

Insight aims to provide useful information, links and tips in the areas of Risk Management, Work Health and Safety, Business Continuity Management, and other areas relating to management systems and corporate governance.

Psychosocial Safety at work. What do employers need to do?

With the recent changes to managing psychosocial hazards in April 2023, including the amendments to the *Work Health and Safety Regulation 2011 (Qld)* and the *Code of Practice: Managing the Risk of Psychosocial Hazards at Work (the Code)*, organisations may still be reviewing what needs to be done.

'Health' has been defined in the WHS Act since its original commencement as incorporating both physical and 'psychological' health. Now, however, the recent changes to the WHS Regulation and the introduction of the Code change the law, and thereby also the approach to managing this risk. Employers (PCBUs) and their Officers are now specifically required to take a risk management approach to psychosocial hazards.

What, then, are psychosocial hazards?

The Code of Practice defines this as: *a hazard that arises from, or relates to, the design or management of work, a work environment, plant at a workplace, or workplace interactions and behaviours and may cause psychological harm, whether or not the hazard may also cause physical harm.*

What needs to be done?

As a starting point, it is important to understand that the Code of Practice is not 'merely a guide'. In Queensland, changes to the WHS Act that came into effect on 1 July 2018 require organisations to comply with an approved code of practice under the Act. This means that the Code of Practice: *Managing the Risk of Psychosocial Hazards at Work* has the force of law, and the requirements have to be complied with.

A starting point for all organisations, is to ensure someone is tasked to review and understand the Code – all 67 pages!

An important concept in WHS legislation is to realise that the duty to comply is not absolute – it is 'as far as is reasonably practicable.' Reasonable Practicability is loosely defined as being based on: 'what you already know and what you ought to know'. Critical to note here is that you cannot claim

ignorance to the law, or to information on how to manage specific hazards and risk that is widely available in the Code and other readily available resources.



The Code provides some useful information and is structured to facilitate compliance, including sections for:

- How to manage psychosocial risks and hazards with examples of scenarios applying this to psychosocial risks provided in Appendix 2.
- Responding to complaints, incidents or reports of psychosocial hazards.
- Case Studies
- Examples of psychosocial hazards
- Examples of control measures for psychosocial hazards
- Example of a work-related bullying policy
- Example of a risk register

Psychosocial Risks thus need to be managed in the same way as other inherent risks within your organisation.

A good starting point is to ensure that the organisation's WHS Risk Register considers Psychosocial Safety, with the risk identified and assessed within the context of your organisation. Many organisations are probably implementing controls to manage this risk without realising that they are in fact controls, inasmuch as managing this risk is based around good people management.

The assessment of the risk needs to be undertaken by people competent in completing risk assessments, and must include representation from workers across the organisation.

As with any risk, the important part is the implementation of the controls, including the communication thereof, as well as the monitoring mechanisms put in place to ensure the controls are effective.

Please [contact QRMC](#) for more information.

Well it must be the season for the release of government reviews in Queensland ...

Two major reviews impacting the legislative expectations for safety management in Queensland have recently been released: the review of the *Work Health and Safety Act 2011 (Qld)*, and the Government's response to the review of Queensland's *Electrical Safety Act 2002*.



At the start of the month there was the release of the [Work Health and Safety Act 2011 \(Qld\) Review Report](#), completed by Craig Allen (former OIR DDG), Charles Massy (an IR Barrister) and Deirdre Swan (former QIRC Deputy President), and the Government's response to the Review Report.

The Report generated 31 Recommendations (noting that some of these have multiple parts) which focus on considering HSRs, worker representation & issue resolution. All have been accepted or accepted in principle by the Queensland Government.

The recommendations will impact organisations to varying extents, but some have the potential to be significant, including:

- the recommendations imposing obligations on the PCBU to provide information and inform the HSR of certain matters,
- the recommendation for HSRs' initial training to be completed in 28 days, followed by annual refreshers, and
- the recommendation requiring the PCBU to notify

of an incident which did not result in a serious injury or illness but had the capacity to do so.

It is understood that an Amendment Bill is expected to be introduced later this year.

Then mid-month came the release of the Government's response to the [Review of Queensland's Electrical Safety Act 2002](#) (from the Report developed in December 2021). The 2015-page Review Report includes 83 Recommendations ranging from administrative alignments, proposed adjustments to the legislative to addressing technological change and ensuring the relevance of key definitions (including clarification of incident definitions), strengthening the electrical safety duties, alignment to the WHS Legislation (including the status of codes of practice), 34 recommended enhancements to the electrical safety framework, enhancing competence and compliance, as well as some specific regulatory reforms.

There are a couple of interesting recommendations, such as:

- Recommendations 1, 2 & 3 considering the impacts of new technologies: energy generation and storage technologies, electric vehicles & hydrogen-based electricity generation and storage technologies;
- Recommendations 29 & 30 proposing the inclusion within the Act of provisions equivalent to Health and Safety Representatives (HSR) and Work Health and Safety Officers (WHSO) found in the Work Health and Safety Act 2011 & implementing a requirement for consultation between duty holders;
- Recommendation 34 introducing a CPD requirements for all electrical licence holders.
- A number of the Recommendations talk to amendments to the definitions, notification and reporting requirements for Serious Electrical Incident and Dangerous Electrical Event; and
- Recommendations 67 & 68 considering the introduction of a requirement for de-energisation prior to work near energised parts of an electrical installation, and working in roof spaces.

There are probably others that may be more interesting or relevant to your particular organisational context, so it's suggested that the Review Report is worthy of a peruse.

The process now heads to a 'Discussion Paper' phase with consultation closing on 27 June 2023.

Please [contact QRMC](#) for more information.