

Slide 1

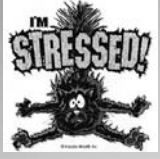
MONAHAN + ROWELL
LAWYERS

**STRESS:
CONFLICTING WORKERS
COMPENSATION AND OH&S
OBLIGATIONS**

M + R

Slide 2

- Are we more stressed?
- Are there just more claims?



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Slide 3

- What is stress?
- How is it caused?
- What does it cause?
- Who can be effected?

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Slide 4

Accident Compensation Act 1985

- No fault benefits
- How is stress treated?
- Stress - specific thresholds
- Effective claims/legal management

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Slide 5

Occupational Health & Safety 2004

- Section 5: "Health includes psychological health"
- Employer obligations
- Take proactive steps to protect worker's health and safety
- Stress Management Strategies

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Slide 6

Common Law

- Negligence and serious injury requirements
- Koehler v Cerebos (Australia) Ltd [2005] HCA 15
- Limitation of employer's liability for stress claims?
- Conflict with Workers' Compensation exposure

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Slide 7

Best Way Forward

- Early intervention
- Gather ALL factual information available
- Consider application of exclusions
- On-going employment status

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