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Psychosocial hazards and regulation

Monday 27 March 2023
1.00pm – 1.45pm AEDT





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Acknowledgement of Country

Acknowledgement of artist
Healing Hands – Cover artwork by Dion Devow of Darkies Designs





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Overview

- Amendments to the Commonwealth WHS Regulations
- Comcare's regulatory approach
- Guidance and supports available
- Share insights and learn from others.





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Commonwealth WHS jurisdiction

- Model WHS Laws were developed by Safe Work Australia in 2011
- Each state and territory has a WHS regulator
- Comcare is the WHS regulator for the Commonwealth jurisdiction.





Background

- Amendment to the **Commonwealth WHS regulations** for psychosocial hazards and risks come into effect from 1 April 2023
- *Person Conducting a Business of Undertaking*, or PCBU – **employer**.





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Psychosocial hazards

Regulation 55A – psychosocial hazards are hazards that arise from or relate to the:

- Design or management of work, or
- Work environment, or
- Plant at a workplace, or
- Workplace interactions or behaviours; and may cause psychological harm.





Risk management process

WHS Regulation 2011 Part 3.1

- Eliminate or minimise risks so far as is reasonably practicable
- Identify the hazards, assess and control the risks, and review control measures
- Consult with workers at each step
- Management commitment is at the core.



Image: Safe Work Australia

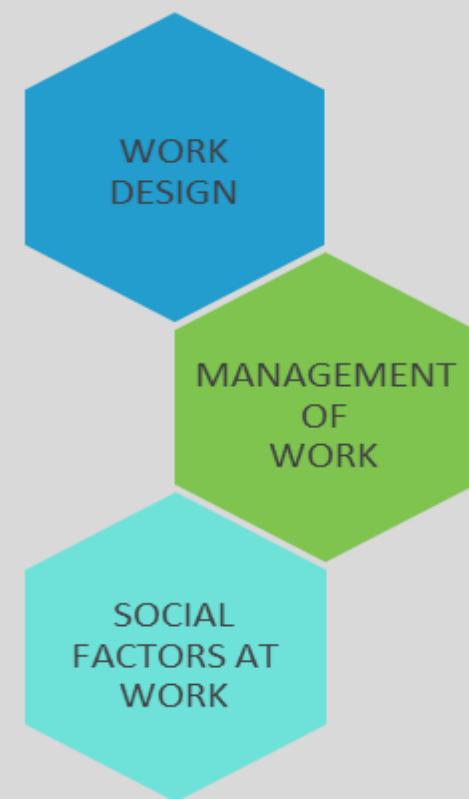


Psychosocial hazards

Hazards



Categories





Assessing the risk

- **Duration** – how long is the worker exposed to the hazards or risks?
- **Frequency** – how often is the worker exposed to the hazards or risks?
- **Severity** – how severe are the hazards and the workers' exposures?

Model Code of Practice – Appendix C – risk register template

Appendix C - Risk register

Location: [Click here to enter text.](#)

Date: [Click here to enter a date.](#)

Hazard	How frequently are workers exposed to this hazard?	How long does this exposure last?	How severe is their exposure?	Are other hazards present this may interact with?	How effective are the current controls?	What further controls are required?	Actioned by	Date Due	Date Complete	Maintenance and review
<i>E.g. High work demand (end of financial year sales)</i>	<i>Once a year</i>	<i>1 month</i>	<i>Moderate, most staff are unable to complete essential tasks and report feeling stressed.</i>	<i>Yes, aggressive customers and low support from supervisors.</i>	<i>Moderately, workers are encouraged to leave non-essential tasks but still struggle to keep up with demands.</i>	<i>Additional workers to be assigned to busy shifts.</i>	<i>J. Blogs</i>	<i>31/05/2022</i>	<i>Click here to enter a date.</i>	<i>To be reviewed after first week of this year's sales.</i>
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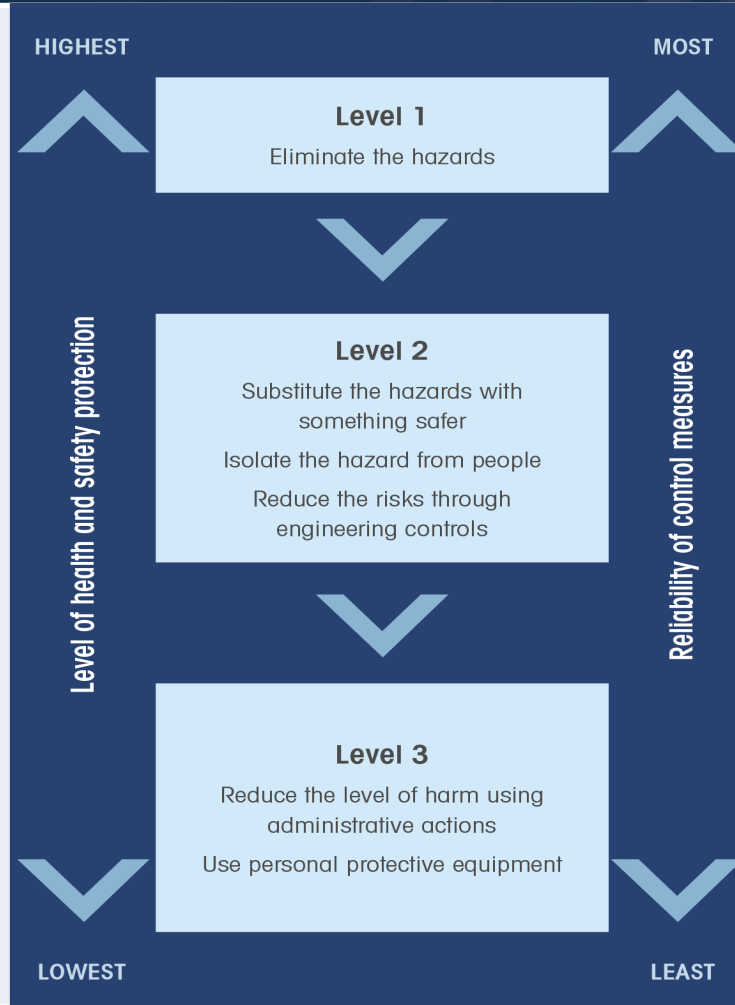
Controlling the risk

- Regulation 55D outlines relevant factors to be considered, including:
 - Duration, frequency and severity of exposure,
 - How the hazards and risks interact and combine,
 - Design and systems of work including job demands,
 - Design, layout and environmental conditions of workplace,
 - Information, training, and instruction provided to workers.
- PCBUs need to use the hierarchy of controls to manage hazards.





Hierarchy of controls



Eliminate the Risk

Remove from the workplace

Minimise the Risk

Substitute with something safer

Isolate the hazardous item/aspect

Engineering controls

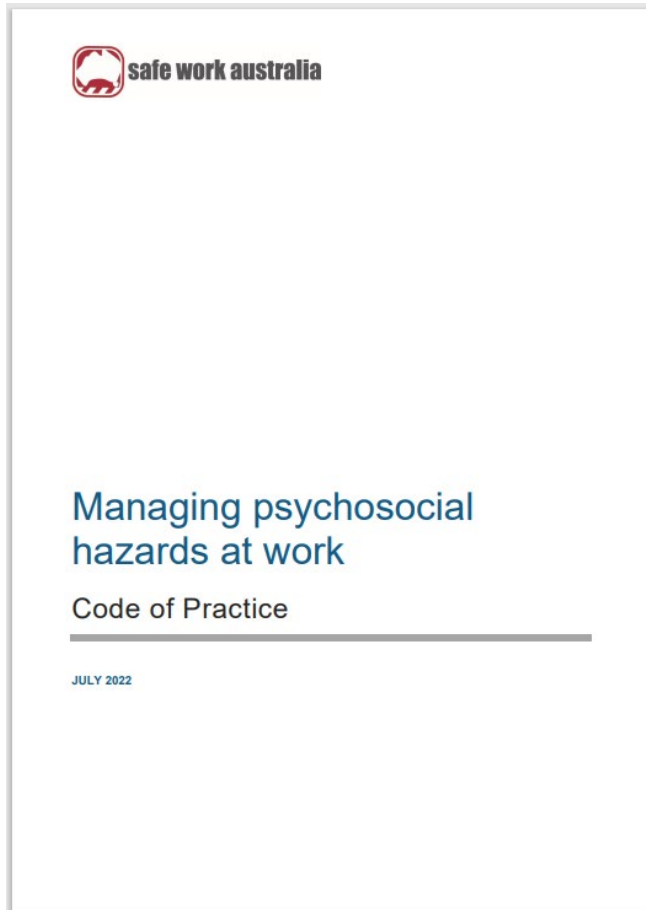
Implement Back-up Controls

Administrative controls

Personal Protective Equipment



Control measures



- No one size fits all approach
- Control measures need to be tailored
- Consultation with workers must take place
- Model Code of Practice supports:
 - Good work design
 - Safe systems of work
 - Information, training, instruction or supervision
 - Reasonable adjustments for individual workers.



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Reviewing controls

A review of control measures is required if:

- a new hazard or risk is identified,
- controls are NOT eliminating or minimising the risks,
- it cannot effectively control new or evolving WHS risks,
- consultation indicates a review is necessary, or
- a HSR requests a review because they reasonably believe one of the above has occurred and it has not been adequately reviewed already.

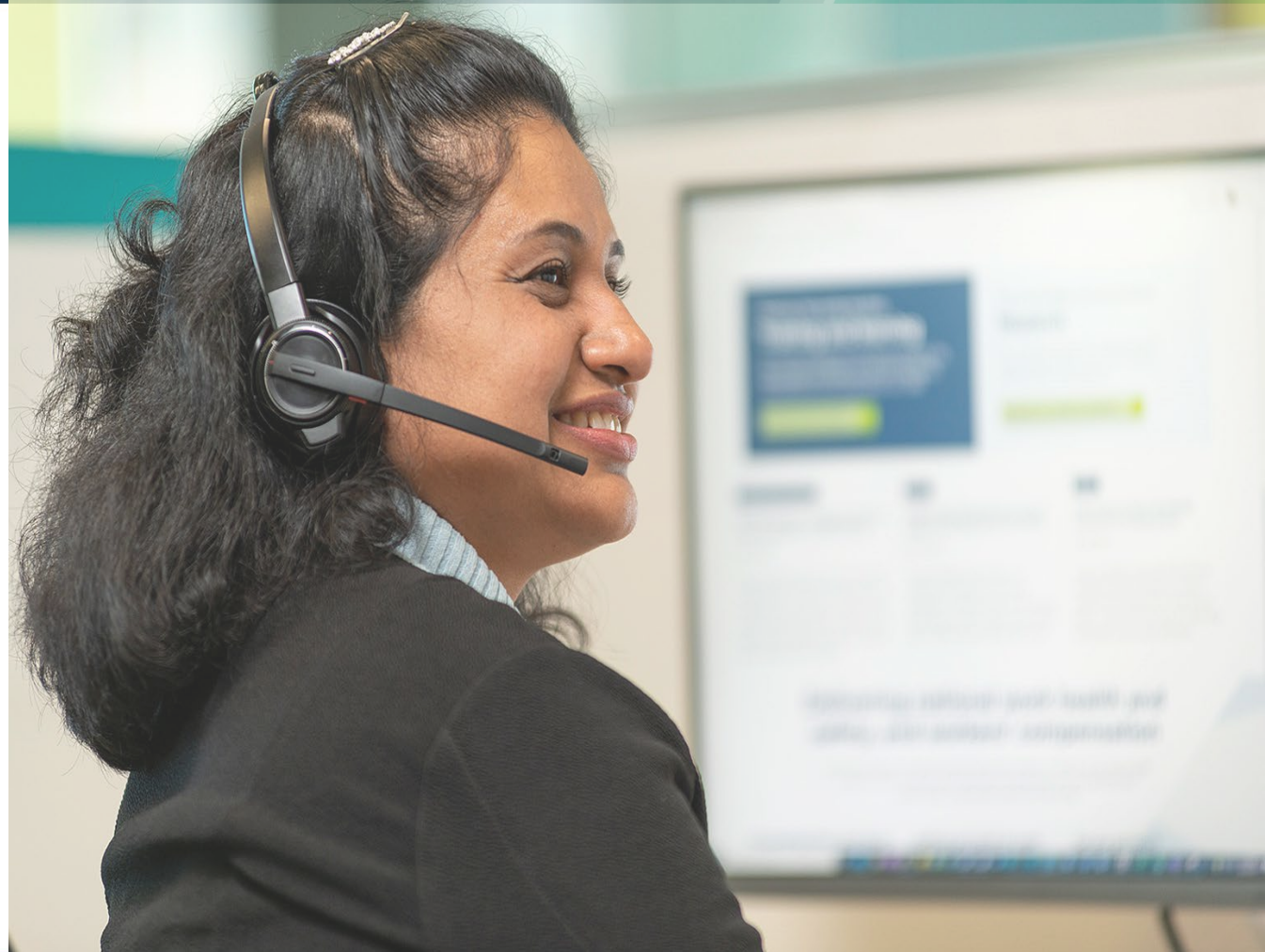




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What to do now?

- Use the risk management process
- Educate and inform your workplace
- WHS Systems and risk assessments must include identification of psychosocial hazards
- Management commitment
- Consult with workers, HSRs and contractors.





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Comcare's regulatory approach

- Psychosocial Regulation Team
- Developing an evidence base for future inspectorate activity
- Pilot inspection program trialled with scheme employers
- Supporting better understanding and management of psychological risks
- Refer to Comcare's Compliance and Enforcement Policy.





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Summary

- Be **proactive**
- Use a **systems based approach**
- **Consultation and engagement** with all workers, HSRs and contractors
- **Leadership** taking an active role
- **Support and guidance** available and more to come.

