



Compensation for workplace bullying and harassment

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The law in Queensland provides certain cover for workers who have suffered a psychological injury due to being bullied and/or harassed in the workplace. This blog looks at compensation options for those who suffer significant psychological injury in the workplace, in particular as a result of being bullied and/or harassed.

Despite significant inroads into workplace health and safety laws, and an increased focus on issues surrounding bullying and harassment, including sexual harassment, the reality remains that workers continue to suffer from significant psychological injuries as a result of workplace bullying and/or harassment.

The impact on a worker's ability to earn income as a result of a psychological injury can be profound. It can result in the injured person's psychological injury worsening due to the stress and anxiety which comes with wondering how they're going to look after their family now that they are injured due to someone else's bad behaviour.

Three primary options for compensation after workplace bullying and/or harassment

Worker's compensation claim due to psychological injury

When you suffer a stress related injury from work, and it impacts on your ability to do your job (that is, you're taking 'sickies' etc), you need to give some careful thought to whether you should, in fact, lodge a worker's compensation claim for your injury.

Depending on the worker's compensation scheme that covers you, you may be entitled to lodge a [Workcover claim under the Queensland state scheme](#) (or another state or territory scheme depending on where you work) or a [Comcare claim under the Federal scheme](#).

Compensation and other benefits available with a worker's compensation claim include:

lost wages, including overtime and other penalties (but excluding superannuation, unfortunately);

medical and like expenses which relate to treatment of your work; injury

rehabilitation expenses;

travel costs (to and from medical and rehabilitation appointments); and

- [lump sum compensation](#) (when your injury is 'stable and stationary' and able to be assessed for permanent impairment)

If your injury or illness was caused by the negligence of another person or entity, in addition to your statutory entitlements, you may be entitled to bring a claim for [worker's common law damages](#).

It doesn't cost you anything to lodge an application for compensation (apart from maybe the cost of seeing your GP to get him or her to fill out a 'workers' compensation Medical certificate').

It's important to note that there are strict time limits related to worker's compensation claims in Queensland. The 'golden rule' is that a claim should be lodged within '6 months' from when the worker appreciates they have a work injury. That's an easy thing to work out if you suffer a physical injury from a single event. But if your injury is a psychological one, due to being exposed to work stress over a period of time, that 6-month time limit period can be tricky to work out. So, if in doubt, lodge a claim and seek advice from an experienced worker's compensation

[FREE ADVICE FROM A COMPENSATION LAWYER: 07 3310 8729](#)

You can learn about lodging a worker's compensation claim in our earlier blog, ["How to claim workers compensation in Queensland"](#).

Compensation claim under the *Sex Discrimination Act 1984* (Cth) for workplace sexual harassment

This type of claim relates to sexual harassment only.

If you experience workplace sexual harassment, you may be able to lodge a claim for

compensation with the Australian Human Rights Commission.

For a successful AHRC claim, you will need to prove:

that you experienced conduct in the workplace that was sexual in nature;

that the sexual conduct was directed at you and was unwelcome/unwanted; and

that a reasonable person, in the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Again, strict time limits apply to this type of compensation. You must lodge your claim within two years of the sexual harassment occurring.

Compensation payable with this type of claim can be substantial, but the claim's process is complicated. You should seek legal advice and assistance before commencing this type of claim.

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Total and Permanent Disability (TPD) claim through your super

This is not a compensation claim but rather an insurance payout. Most Australian workers will have TPD cover through their super. Some may have disability insurance cover outside super.

If you experience an injury or illness and you have to stop work due to your injury/illness, you may be entitled to [claim on your TPD insurance](#). Notably, your injury or illness does not have to be work-related. Further, if you have more than one super fund and, subsequently, more than one TPD policy, you may have multiple claims (conditions apply).

Get help from a compensation lawyer

The bottom line when it comes to bullying and harassment is that if it causes you a significant injury which compromises your ability to earn an income, then you need to get proper legal advice from a lawyer experienced in worker's compensation claims and disability insurance claims.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.