Cameron Hall
COMPENSATION LAWYERS



Workplace psychological injury? How to seek compensation through the Queensland Human Rights Commission

Date: Monday April 20, 2026

Suffering a psychological injury at work can disrupt every aspect of your life, from your daily routines to your financial security. While many workers automatically look to WorkCover Queensland for typical workers' compensation claims, there is another vital legal avenue for individuals whose mental health condition stems from unlawful workplace behaviour. If your psychological distress was caused by discrimination, sexual harassment, vilification, or victimisation, you may be entitled to seek financial compensation through the Queensland Human Rights Commission (QHRC).

Understanding how the QHRC process functions, how it differs from traditional workers' compensation, and what steps you need to take to lodge a successful claim will help you protect your rights and help fund your recovery.

What Constitutes a Workplace Psychological Injury?

A workplace psychological injury is a diagnosed mental health condition that develops due to events or environments encountered in the course of employment. Minor workplace stress (what all workers will experience from time-to-time) or general career dissatisfaction (what a significant number of workers will experience from time-to-time) do not qualify for a formal legal claim. Instead, an individual must receive a clear diagnosis of a (recognised) psychiatric or psychological condition from a qualified medical professional. Common conditions include:

Post-Traumatic Stress Disorder (PTSD)

Major Depressive Disorder

Generalised Anxiety Disorder

Adjustment Disorder

While traditional workers' compensation covers injuries arising broadly from work, the QHRC focuses specifically on psychological injuries caused by breaches of the Anti-Discrimination Act 1991 (Qld).

This includes targeting based on protected attributes like age, race, gender, disability, or sexual orientation, as well as some environments which are constantly replete with toxic, unlawful conduct.

Why Choose the QHRC Over WorkCover?

For some individuals, navigating a standard WorkCover claim for a mental health injury is restrictive. A particular type of psychological claim which WorkCover Queensland explicitly excludes are those which Workcover determine have arisen from "reasonable management action taken in a reasonable way (RMA)".

This means if the material that Workcover considers includes a statement from an employer which claims that your stress was caused by things like fair performance management, a business restructure, or disciplinary action, your claim may be rejected entirely.

The QHRC dispute resolution pathway provides an alternative avenue when the source of your mental injury is discriminatory or unlawful.

Some of the more important differences between a Workcover statutory claim for compensation (WCC), and a QHRC claim include:

	Workers' compensation claim (WorkCover)	**Human rights complaint (QHRC)**
Primary focus	Must meet the statutory definition of 'injury', including the reasonable management action (RMA) exclusion	Solely concerned with breaches of anti-discrimination legislation and compensation for those breaches
Time limit to lodge	6 months from the date of injury	12 months from the date of the discrimination event
Key exclusion	Claims may be rejected if the injury arose from reasonable management action (e.g. performance management, restructuring)	No RMA exclusion — focus is on whether unlawful conduct occurred
Who decides	WorkCover Queensland (or self-insuring employer) accepts or rejects the claim	QHRC facilitates conciliation; unresolved matters referred to QCAT

Dispute process	Review options available; appeals ultimately heard by the Queensland Industrial Relations Commission (QIRC)	Free conciliation conference first; escalation to QCAT if unresolved — generally less costly than a QIRC appeal
Return to work / rehab	Yes — rehabilitation and return-to-work obligations are considered	Not applicable — no focus on rehabilitation or return-to-work outcomes

What Are the Grounds for a QHRC Psychological Injury Claim?

To successfully seek compensation from the QHRC for a psychological injury, you must establish that the injury was a direct consequence of unlawful conduct under the Anti-Discrimination Act 1991. The most common workplace grounds include:

Unlawful Discrimination

Treating a worker less favourably because of a protected attribute, such as a physical disability, pregnancy, parental status, or religious belief.

Sexual Harassment

Subjecting a worker to unwelcome conduct of a sexual nature, creating a hostile environment that triggers trauma, anxiety, or depression

Victimisation

Retaliating against an employee because they previously made a workplace complaint, raised a concern with HR, or assisted in an internal investigation.

Vilification

Publicly inciting hatred, serious contempt, or severe ridicule against a worker based on race, religion, sexuality, or gender identity.

Employers can be held vicariously liable for the actions of their staff. If a colleague's harassment caused your breakdown and the company failed to take proactive preventative steps, the employer entity itself will usually be considered legally/financial liable.

How Do You Lodge a Psychological Injury Claim with the QHRC?

If you meet the criteria for a human rights complaint, you can navigate the process via the following steps:

1. Secure Medical Evidence and Treatment

Prioritise your personal health by consulting a General Practitioner, psychologist, or psychiatrist. Request a comprehensive medical report explicitly linking your clinical diagnosis to specific incidents or prolonged unlawful treatment at your workplace. Ongoing professional medical care will always be a critical baseline aspect of any future compensation payout in a QHRC claim.

2. Document the Workplace Conduct

Gather and store clear evidence detailing the unlawful actions. Compile relevant emails, text messages, internal memos, and HR files (if possible, that is, don't attempt to take materials from the workplace that you are not entitled to). Maintain a detailed private log noting the exact dates, times, and descriptions of events, alongside names of any colleagues who witnessed the behaviour.

3. Lodge a Formal Complaint Online

Submit your application through the QHRC Online Complaint Portal. You must clearly outline what happened, identify which protected attributes were targeted (refer above Grounds for Filing), and detail how the experiences directly caused your psychological injury. You must formally lodge this within 12 months of the incident.

4. Attend the Conciliation Conference

If the Commission accepts your complaint, they will schedule a mandatory conciliation conference. This is an independent, confidential meeting facilitated by a QHRC officer to help you and your (former) employer negotiate a fair resolution. You do not have to prove your case beyond a doubt here; the goal is reaching an amicable settlement.

5. Escalate to QCAT if Unresolved

If conciliation fails to resolve your claim, you can request that the QHRC refer your matter to the Queensland Civil and Administrative Tribunal (QCAT). QCAT operates as a formal tribunal that reviews the evidence legally, listens to witness testimonies, and issues legally binding orders.

What Compensation Can You Receive for a Workplace Psychological Injury?

Through a successful QHRC settlement or a formal QCAT ruling, an individual can recover financial damages tailored to rectify the financial and personal damage caused by the injury. Compensation awards will typically comprise the following 'heads of damages":

General Damages: Financial payments awarded for the emotional pain, suffering, loss of enjoyment of life, and psychological trauma experienced.

Special Damages: to cover out-of-pocket costs of your medical treatment, psychiatrist visits, rehabilitation services, travel costs, and pharmaceutical expenses.

Past Economic Loss: Compensation for lost income, including loss of superannuation contributions, lost bonuses etc (anything loss of income which you can prove was caused by your claimed injury)

Future Economic Loss: sums awarded if your psychological injury permanently limits your capacity to work or safely enter your

chosen industry again.

How Are Your Legal Rights Protected When You Make a QHRC Claim?

Navigating a psychological injury claim while managing symptoms of severe anxiety, depression, or PTSD can feel overwhelming. Remember that you are legally protected against dismissal for seeking help or lodging a human rights complaint. If you feel you have been targeted unlawfully, act quickly to protect your wellbeing and preserve your rights within the state's strict statutory timeframes.

Speak with a Workplace Psychological Injury Lawyer

If you believe your psychological injury was caused by unlawful workplace conduct, the team at Cameron Hall Compensation Lawyers can help you understand your options. Contact us today for a free consultation to discuss whether a QHRC claim is right for your situation.

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.