

Workplace Protections Reform 2025: NSW IR & WHS Amendments Explained

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KEY TAKEAWAYS

Key Legislative Changes

- Expanded protections for bullying, harassment, and discrimination
- Employers may be vicariously liable unless preventative steps are proven
- Unions can investigate and prosecute; time limits removed
- Codes of Practice effectively mandatory unless equivalent controls exist
- Stronger IRC powers and faster dispute resolution
- Psychosocial risk reporting by SafeWork NSW every 6 months

Key Compliance Risks

- Increased personal liability for directors and leaders
- Non-compliance with enforceable Codes of Practice
- Heightened scrutiny on psychosocial risk management
- Greater likelihood of enforcement and disputes
- Insufficient documentation and audit trails

Priority Actions

- Conduct immediate compliance gap analysis • Update policies (harassment, psychosocial risk, reporting)
- Align controls with Codes of Practice
- Strengthen training for leaders and managers
- Implement clear reporting and investigation processes
- Maintain evidence of compliance and continuous review

Golden Thread

- Track your regulatory change through *Clew* with *LexisNexis Regulatory Compliance* registers & alerts
- Trusted content, updated daily
- Risk & compliance reporting
- End-to-end solution



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Your Hosts

Delivering expert insights and practical tools tailored to your needs.

Housekeeping

This session is being recorded: You will receive the recording after the webinar.

Resources and follow-up: Materials mentioned during the session will be shared afterward.

Questions: Please submit your questions to us via the QR code at the bottom left of the screen.



< CLICK HERE

Agenda

→ **Who are we?**

Quick introduction to the *Golden Thread* of Clew and LexisNexis Regulatory Compliance.

→ **Overview of Legislative Reforms**

This session covers recent changes in WHS and IR laws in New South Wales and their practical implications for organisations.

→ **Key Amendments and Compliance**

Learn about the WHS Act amendments, Industrial Relations Act changes, and required employer actions for compliance.

→ **Workplace Safety and Regulatory Focus**

Focus on psychosocial risks, anti-bullying, sexual harassment, and strengthened penalties to foster safer workplaces.

Who is Clew?

There is a straight line between risk and reward. Find it with Clew.

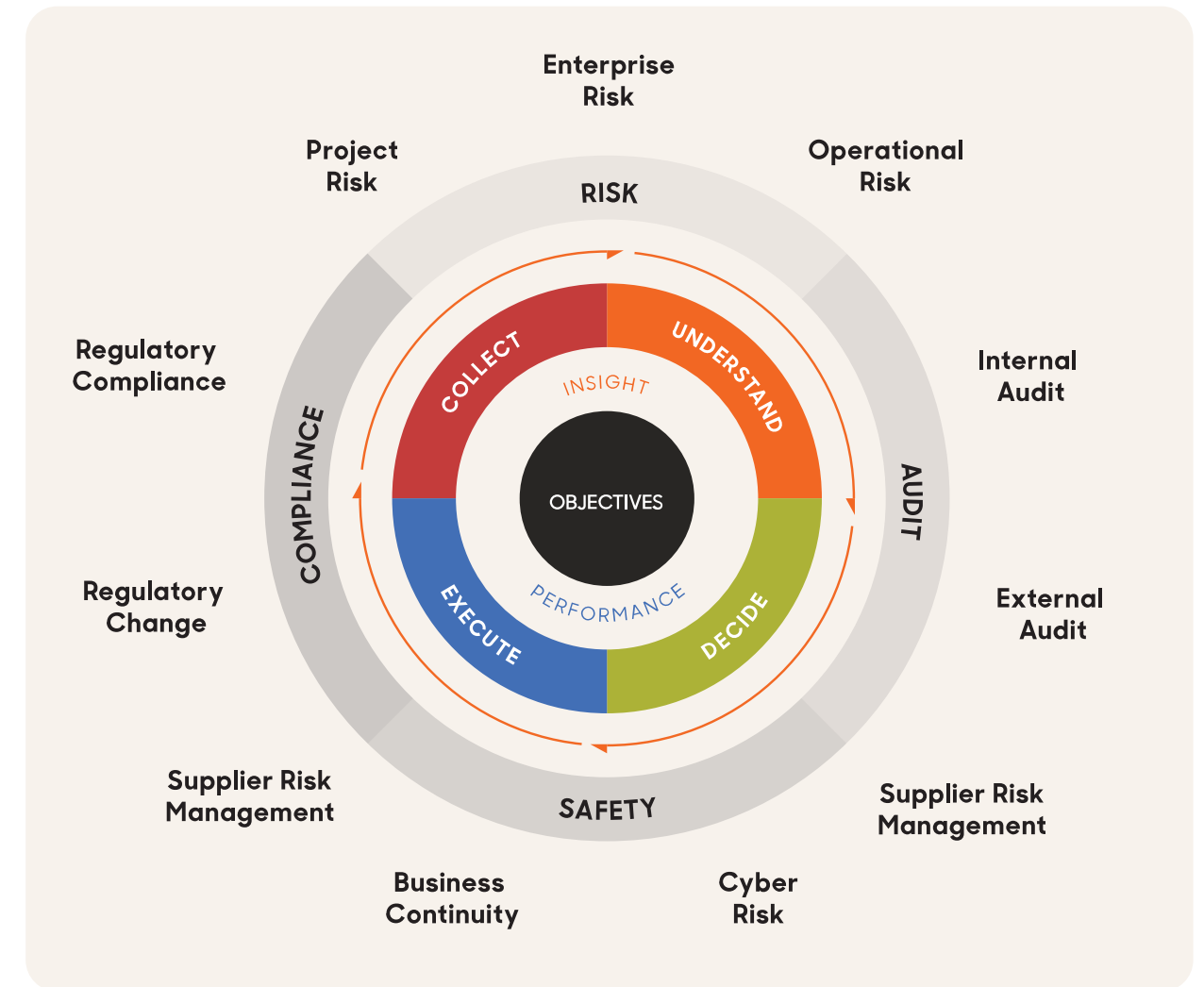
Introducing Crew



Connecting Risk & Assurance To Business Performance



Compliance



How do LexisNexis Regulatory Compliance and Clew work together?



 LexisNexis® | *Regulatory Compliance*



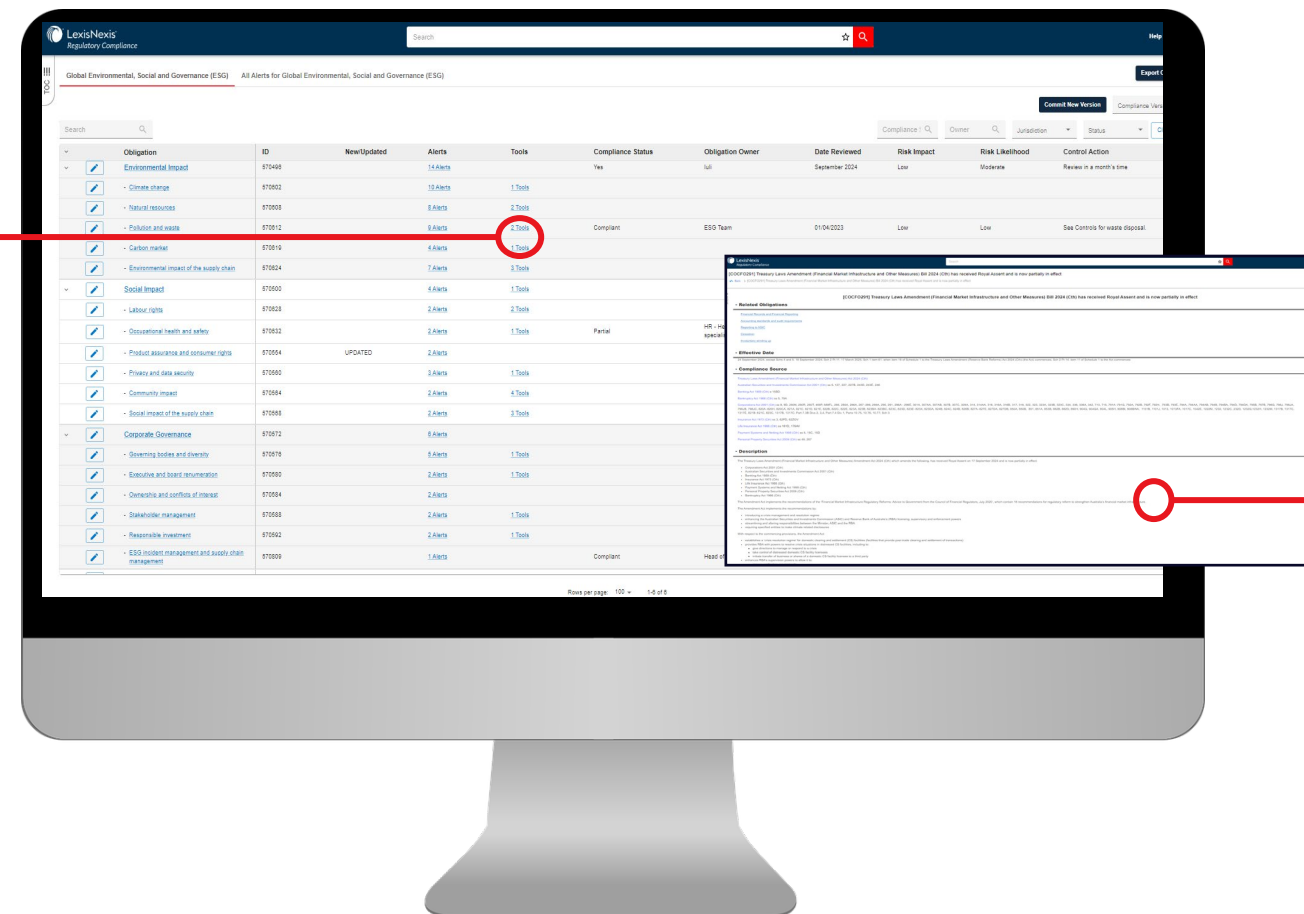
Who is LexisNexis Regulatory Compliance?

Your clear path to compliance.

Regulatory Compliance Solution Overview

- LexisNexis® is a leading global provider of legal, regulatory and business information and analytics that help professional customers make more informed decisions, increase productivity and serve their clients better.
- LexisNexis® Regulatory Compliance is a legal obligation register and alerting solution that combines regulatory content with technology to empower our customers to take control of their compliance obligations.

Compliance Registers *What you need to do right now*



**Alerts: FYI/ Action
Required/ News**
What you may need to change

Overview of Legislative Reforms

Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025 (NSW)

Regulatory Change Timeline

Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025 (NSW)

3-July
2025

Updated workplace policies and procedures to prevent workplace bullying and sexual harassment

Provide notices to the regulator and adapt to new WHS dispute resolution framework

1-March
2026

Expanded ability for increased reporting on psychosocial matters by *SafeWork NSW*

1-July
2026

Comply with ministerial codes of practice **OR** implement safety standards and

Penalties: 

Up to \$18,870 for individuals or \$93,900 for others.



OVERVIEW: Changes to the Workplace Health & Safety Act

Expanded Union Powers

→ Unions now have greater authority to investigate breaches and initiate prosecutions if regulators do not act.

Legally Binding Codes

→ Introduction of legally binding Codes of Practice requires compliance or equivalent safety standards from PCBUs.

Streamlined Dispute Resolution

→ New pathways allow direct access to Industrial Relations Commission, bypassing traditional inspectors.

Focus on Psychosocial Risks

→ Increased emphasis on psychosocial risks includes regular reporting on related complaints and regulatory measures.



OVERVIEW: Changes to the Industrial Relations Act

Expanded Worker Protections

→ The Act introduces wider anti-bullying and sexual harassment protections, aligning definitions with the Anti-Discrimination Act.

Employer Liability and Remedies

→ Employers face vicarious liability for sexual harassment unless proven reasonable prevention steps; penalties and remedies are strengthened.

Enhanced Legal Framework

→ The reforms increase the small claims cap and empower the Industrial Relations Commission to better handle workplace disputes.



Key Amendments and Compliance

Learn about the WHS Act amendments, Industrial Relations Act changes, and required employer actions for compliance.

Expanded Union Powers and Prosecution Timeframes



Union Investigation Powers

→ Unions can now investigate WHS breaches and collect evidence such as photos, videos, and measurements.



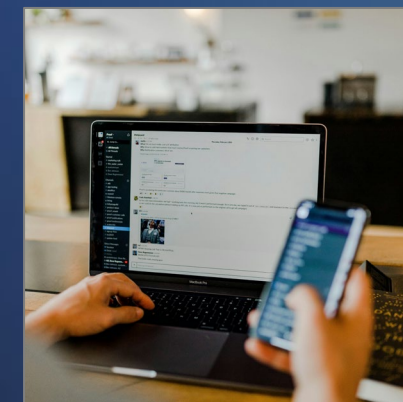
Prosecution Authority

→ Unions may prosecute WHS breaches if SafeWork NSW declines, with possible court awarded fines to unions.



Extended Prosecution Timeframe

→ Limitation period extended beyond two years, allowing late prosecutions to serve justice in safety violations



Increased Employer Accountability

→ Expanded union powers encourage proactive compliance and rigorous enforcement in workplace safety matters.



Legally Binding Codes of Practice and Dispute Resolution



Mandatory Compliance with Safety Codes

→ Approved Codes of Practice are now legally binding and require mandatory compliance by all PCBUs unless an equivalent safety standard is demonstrated.



Revised Dispute Resolution Process

→ Access to Industrial Relations Commission allows mediation, conciliation, or arbitration without SafeWork inspector involvement for quicker dispute resolution.



Streamlined Safety Enforcement

→ The reforms streamline compliance and dispute resolution, ensuring consistent enforcement of workplace safety standards across industries.



Anti-Bullying and Sexual Harassment

Stop Bullying Orders

→ Workers can apply for stop bullying orders for repeated unreasonable behaviour risking health and safety.

Sexual Harassment Jurisdiction

→ Employers are vicariously liable for sexual harassment unless reasonable preventive steps are taken.

Conciliation and Compensation

→ Conciliation is required before hearings, with compensation up to \$100,000 for substantiated cases.

Workplace Policy and Training

→ Organisations should review policies, provide training, and ensure robust reporting and response systems.



Additional Industrial Relations Act Changes and Strengthened Protections

Expanded Victimisation Protections

→ The IR Act increases protections against victimisation, helping workers safely pursue workplace claims and remedies.

Higher Small Claims Cap

→ The small claims cap is raised to \$100,000, allowing more significant workplace grievances to be addressed through claims.

Strengthened Commission Powers

→ The Commission now has greater authority to intervene, mediate disputes, and enforce compliance effectively.

Employer Accountability and Culture

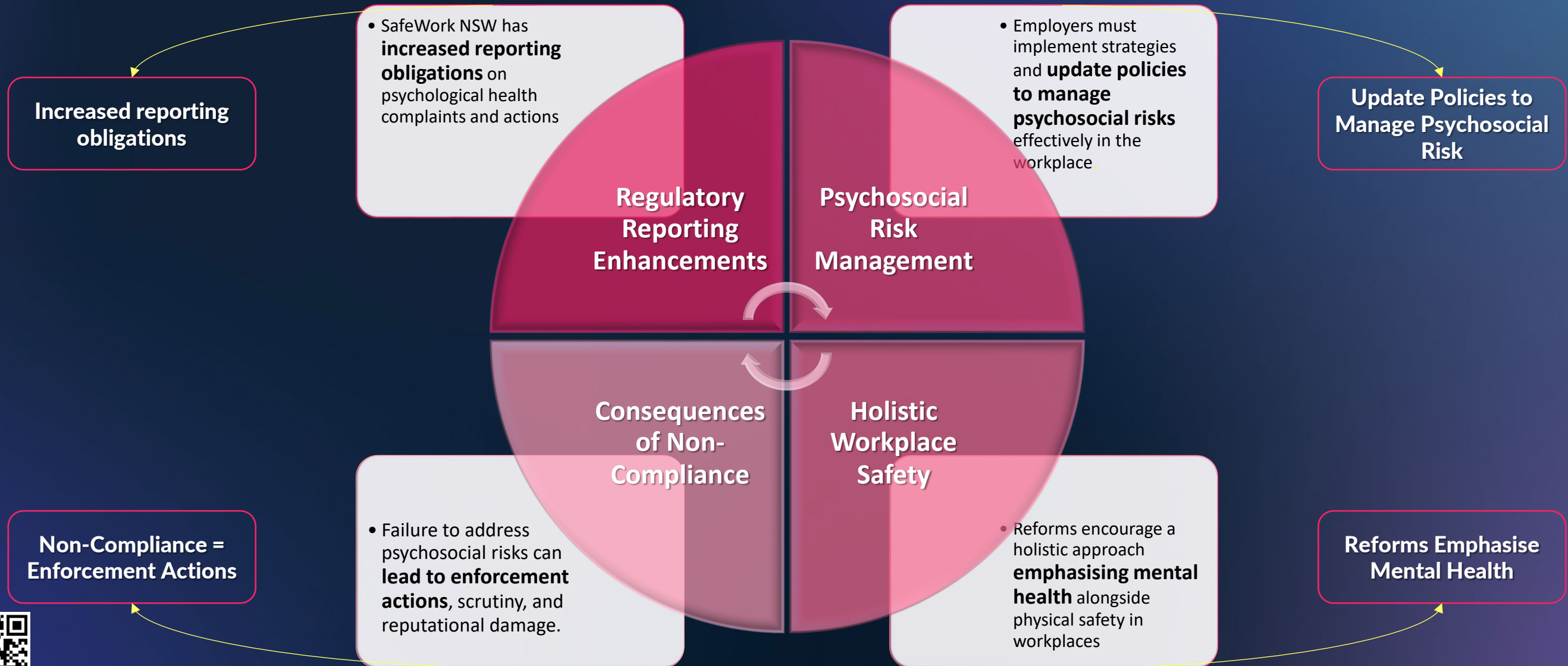
→ Employers must maintain transparent, accessible dispute processes (for employees) and foster respectful, responsive workplace cultures.



Workplace Safety and Regulatory Focus

Focus on psychosocial risks, anti-bullying, sexual harassment, and strengthened penalties to foster safer workplaces.

Focus on Psychosocial Risks





Compliance Obligations

+ Add

Edit

Link



Versions



My Registers > Lexis Nexis > NSW State Government > Compliance Obligations > Employment Contracts

Description Questional

Does the government agency establish employment contracts for applicable employees and ensure that the contracts comply with any related industrial instrument (awards)?

Exerpt

Submission Date

13 February, 2018

Jurisdictions

NSW

Compliance Sub-Obligations

Search

1-3 of 3



1



Filters

Generate

ID	Title	Status	Register	Location	Business Unit	Review Date	Original	Actions
LSO 1525	Enterprise agreements	Open	NSW State Government	Base Location				
LSO 1526	Unfair contracts	Open	NSW State Government	Base Location				
LSO 1527	Procurement	Open	NSW State Government	Base Location				

ID	Title	Status	Register	Location	Business Unit	Review Date	Actions
A 7625	[NSW 361] Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025 (NSW)	Open	NSW State Government	Base Location			

The Golden Thread: LexisNexis & Clew Obligations, Controls & Alerts

IN CONCLUSION

Reg Change

- Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025 (NSW)

Timeline

- **3-July-2025:** Updated policies & procedures
- **1-March-2026:** Increased reporting on psychosocial matters
- **1-July-2026:** Comply with ministerial codes of practice

Steps to Take

- Ensure policies and procedures are updated
- Manage communication and training across the organisation
- Track and report psychosocial matters effectively

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Thank you for joining us!

CLICK the QR codes to request more information and a tailored demonstration.



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