

# We are EML

As Australia's only specialist in personal injury claims management, we are uniquely positioned to provide workers compensation claims management across the three managed fund states as well as large self insurance programs.

<b>NATIONALLY</b>		<b>MANAGED FUND SPECIALISTS</b>	
Supporting <b>350,000+</b> Customers		<b>A trusted Agent for WorkSafe, RTWSA &amp; icare</b>	
<b>85,000+</b> Claims		Providing a seamless service for customers	
<b>4,000</b> Employees		Centralised Account Management	
<b>\$3B</b> in Premium		Meaningful data insights and portfolio support	
<b>480+</b> Experts in Melbourne & Geelong	<b>3,800</b> Workers supported to return to work	<b>55K</b> Victorian customers	<b>22.9%</b> Market share
<b>\$15M</b> Invested to partners & employers	Strong performance in RTW	<b>#1</b> Employer & worker service since 2021	<b>+34</b> eNPS



# Supporting a sustainable Victorian scheme

**\$121M**  
INVESTED  
NATIONALLY  
SINCE 2012

**\$4.1M**  
IN VIC  
PARTNERSHIPS  
SNCE 2018

**\$1.8M**  
ACTIVE VIC  
PROJECTS

16 Mobile  
Case  
Managers  
Supporting  
Victoria



## INJURY MANAGEMENT

- Mobile Case Management Team
- Recovery Support Specialist
- Transition Support Service



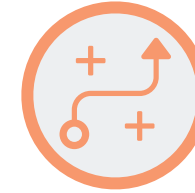
## RESEARCH AND INNOVATION

- Hazardous Manual Handling Risk Mitigation Program
- Psychosocial Hazard Assessment
- Occupational Violence Training program



## CUSTOMER VALUE

- Employer Video's
- Absorb Learning Management Platform
- National Training Calendar



## BUSINESS SUSTAINABILITY

- Victorian Chamber of Commerce and Industry Partnership – Mental Health Comply Program
- Victorian Trades Hall Council Partnership – Young Worker Centre



## INJURY PREVENTION

- Local Government Education and Engagement Program
- Altius On Demand

# WORKSAFE SCHEME UPDATE – MARCH 2024

VICTORIA



- Despite the legislative Bill being deferred at the end of the year, EML expects that the Bill will pass by the end of March largely unchanged, and we continue to plan for the implementation of the Bill as is accordingly.
- The scheme recently changed actuaries (PwC to Finity) and we expect the mid-year valuation to be released by the end of March. WorkSafe have indicated there is a further increase in scheme liabilities and therefore a likely further increase in premiums for FY25. Amount will be known in May
- There is no confirmation from WorkSafe yet, but there is the possibility of a further market freeze during the implementation of the reforms. We expect the reforms will be implemented from 1 July; however, this could be earlier (1 May or 1 June) depending on the passage of the Bill through the parliamentary process
- As with all legislative amendments, it will take some years for the interpretation of the changes to play out through dispute processes and specific points of the legislative to be made through case law
- There remains a strong focus on improving early RTW rates across the scheme, and recent indications do show some improvement
- Common law liabilities are also increasing due to the higher number of weekly actives beyond 130 weeks. Common law will be a key area of risk to watch if the legislative Bill passes. A much higher number of workers will be exiting at 130 weeks, and therefore seeking legal advice, which will almost certainly generate a higher number of common law claims.

# Occupational Violence & Aggression State-wide Behaviour Change Campaign



# Background: Why



- WorkSafe Victoria definition of occupational violence and aggression (OVA).
- One of the largest risks for our Council frontline staff is confrontation by members of the public.
- Since the onset of Covid-19, Councils across Victoria have experienced a significant **increase in OVA related incidents** and anti-Council sentiment.
- Our message is simple - **it's not ok and it's not part of the job.**





# Power in Numbers Involved Councils



**Power in Numbers**  
Campaign partners

# Similar Campaigns

STOP AGGRESSION TOWARDS WORKERS  
**RESPECT**

Council News Hunter Councils unite against aggression towards staff

### Hunter Councils unite against aggression towards staff

11 July 2023

A new campaign by 8 Hunter Councils outlines that Council employees are real people too, and reaffirms the old saying that respect is a two-way street.

Hart Houseville Council's Work Health & Safety Manager Nicola Le Grange used the words collaboration in the 'Respect is Everyone's Role' campaign demonstrated the need to address the incidence of aggression and abuse towards Council workers which has increased across the region in the last 12

PT

Transport workers are people too

Most of us understand that abusing transport workers is unacceptable, but at times, some people think it's okay to disrespect them and blame them for things that are largely out of their control, such as disruptions and delays.

Transport workers are people too. Please respect them.

### Video: Facing conflict on the frontline

One of the biggest risks for our Council frontline staff is personal confrontation from members of the community.

In the past two years, we recorded 300 incidents of conflict.

Cory



# Next steps



- Continue to promote the campaign to encourage involvement of more Councils
- Encourage involvement of senior leadership and CEOs
- Seek data, statistics and stories from involved Councils to help inform the direction of the campaign
- Develop concept plans for collateral and seek feedback from WorkSafe and campaign partners

# Get in touch



## **Omikami Bailey**

Workplace Health & Safety Lead, Bayside City Council

- 0438 584 135
- [obailey@bayside.vic.gov.au](mailto:obailey@bayside.vic.gov.au)



## **Mallory Healey**

Senior Health Safety & Wellbeing Advisor, City of Boroondara

- 0411 160 576
- [Mallory.Healey@boroondara.vic.gov.au](mailto:Mallory.Healey@boroondara.vic.gov.au)

R



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S



K



AEGIS

# Simon Booth

## Aegis Risk Management Services

B.B.Sc.  
Grad.Dip.Ed.Psych.  
Dip.Ins.Brok.  
ANZIIF (Snr Assoc) CIP





# Why People Risk?

- Historic/current approaches having minimal impact
- Employer premiums continuing to rise
- Two largest schemes failing

# Why People Risk?

“ . . . evidence of safety “hitting the wall”, or more correctly “hitting the floor”.

OHSIntros – 30 Years of OHS in Victoria 1985 –2015

# Why People Risk?

“ . . safety has entered a phase where many obvious risks are now managed in workplaces . . ”

OHSIntros – 30 Years of OHS in Victoria 1985 –2015

# Why People Risk?

“ . . . . only incremental reduction is possible with current strategies and workplace risk profiles.”

OHSIntros – 30 Years of OHS in Victoria 1985 –2015

# Why People Risk?

“ . . . while we have become much better at preventing workplace injury, we are no better at helping people back to work if they are injured.”

Alex Collie Professor  
Professor and ARC Future Fellow @  
Monash University School of Public Health and  
Preventive Medicine

# Why People Risk?

## We Are Worse



# Why People Risk?

Between 2000/2001 and 2019/2020

- Average time lost increased by 67%
- Average claim cost increased by 190%

# Why People Risk?

It is taking us longer and costing us more money to achieve the same result!

# Why People Risk?

Change in the risk profile:

- Significant reduction in claim numbers
- 9.4 claims per million hours worked – 2000/2001
- 6.5 claims per million hours worked – 2020/2021

# Why People Risk?

Year of lodgement	Number of serious claims	Frequency rate (serious claims per million hours worked)	Incidence rate (serious claims per 1,000 employees)	Total hours worked (billion)	Number of employees (million)
2000-01	131,839	9.4	16.1	14.1	8.2
2001-02	128,463	9.1	15.6	14.1	8.3
2002-03	130,696	9.0	15.4	14.5	8.5
2003-04	131,836	9.0	15.2	14.6	8.7
2004-05	133,144	8.8	15.0	15.2	8.9
2005-06	130,159	8.4	14.2	15.4	9.2
2006-07	128,654	8.1	13.6	16.0	9.5
2007-08	128,162	7.9	13.2	16.3	9.7
2008-09	126,300	7.7	12.8	16.4	9.9
2009-10	124,387	7.5	12.5	16.5	10.0
2010-11	127,599	7.5	12.5	17.0	10.2
2011-12	127,622	7.3	12.3	17.4	10.4
2012-13	117,235	6.6	11.1	17.7	10.6
2013-14	111,330	6.2	10.3	18.1	10.8
2014-15	108,794	5.9	9.9	18.3	11.0
2015-16	106,313	5.7	9.5	18.6	11.2
2016-17	108,024	5.7	9.4	18.8	11.4
2017-18	111,336	5.7	9.4	19.5	11.8
2018-19	118,265	5.9	9.7	19.9	12.2
2019-20	122,801	6.2	10.1	19.7	12.2
% chg 2000-01 to 2019-20	-7	-33	-37	40	48
2020-21p	130,195	6.5	10.5	20.0	12.4

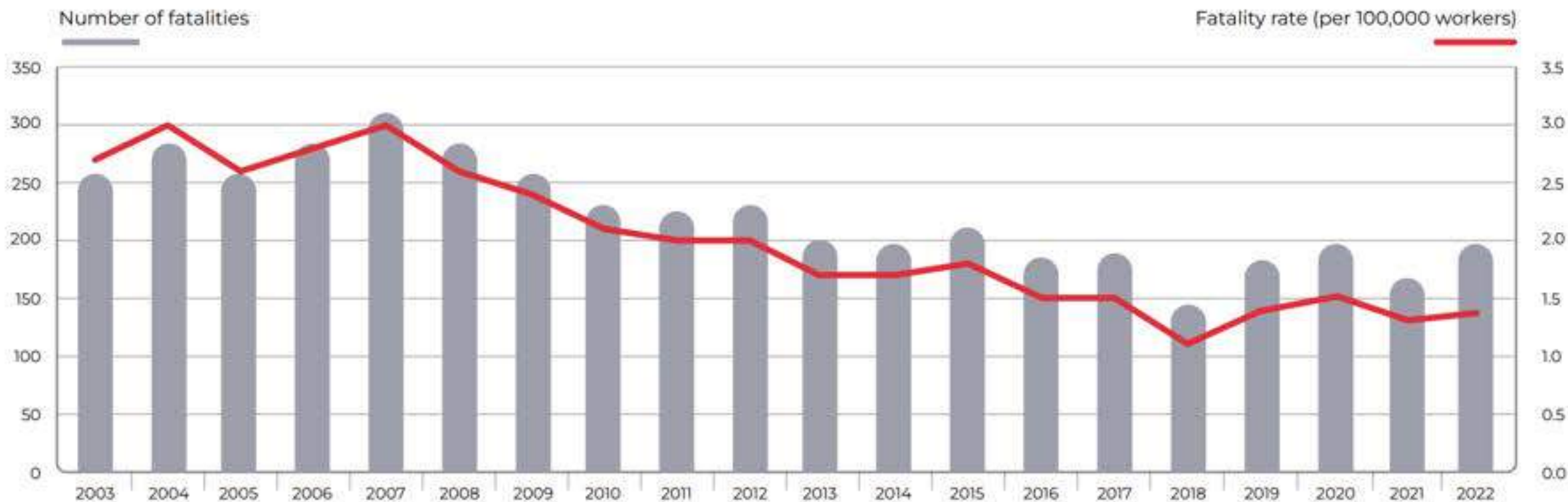
# Why People Risk?

Change in the risk profile:

- Significant reduction in fatalities and serious injuries
  - Fatalities decreased by 50% since 2006/2007
  - 5.5 fatalities per 100,000 workers – 1989/1990
  - 1.4 fatalities per 100,000 workers – 2021/2022

# Why People Risk?

## Trends in worker fatalities, 2003 to 2022



Note: Historical data are updated as additional information from finalised coroners' reports and workers' compensation claims becomes available.  
The 'fatality rate' is defined as the number of traumatic injury fatalities per 100,000 workers.

# Why People Risk?

Change in the risk profile:

- Significant increase in mental injury claims

# Why People Risk?

## In Victoria Mental Injury Claims:

- Made up 10% of all new claims 2011/2012
- Made up 16% of all new claims 2023/2023

# Why People Risk?

## Nationally Mental Injury Claims:

- Made up 5% of all new claims 2000/2001
- Made up 6% of all new claims 2011/2012
- Made up 9% of all new claims 2021/2022

# Why People Risk?

In Victoria for Mental Injury Claims:

- 2017/2018 – **52%** RTW @ 6 months
- 2022/2023 – **42%** RTW @ 6 months

# Why People Risk?

## Claim Number, Duration and Cost



# Why People Risk?

Two issues to address

# Why People Risk?

- Risk Management
  - Reduce the number of claims

# Why People Risk?

- Loss Control
  - Improve return to work outcomes

# Why People Risk?

Two issues

One concept

# What is People Risk?

## People Risk

“The risk of loss due to the decisions and non-decisions of people, inside and outside of the organization”

Blacker and McConnell – People Risk Management



# What is People Risk?

In simpler terms:

- The risk to your organisation based on what your employees do or don't do.



# What is People Risk?

In simpler terms:

- The risk to your organisation based on what you **allow** your employees to do or not do.



# What is People Risk?

At an Employee level

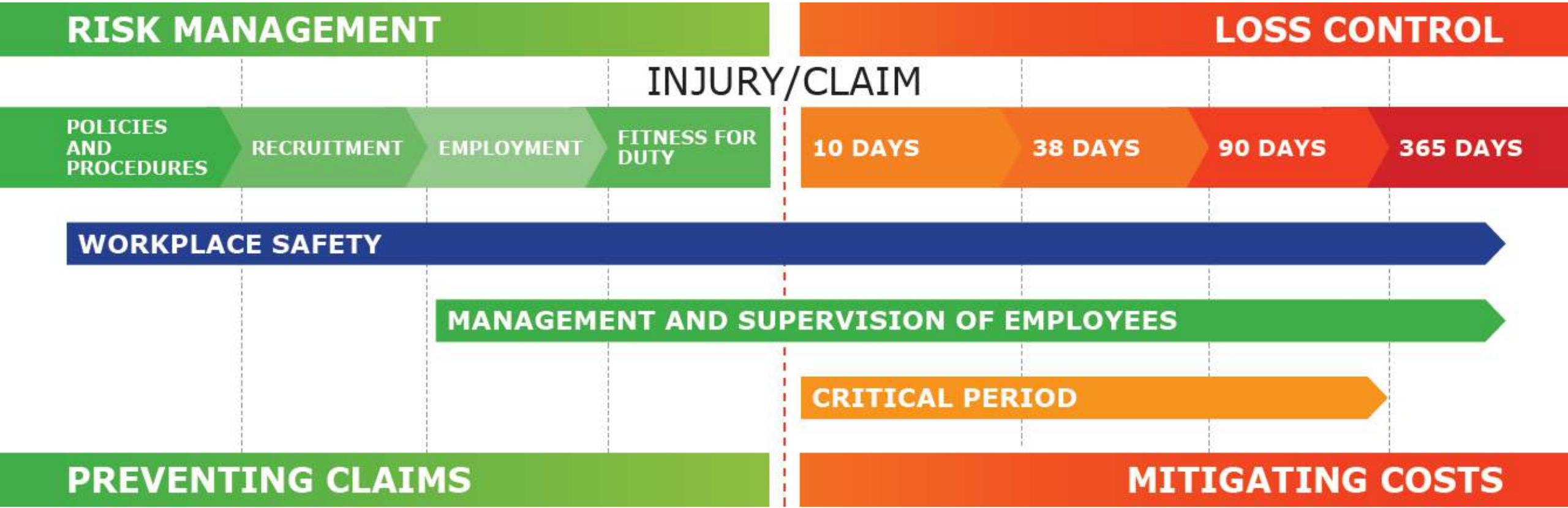


# What is People Risk?

At a Management and Supervisory level



# Managing People Risk?



# Managing People Risk?

## Emerging Risks



# Managing People Risk?



# Managing People Risk?

## Claimant Profiling



# Managing People Risk?

## 1. ABSENTEESIM

### A) Off the job absenteeism

- a) Excessive sick leave
- b) Frequent Monday and/or Friday absences
- c) Higher absenteeism rate than other employees for colds, flu, gastritis, etc
- d) Instances of unauthorised leave
- e) Failing to report absences in appropriate timeframes
- f) Improbable excuses for absences
- g) Lateness in the mornings, at start of shifts or returning from lunch
- h) Previous Workers' Compensation claims (Lost Time)

Limited annual leave accrual

Spotty work history

## 11. AGE

- a) Under 25 years of age
- b) Over 45 years of age

## 3. CONCENTRATION AND APPLICATION

- a) Difficulty in recalling instruction, job details or handling complex assignment
- b) Jobs take more time than would be anticipated
- c) Unable to recognise mistakes
- d) Slow and/or unwilling to learn new tasks
- e) Uneven work patterns – alternate periods of high and low productivity

## 4. FAMILY SITUATION

- a) Recently separated/ divorced
- b) Child custody issues
- c) Children in child care
- d) No permanent address

## 10. LENGTH OF EMPLOYMENT

- a) Employed less than 1 week
- b) Employed less than 3 months
- c) Employed less than 6 months

### B) On the job absenteeism

- a) Continued absences from office, desk, machine or workplace
- b) Frequent trips to toilet, coffee machine or water fountain
- c) Long coffee breaks
- d) Frequent cigarette breaks
- e) Leaving work early
- f) Frequent visits to medical centre, personnel, pay office, etc
- g) Missing or being late to scheduled meetings

## 6. POOR EMPLOYEE RELATIONS ON THE JOB

- a) Over-reaction to real or imagined criticism
- b) Wide swings in morale
- c) Borrowing money from co-workers
- d) Complaints from co-workers
- e) Avoidance of co-workers
- f) Involved in conflicts or disputes

## 5. FINANCIAL SITUATION

- a) Known to be in debt
- b) Requested pay advances
- c) Has asked to cash in annual leave
- d) Borrows money from co-workers
- e) Problematic gambling

Another family member on comp

## 5. FINANCIAL SITUATION

- a) Known to be in debt
- b) Requested pay advances
- c) Has asked to cash in annual leave
- d) Borrows money from co-workers
- e) Problematic gambling

## 8. PERFORMANCE MANAGEMENT

- a) Informal counselling relating to performance or behaviour
- b) Formal written warning relating to performance or behaviour
- c) Final warning relating to performance or behaviour



# People Risk

## The Future of Workers' Compensation



# Recruitment as a Risk Management Tool

Brendon Booth

Managing Director

**small target**

rare / hard to find / high value

January  
2024



- About me - a brief history in recruitment
- Key risks in hiring
- Real life examples of getting it wrong
- How you can work with Talent / Recruitment to mitigate these risks
- Closing comments



# A brief history



From Labour Hire to Executive Search

..... and everything in between



**Brendon Booth**

Founder and Director - Executive Search,  
Talent Advisory, Project Oversight



# 3 Key Recruitment Risks



- Job Suitability
- Cultural alignment
- False Credentials



# Job Suitability

How you assess people for job fit can be critical to their ongoing success



# Cultural alignment



So they can do the job

.... but do they pass the airplane test?



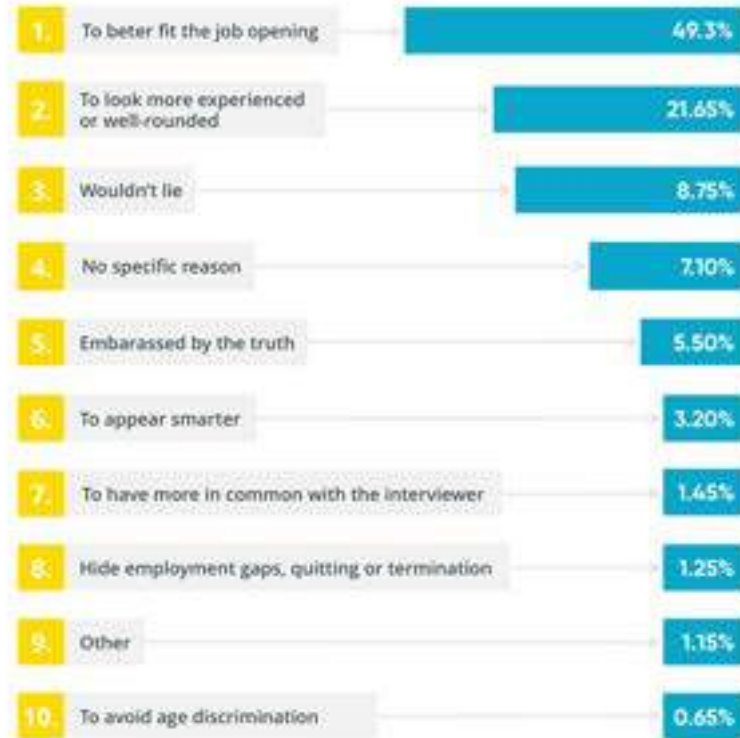
# False Credentials

Pro tip - there's no such thing as a PhD  
in life.



# False Credentials

## REASONS PEOPLE LIED ON THEIR RESUMES



Source: Hloom



# Some examples

**Disgraced Myer executive Andrew Flanagan who faked CV ripped off other companies**

**R v Andrewes – fraudulent CV means payback time**

Résumé fraud is a costly problem, but one you can manage



# Working proactively with Talent Acquisition / external Recruiters



Recruiters don't have to sit next to your new staff member.



# Closing Comments



# Thank You



Small Target

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Brendon Booth



+61 422 356 901



bbooth@smalltarget.com.au



www.smalltarget.com.au

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# Reasonable Management Action: Myths and Magic



**Andrew Douglas**

Managing Principal

M: +61 488 151 503

E: [andrew.douglas@fcwlawyers.com.au](mailto:andrew.douglas@fcwlawyers.com.au)

## What is reasonable Management Action and does it vary across jurisdictions?

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1. 2 tests of fairness
2. Difference in FWA Bullying Jurisdiction  
[Zoran Momirovski, Anthony Douglas, Roberto Serafini, Peter Naumcevski, Matthew Egan \[2023\] FWC 3299 \(8 December 2023\)](#)
3. What suggests this is a fraudulent claim?
4. What steps do you need to take to defend the claim?
5. What are the chances of getting the claim rejected?
6. Has she committed fraud and will she be charged?

# Red Flag Employees and claims

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1. Precursors and warnings
2. Performance and conduct

# Mere Blemish Rule

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1. Powerful argument where industrial court decides (mature industrial experience), not Vic Regulator
2. Misrepresentation or significant taint -allegations, investigator or decision maker  
[State of Queensland \(Queensland Police Service\) v Workers' Compensation Regulator & Stretton \[2023\] ICQ 015 \(28 June 2023\)](#)
3. Obligation of diligence in allegations  
[Wilkinson v State of New South Wales \[2020\]](#)

# Getting it Right

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1. Commencing the process
2. Communication of issue and support
3. Investigations
4. Performance management or misconduct meeting
5. Use of letters and emails
6. Confidentiality and support
7. Performance plans
8. Discipline

# Mere Blemish Rule

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1. Consultation and know the reason

[State of New South Wales \(NSW Police Force\) v Plant \[2024\] NSWPICPD 11 \(19 February 2024\)](#)




2. Two tests for suspension

3. Risk intervention process



## Andrew Douglas

MANAGING PRINCIPAL

-  +61 488 151 503
-  [andrew.douglas@fcwlawyers.com.au](mailto:andrew.douglas@fcwlawyers.com.au)
-  [fcwlawyers.com.au](http://fcwlawyers.com.au)

### Each Friday Andrew presents the Friday Workplace Briefing

A weekly update of the latest news and critical developments impacting your workplace.  
[www.fcwlawyers.com.au/fridayworkplacebriefings](http://www.fcwlawyers.com.au/fridayworkplacebriefings)



EVENT: WORKERS' COMPENSATION MASTERCLASS

## All Pain No Gain:

**The Victorian Government and WorkSafe's perplexing positioning on Psychological Hazards have made Claim Management, Return to Work and Premium Management more complex in 2024 for employers.**

Join Andrew Douglas and Kim McLagan for this practical masterclass where they guide you through this complex area, empowering you to understand and manage it for your organisation.



**Wednesday 1 May 2024**  
**7:45am (8am start) - 9:30am**

**Level 17, 130 Lonsdale St**  
**Melbourne**

**FCW**  **Lawyers** Legal solutions. Found.

**RSVP: [admin@fcwlawyers.com.au](mailto:admin@fcwlawyers.com.au)**

# Lunch Break: 12.30 to 1.00

Lunch is provided for all those who have attended in person

For those attending online, the session will resume at 1.00pm sharp



## Managing People Risk: Importance of Upskilling and Coaching for Supervisors and Managers

**Jaydene Tucker**

Endorsed Organisational Psychologist | Organisational Services Manager



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## Acknowledgement of Country

I would like to begin our meeting today by acknowledging the traditional custodians of country throughout Australia and recognise their continuing connection to land, waters and community.

I pay my respects to them and their cultures;  
and to Elders both past and present.

# Our Services and Brands



Our breadth of service offerings are extensive and span across Workplace Services, People and Employee Services, Disability Services and Medicolegal Assessments



PeopleSense by Altius  
 OccHealth by Altius

Altius Group Elevating Wellbeing  
 nabenet  
integrated workplace health services  
 Rehabilitation Services by Altius  
 AMS CONSULTING  
Health. Wellness. Rehabilitation Solutions.  
 CAREER SHIFT

Altius Group Elevating Wellbeing  
 Ontime Healthcare  
 CIM Employment by Altius

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# Our Service Offering

## People and Employee Services

People and Employment Services focus on the physical and emotional wellbeing of individuals within organisations and independently of them.

## Workplace Services

Workplace Services focus on providing, safe and healthy work environments. If accidents do happen, our teams provide rehabilitation and support in returning to work.

## Disability Services

Disability Services covers our offerings for persons with a disability.

## Medical Specialists

Our medical specialists are equipped to assess all claims thoroughly and independently, including complex and long-term matters. They are decisive, well-versed in court proceedings and provide quality robust independent medico-legal reports.



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## Session Objectives

- Understand the critical role of managers and supervisors for employee health
- Consider where managers and supervisors go wrong with people management and return to work
- Understand the different levels of support and where to focus your attention
- Identify tools to help managers and supervisors promote employee physical and mental health



## Why are Supervisors and Managers so Special?

- Managers have an enormous impact on employee wellbeing and safety alongside engagement and performance.
- 69% of employees said their managers had the greatest impact on their mental health, on par with their partner and more than doctors (51%) or therapists (41%).
- 94% of employees believe that managers should have some responsibility for their wellbeing whilst 32% have reported feeling that their manager doesn't care for their wellbeing.

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# The Role of Supervisors in Return to Work

**An employee's supervisor has a greater impact on return to work than any other stakeholder.**

- The supervisor is often the first point of contact and main source of support
- A supportive supervisor is associated with greater likelihood that the employee will return to work
- Early contact with the employee has a significant influence on return-to-work outcomes
- Employees report that employers respond more positively to a physical injury than a psychological one



A photograph of a group of people in a meeting. In the foreground, a man with glasses and a beard is smiling and writing on a notepad. Behind him, other people are visible, some looking towards the camera and others looking away. The scene is set in a modern office environment with large windows in the background. The overall tone is professional and collaborative.

Where do you think Managers or Supervisors go wrong with people management and return to work management?

# Where Do Supervisors and Managers Go Wrong?

## People Management:

- Absence of support
- Insufficient health promotion
- Neglecting ergonomics and safety
- Lack of health resources
- Ignoring health signals
- Stigmatizing health discussions
- Failure to lead by example

## Return to Work:

- Handballing responsibility
- Insufficient communication
- Lack of involvement
- Inadequate planning
- Disregarding individual needs
- Failure to provide duties
- Neglecting reintegration Processes





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## Why Do Managers Go Wrong?

- Overemphasis on productivity
- Lack of awareness or understanding
- Own stigma or stereotypes
- Insufficient role models
- Time and workload
- Lack of training or resources
- Absence of skills

# What Are The Different Levels of Intervention?

## Primary

Prevent the injury or illness *before* it occurs

## Secondary

Interrupts or *minimises* the impact of injury or illness

## Tertiary

*Halts the progression* of an existing injury or illness

# What Should Managers Do at Each Level?

## Primary

- Build a positive workplace culture
- Provide ongoing communication and support
- Promote health and safety standards and supports
- Role model positive behaviours

## Secondary

- Take early warning signs seriously
- Link employees in with support
- Make reasonable adjustments
- Investigate incidents in a timely manner

## Tertiary

- Communicate openly with employees
- Be actively involved in the RTW process and engage with stakeholders
- Modify job tasks to accommodate a RTW
- Monitor and provide ongoing support

# Case Study

A group of council workers have been experiencing interpersonal conflict between 3 supervisors. One of the supervisors has been off work for a psychological claim and has just returned after several months.

The supervisors have all reported poor mental health as a result of the conflict, they refuse to attend team meetings, only communicate via email or text when they have to and everyone feels like they are walking on egg shells. The team is not functioning effectively.

Interviews were conducted with all team members to identify key issues and recommend ways to move forward. The following themes were identified:

- Team communication
- Interpersonal conflict
- Team division and lack of unity
- Organisational change and leadership

**These should have all been addressed by the teams' manager in a timely manner. The underlying driver for the issues within the team was the team manager.**

# How to Upskill Managers and Supervisors?

	Training	Coaching
Setting	Group	One on One
Focus	Knowledge transfer	Development
Time	Short-Term Learning	Long-Term Development
Approach	Structured content	Individualized guidance
Methodology	Didactic Instruction	Questioning and Reflection
Relationship	Teacher-Student	Collaborative Partnership
Evaluation	Proficiency Assessment	Continuous Feedback
Outcome	Knowledge and Skills	Behavioural Change

*“Training managers in workplace mental health resulted in improvements of knowledge, attitudes and behaviours when supporting employee mental wellbeing.”*

## What Does the Research say is Best?

- Training managers in workplace health is effective.
- Training is most effective when including:
  - Mixed delivery methods
  - Multiple sessions
  - Feedback elements
  - Both soft and hard skills
- Coaching has the strongest impact on middle level managers compared to executive managers.
- Coaching most effective for long-term, specific behaviour change.
- Combined coaching and training showed greater outcomes than training alone.

# Return on Investment

## Organisation A

Manager with employee with mental health concerns

No investment in manager development

No proactivity in checking in and supporting the employee

17 weeks of lost time and \$27,700 for claim

## Organisation B

Manager with employee with health concerns

Invest \$ 10,000 into manager development program

Proactivity in checking in and supporting employee

1 week of lost time and no claim



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## Bringing It All Together

- ✓ Managers and supervisors play a critical role when it comes to employee physical and mental health.
- ✓ There are various ways that managers and supervisors can go wrong with people management and return to work.
- ✓ We need to focus our attention on proactive health promotion, as opposed to reactive responses.
- ✓ Both training and coaching for managers and supervisors are effective tools to promote employee physical and mental health.



Thank You

# People Risk In Practice

**City of Greater  
Geelong**

**Matthew Jones**

**City of Whittlesea**

**Kate Rowe**

Injury Management Advisor

# Panel Q&A



**AEGIS RISK  
MANAGEMENT  
SERVICES**

Director

**SIMON BOOTH**



**FCW LAWYERS**

Principal Lawyer &  
Head Workplace  
Relations

**KIM McLAGAN**



**ALTIUS GROUP**

Group Organisational  
Services Manager

**JAYDENE TUCKER**



**SMALL TARGET  
CONSULTING**

Director

**BRENDON BOOTH**

# Thank You



**Nguyen Tran**

National Manager –  
Growth and Distribution

M: 0421 532 095  
n.tran@eml.com.au



**Alex Stratton**

National Manager –  
Growth and Strategy

M: 0457667 529  
alex.stratton@aegisrms.com.au.co  
m.au



**Bryan McGrath**

General Manager –  
Insurer Partnerships

M: 0405 218 352  
bmcgrath@altius-  
group.com.au



**Frank Sangalang**

Relationship Manager

M: 0436 436 252  
f.sangalang@bewise.com.au