 2025 respectively), provide practical guidance to employers on their obligations and complement the Positive Duty under section 47C of the *Sex Discrimination Act 1984* (Cth). We are concerned that the current proposed reforms will discourage employers from taking proactive steps to prevent sexual harassment and other psychosocial hazards, effectively winding back years of reform which have seen a shift toward greater employer accountability.

'Primary psychological injury' and 'relevant event'

18. We are deeply concerned that the Bill significantly narrows the type and number of claims that can be made for psychological injuries sustained in the workplace. The Bill sets out that a claim for workers compensation can only be made for a 'primary psychological injury'; only if it arises from a 'relevant event'; and, where there is a 'real and direct connection' between the relevant event and the worker's employment; and, where employment is the main contributing factor to

<https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/Mentalhealth/Report/>.

[10] Productivity Commission (n 2) vol 2.

[11] Penny Armytage AM, Allan Fels AO, Alex Cockram and Bernadette McSherry, *Royal Commission into Victoria's Mental Health System* (Final Report, February 2021) vol 2 <https://www.vic.gov.au/royal-commission-victorias-mental-health-system-final-report>.

[12] Australian Human Rights Commission (n 1).

[13] Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (Report, November 2021) <https://humanrights.gov.au/set-standard-2021>.

[14] Community Development and Justice Standing Committee, Parliament of Western Australia, *'Enough is Enough': Sexual Harassment Against Women in the FIFO Mining Industry* (Report No 2, June 2022) <https://www.parliament.wa.gov.au/parliament/commit.nsf/(WebInquiries)/EF1DF1A3F5DF74A848258869000E6B32>.

[15] Robert McDougall KC, *The Independent Review of SafeWork NSW* (Final Report, 15 December 2023) <https://www.safework.nsw.gov.au/about-us/mcdougall-review>.

[16] *Work Health and Safety Amendment Regulation 2022* (NSW) <https://www.safework.nsw.gov.au/legal-obligations/legislation/accordians/work-health-and-safety-amendment-regulation-2022>.

the psychological injury; and, where a significant cause of the psychological injury is not reasonable management action taken.

19. Not only are the definitions of 'primary psychological injury' and 'relevant event' unreasonably narrow and limiting, but the list of factors that must be satisfied to establish eligibility for workers compensation will result in many and varied genuine cases of psychological injury being excluded from the scheme. Furthermore, the coverage extended by the current Bill is haphazard and inconsistent. While sexual harassment and racial harassment would be covered, discrimination on the basis of disability, sexual orientation, or gender identity would not. In addition, workers who might develop injuries based on different incidents over time, would not be covered. This will have the result of leaving some of the most marginalised workers, including migrant women workers, LGBTIQ+ workers, disabled workers, or those with intersecting layers of marginalisation, largely excluded from the scheme.

Positive determination prior to any claim

20. We welcome the removal of the requirement that a positive finding be made by "a Tribunal, Commission or Court" that "sexual harassment, racial harassment or bullying" has occurred before a person can make a claim for psychological injury in the workplace. This requirement would have presented an insurmountable and unconscionable barrier to claims.

21. The new proposal improves on the last, however it still creates additional obstacles for women who have incurred a psychological injury from sexual harassment in the workplace. The new review process via the NSW Industrial Relations Commission (NSW IRC) will still no doubt be time consuming and create a further psychological, logistical and financial barrier to challenging claim outcomes by the insurer.

22. Recent data from the NSW IRC sets out that delays in defended WHS hearings are expected to reach 18 months by December 2025, and that the sexual harassment and bullying claims that will result from the introduction of the *Industrial Relations and Other Legislation (Workplace Protections) Act 2025* (NSW), will result in 100 additional applications to the IRC per year, resulting in significant further delays.[17]

23. Furthermore, it is highly likely that in its current form, the Bill will mean that claims made in the new NSW jurisdiction will be incredibly difficult to succeed. This will likely reflect evidence of positive determinations in both bullying and sexual harassment complaints in federal, state and territory jurisdictions where they are made with alarmingly low rates:

    a. Favourable applicant outcomes are notoriously difficult in the federal bullying jurisdiction. In the 2023–24 financial year, 883 Stop Bullying applications were filed with the Fair Work Commission, yet only one Stop Bullying Order was made.[18]

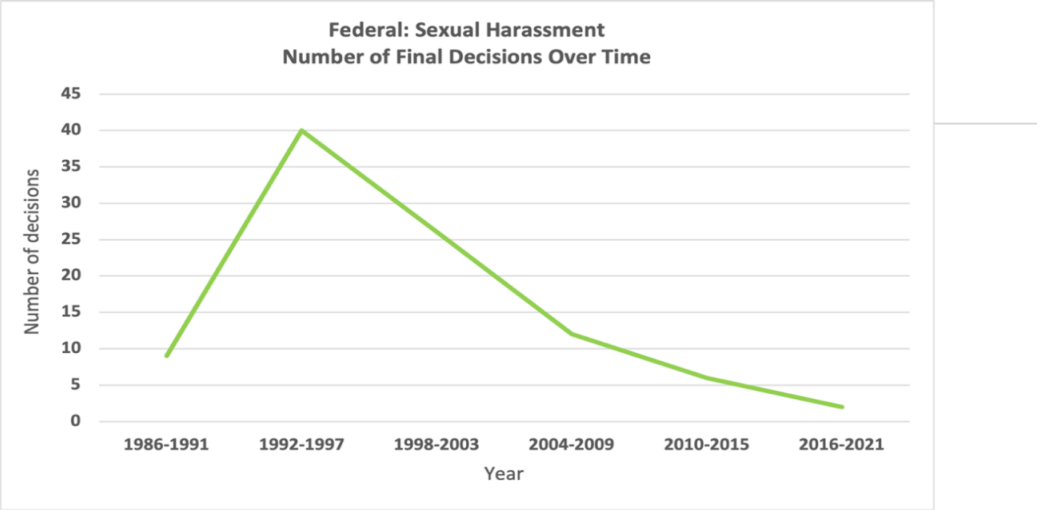
    b. Similarly, it is hugely difficult to obtain a positive outcome for applicants in sexual harassment complaints, both at state and federal levels. Very few matters proceed to

[17] Briefing document dated 19 July 2025 provided by the NSW IRC to the IRC consultative User Group, of which WLS NSW is a part.

[18] Melini Pillay, 'Bullying or Reasonable Management Action: The Stop Bullying Jurisdiction', *Mondaq* (31 March 2025) <https://www.mondaq.com/australia/employee-rights-labour-relations/1604728/bullying-or-reasonable-management-action-the-stop-bullying-jurisdiction?email_access=on>.

final decision and the Australian Human Rights Commission and its State and Territory counterparts are not fact finding or determination bodies.

Requiring a positive determination of sexual harassment or bullying will effectively prevent the vast majority of workers compensation claims for psychological harm from being made in the first place. See the following graph from the Thornton, Pender and Castles study, 'Damages and Costs in Sexual Harassment Litigation'[19]:



Whole Person Impairment ('WPI') threshold – from 15% to 31%

24. We oppose raising the WPI threshold from 15% to 31% as per new subsections 65A(3) and 38(9), and the cessation of payments for psychological injury after 130 weeks for anyone who does not

We note that NSW Treasury has stated that it is basing the new figure on South Australian and Queensland impairment thresholds, but according to Dr Julian Parmegiani, retired psychiatrist who led the design of the Psychiatric Impairment Rating Scale in the late 1990s, **very different criteria is used** and applied amongst different states, and raising the percentage to 31% is **'tantamount to ending the scheme'**.

[19] Margaret Thornton, Kieran Pender and Madeleine Castles, *Damages and Costs in Sexual Harassment Litigation: A Doctrinal, Qualitative and Quantitative Study* (Study conducted for Respect@Work Secretariat, 24 October 2022) 21 (Graph 5) <https://www.ag.gov.au/rights-and-protections/publications/damages-and-costs-sexual-harassment-litigation-doctrinal-qualitative-and-quantitative-study>.

meet the new threshold (new section 39A). This will effectively end such claims, leaving many women who are never able to work again, let alone socialise, form relationships or leave the house. Introducing a staged approach to the WPI in the Bill, from 25% in October 2025 to 31% in 2026, will not ultimately ameliorate the negative impacts of the new, high threshold. The only appropriate solution is to retain the current WPI threshold.

Permanent impairment assessment process

25. The Bill introduces a severely restrictive framework for determining how permanent impairment is assessed. It removes individual choice in obtaining assessments from independent medical providers and introduces a requirement that assessments must be undertaken by practitioners approved/listed by the Authority, as well as significantly curtailing the review process. With something as significant and life changing as permanent impairment, fair and reasonable conditions should be applied such that the affected individual is able to navigate the process with choice and dignity and is afforded the right to have their matter thoroughly reviewed where a claim is denied or limited. It is especially important for women who have experienced psychological harm in the workplace to be able to choose their medical providers in a trauma-informed, culturally safe way. For example, it might be important for a woman who has been subjected to sexual harassment by a male colleague or employer to be able to choose a female doctor, or for a migrant worker to be able to choose a doctor that can speak their primary language.

'Reasonably necessary' to 'reasonable and necessary'

26. We are concerned that replacing 'reasonably necessary' with 'reasonable and necessary' in relation to costs for hospital stays and rehabilitation, along with compensation for domestic assistance in sections 60 and 60AA, may result in inferior healthcare and rehabilitation outcomes. This is of particular concern because there is no guidance as to what 'necessary' means. It is unclear whether this relates to it being necessary for optimal wellness, for complete rehabilitation or for a functional quality of life. The use of the stand-alone 'necessary' without appropriate guidance or explanation may result in swathes of healthcare, rehabilitation and domestic assistance being denied because it is not deemed 'necessary'.

Backwards step – sexual harassment

27. This Bill will disincentivise employers from taking proactive action to prevent sexual harassment in accordance with their obligations, as they will be armed with the knowledge that any claims for psychological injury under workers compensation will be likely doomed to fail, and/or may not get past the starting blocks.

Prevention requirement for employers – sexual harassment

28. We strongly agree that greater onus must be placed on employers to prevent psychological injury. In particular, to prevent:
    a. sexual harassment in the workplace by placing the onus on the employer for prevention and holding perpetrators to account;

b. harm and injury resulting from sexual harassment and/or sexual violence in the workplace;

c. harm and injury resulting from employers' inadequate response to sexual harassment and/or sexual violence in the workplace; and

d. whilst this does not relate to sexual harassment in the workplace, employers also have a responsibility in preventing harm and injury resulting from employers' inadequate response to employees who are being subjected to domestic and family violence at home.

29. We recommend that the Bill be amended to include:

a. compulsory training in the federal sexual harassment Positive Duty and *WHS (Sexual and Gender-based Harassment) Code of Practice* 2025;

b. that investigations of sexual harassment matters are an allocated priority for SafeWork NSW;

c. that SafeWork NSW is required to collect and publicly report annually on data, including number and type of complaints made regarding sexual harassment, number of site visits, number of investigations, prosecutions and outcomes;

d. that SafeWork NSW be adequately resourced to have a dedicated, effective investigations and prosecutions team in relation to sexual harassment in the workplace; and

e. a Positive Duty under state WHS legislation that is specific to sexual harassment.

Responses to Consolidated Amendments (Mr Latham and Mr Tudehope amendments)

30. The Latham/Tudehope amendments service to restrict further the type and number of, and method by which, claims for psychological injury in NSW can be made. This will have an even greater disproportionate impact on working women in NSW. We recommend that the Consolidated Amendments be rejected in their entirety. We have commented on some of the specific proposed amendments below.

31. ***Sexual Harassment (amendment 11)*** - we reject in the strongest possible terms, the proposed amendments to the definition of 'sexual harassment.' The amendments seek to introduce a required element of intent and knowledge on the part of the harasser in order to establish sexual harassment. This definition is wildly inconsistent with federal and state anti-discrimination law and is also inconsistent with international human rights standards. It also conveys a profound ignorance regarding the nature and impacts of sexual harassment on victim-survivors. It goes against the tenets and recommendations of the Respect@Work Report and would interfere with the Positive Duty on employers to take steps to actively prevent sexual harassment in the workplace.

32. ***Racial Harassment (amendment 8) and bullying (amendment 5)*** - we reject in the strongest possible terms the requirement of intent and knowledge in relation to sexual harassment and to racial harassment and bullying.

33. ***Excessive work demands (amendment 6)*** – we reject the removal of 'excessive work demands' as part of the definition of a 'relevant work event.' Excessive work demands are commonly associated with psychological injuries, especially when experienced over an extended period of time. Removing this goes against recent federal law reform which recognised the importance of having healthy work/life boundaries, with the 'right to disconnect' legislation and also principles and research by SafeWork, unions, academics and key community organisations, which have shown that excessive work demands are a significant psychosocial hazard and one which employers have an obligation to prevent.

34. ***Psychological injury (amendment 7)*** – we reject the proposal to further narrow the scope of psychological injuries that allow workers to make claims under workers compensation legislation and strongly oppose the proposal to remove anxiety disorders from the definition of injuries in certain workplaces. These amendments seek to further limit the number and type of women, especially those who are already marginalised in the workplace, from being able to receive workers compensation for injuries sustained in the workplace and prevent them from being able to access the appropriate medical, psychological and rehabilitative support they would need to regain capacity and return to the workplace.

35. ***Vicarious trauma (amendment 10)*** – we strongly oppose the removal of 'vicarious trauma' from the Bill. Workers in highly feminised industries like health, nursing, disability and domestic violence support, are regularly impacted by vicarious trauma in the workplace. Good and responsible employers will have strategies and systems in place to assist workers who have experienced vicarious trauma. However, it is well documented that with acute and significant vicarious trauma events, some workers develop psychological injuries which require time, medical/psychological care and support to treat. Without the important safety net of workers compensation, some workers will be denied the support they need to return to the workplace.

Thank you for the opportunity to comment on the Bill. Please don't hesitate to reach out to Emily Gray at emily.gray@wlsnsw.org.au or (02) 8745 6900 should you wish to discuss any aspect of this submission.

Yours sincerely**,**

Women's Legal Service NSW



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