Australian Government
Comcare

Health and Safety Representative Forum

Wednesday 23 October 2024
2.00pm – 3.30pm AEDT

Acknowledgement of Country

Acknowledgement of artist
Healing Hands – Cover artwork by Dion Devow of DDesigns

Australian Government

Comcare

Housekeeping

The session is being recorded

Camera off

Microphone muted

Teams chat
Turn off notifications:
- Click on the three dots '...' (more)
- Then 'settings'
- Click on 'Mute notifications'

MS Teams Polls
- The Live Polls will display on your screen as a prompt, or
- Use the banner on the top of your screen to access 'Polls'
- Having difficulties? Reply in the chat.

Comcare welcome

Greg Vines
Chief Executive Officer,
Comcare

Regulatory update

Luka Campbell
Director National Regulatory Programs
Comcare

Australian WHS regulatory system

Australian Government Comcare

WHS regulator for Commonwealth departments and some licensees.

- Work Health and Safety Act 2011 (Cth)
- Safety, Rehabilitation and Compensation Act 1988 (Cth)
- Subordinate legislation

State/Territory regulators

Corresponding regulators under relevant state/territory law.

All states and territories except Victoria have adopted the Model WHS laws (Victoria has other WHS laws).

Other regulators

Other regulators with parallel/overlapping jurisdiction.

For example:
- Australian Human Rights Commission
- Fair Work Commission
- National Heavy Vehicle Regulator

safe work australia

National policy body for WHS and workers' compensation.

Coordinates changes to the Model WHS Laws.

Please go to the Safe Work Australia website to find the applicable regulator for your organisation.

How we engage with HSRs:

Training and support

Issue resolution

Guidance and advice

Monitoring and enforcement

Comcare's priorities

CORPORATE PLAN 2024–25

Our Strategic Priorities

	Prevent work-related injuries
	Deliver better return to work outcomes

Are enabled by

	Making data-driven decisions
	Uplifting leadership, effectiveness and efficiency
	Delivering client-centric services

Through

	Earning and strengthening trust internally and with our stakeholders

Our Regulatory Priorities

	Psychosocial hazards
	Being hit by moving objects
	Silica
	Body stressing
	Contractor management
	WHS management systems

Incidents notified to Comcare 1 July 2021 to 30 June 2024

1748

1526

1375

All other incidents

60

57

102

2021-22

2022-23

2023-24

Incidents related to psychosocial hazards
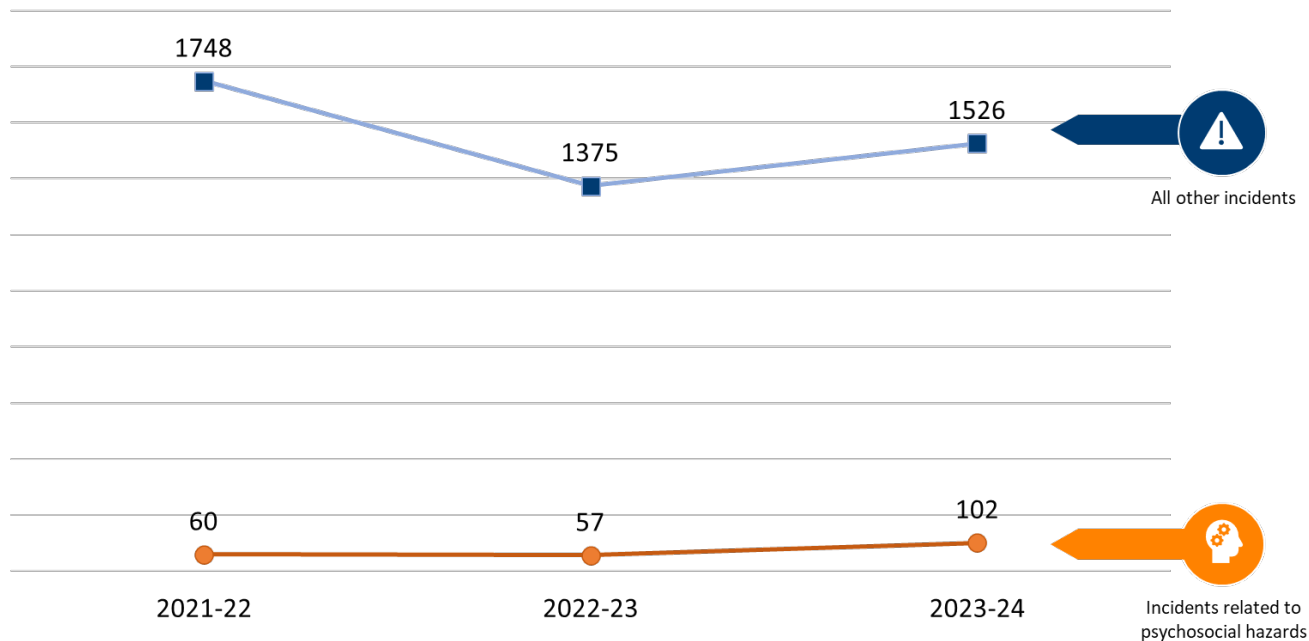
Work Health and Safety Act (Cth), s38

WHS Concerns reported to Comcare 1 July 2021 to 30 June 2024

324

155

169

All other WHS Concerns

70

78

75

Psychosocial WHS Concerns

2021-22

2022-23

2023-24
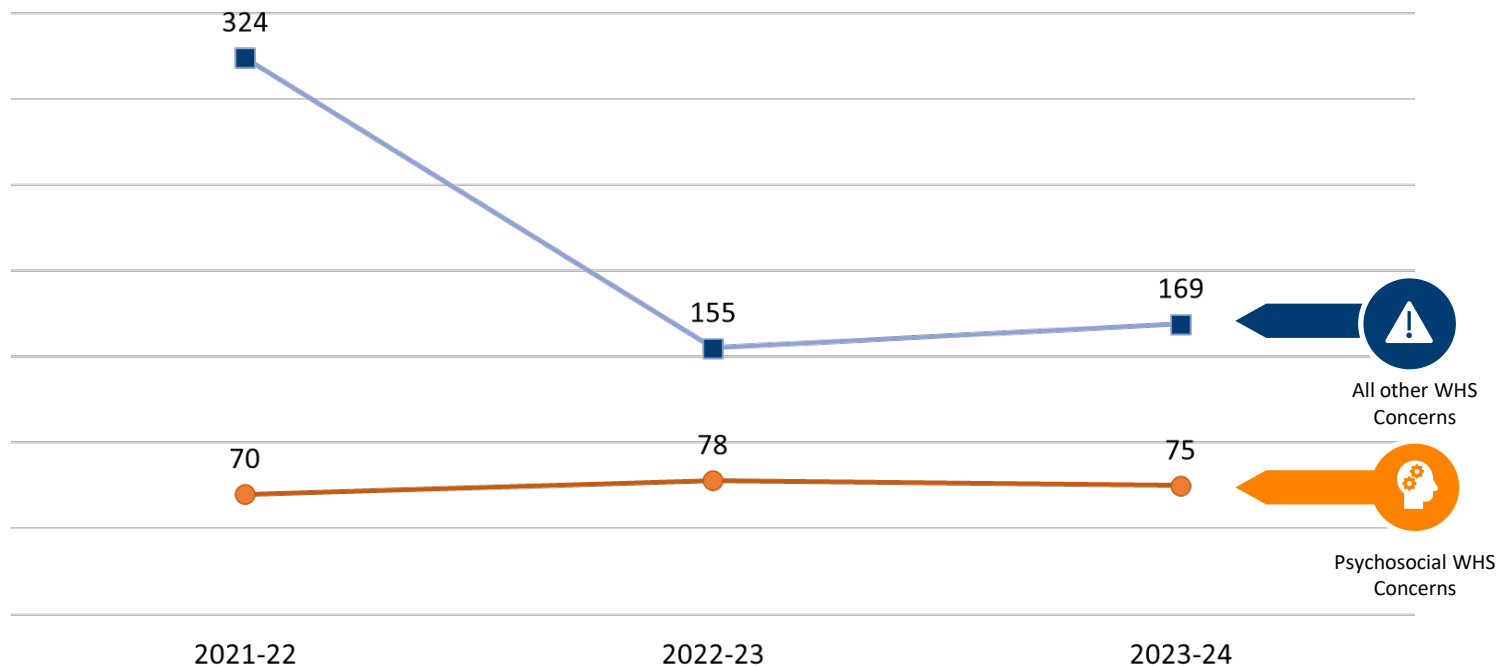
Monitoring Compliance (MC) activities in response to psychosocial incident notifications and WHS Concerns - 1 July 2021 to 30 June 2024

	2021-22	2022-23	2023-24
WHS Concerns	50	44	44
Incident Notifications	35	37	66

■ Incident Notifications ■ WHS Concerns
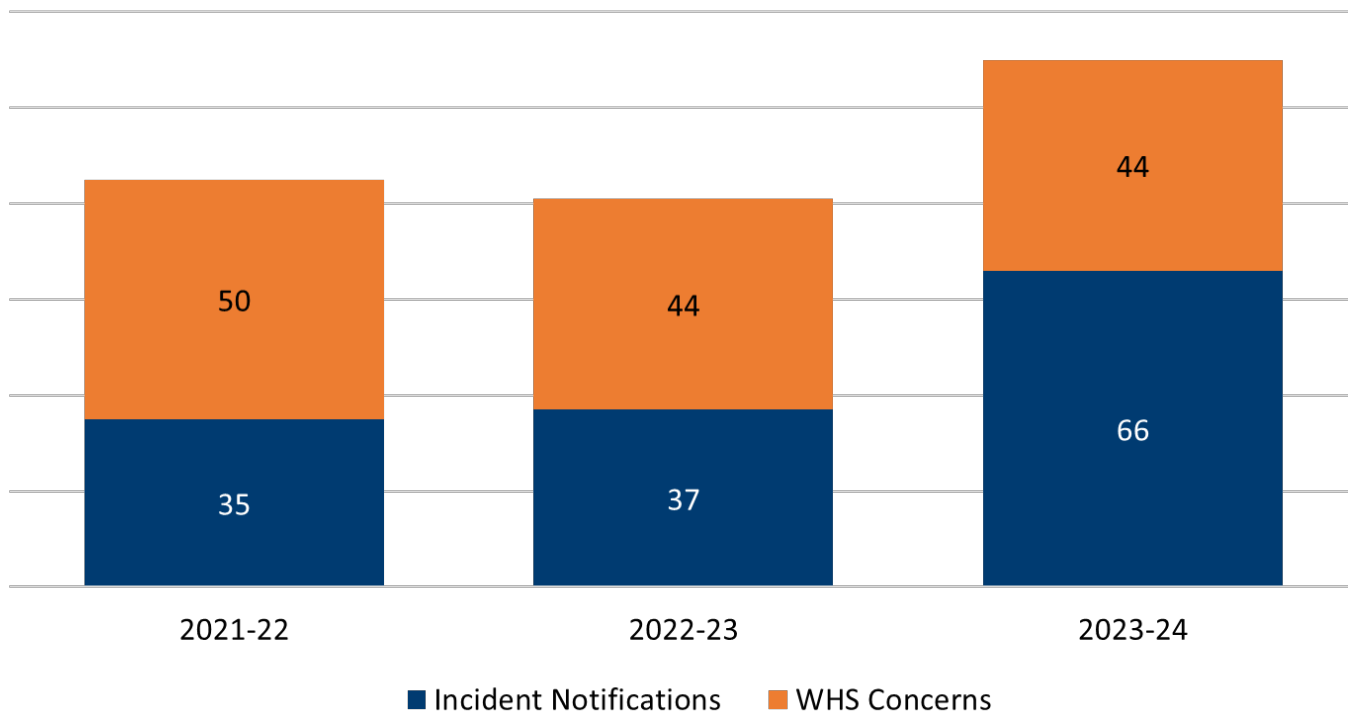
Our strategic focus on prevention

Our **purpose** is to promote and enable safe and healthy work.

Key Activity

Be a leader in prevention of psychological injuries in particular, and increase our influence, appropriately sharing insights to more effectively drive positive change with employers and employees.

Focus Areas

- Optimise regulatory and safe work approaches
- Enable employers to prevent work-related injuries
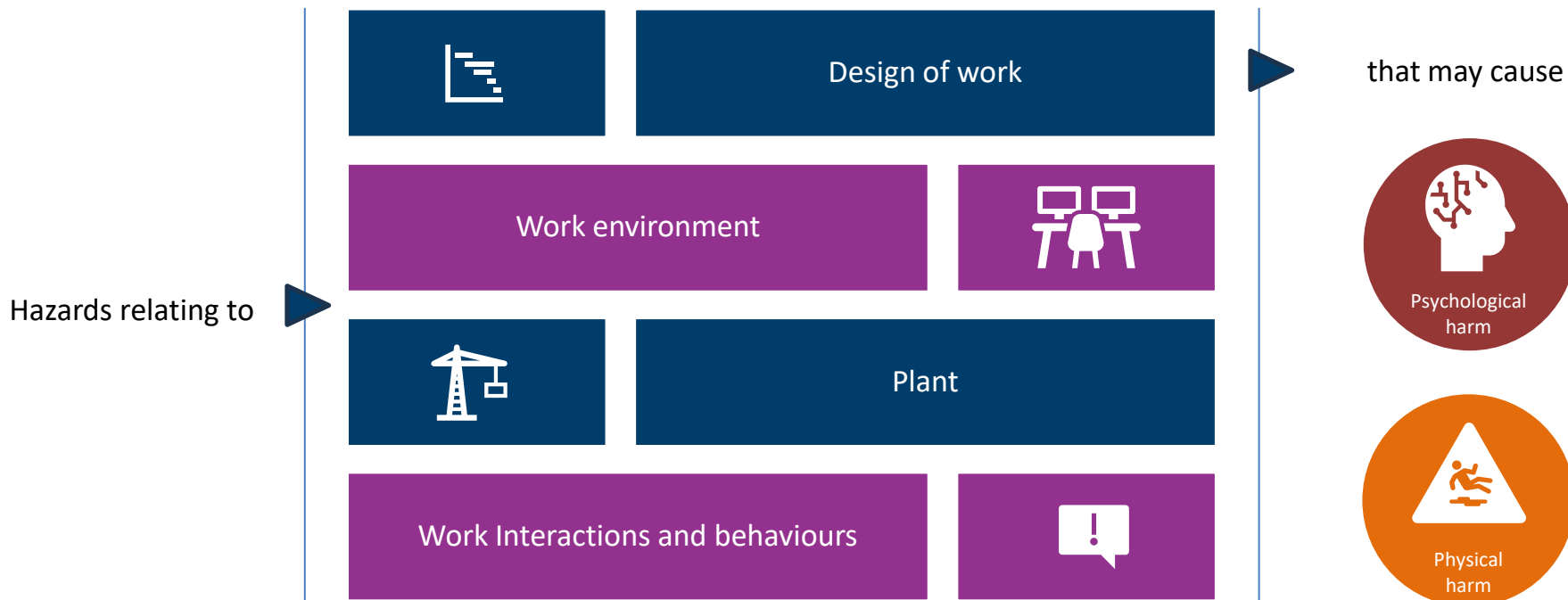- Improve prevention through insights, innovation and influence.

Comcare Corporate Plan 2024-5

Psychosocial hazards

Hazards relating to ▶

	Design of work
Work environment	
	Plant
Work Interactions and behaviours	

▶ that may cause

Psychological harm

Physical harm

Work Health and Safety Regulations 2011 (Cth), cl 55A.

Psychosocial risks in the work environment can contribute to:

Psychological injuries

Physical injuries

Non-communicable diseases and disorders

Poor morale

Reduced productivity

Unscheduled absences

Integrity risks

Significant economic impact to individuals, workplaces and society

A mentally healthy workplace can:

reduce absenteeism and lost working days

increase productivity

greater job satisfaction

reduced staff turnover

attraction of talented workers

Every dollar spent on effective mental health actions returns approximately $2.30 in benefits to the organisation

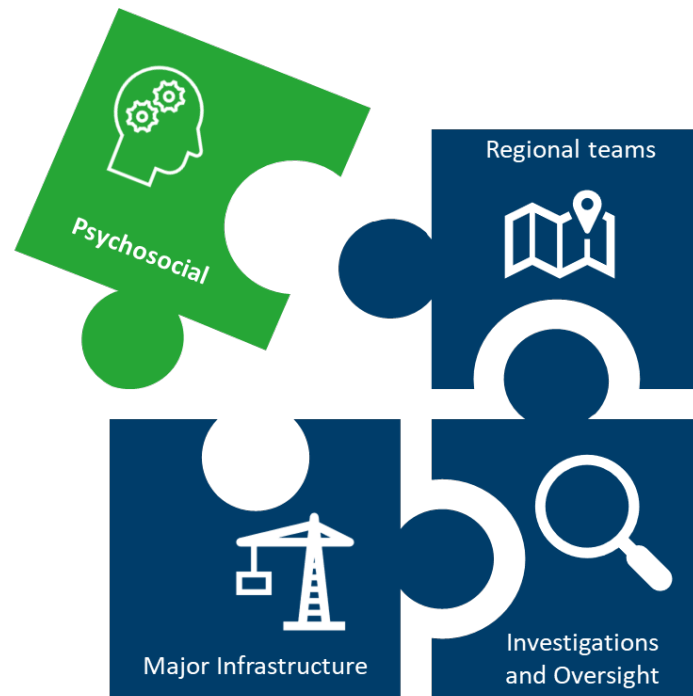PwC, beyondblue and National Mental Health Commission (2014)

Our Psychosocial Regulation Team:

- Provides a specialised focus on psychosocial regulatory matters, including through monitoring compliance activities and strategic initiatives.

- Strengthens and enables inspectorate capability.

- Facilitates a multi-disciplinary, collaborative, trauma-informed approach to psychosocial regulation within the inspectorate.

- Delivers and evaluates targeted and proactive regulatory programs.

Proactive Psychosocial Inspection Program

Centre for Business and Organisational Psychology
10 April 2024
THE UNIVERSITY OF QUEENSLAND
AUSTRALIA

Evaluation of Comcare's Pilot Psychosocial Inspection Program

Evaluation of Comcare's Pilot Psychosocial Inspection Program

Evaluation Findings

92% Agreed that their **knowledge of the range of psychosocial hazards improved**.

85% Reported an **increase in commitment** to psychosocial health and safety.

70% Agreed the program **assisted the organisation to comply**.

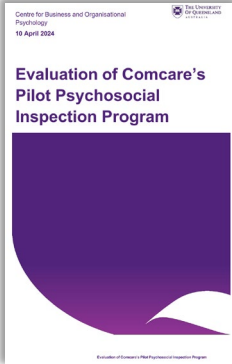**18** **Recommendations** for continuous improvement.

Changes for full-scale implementation

Shift from self-selection to risk-based model to select PCBUs for inspection.

Dedicated web page for the program.

Enhanced tools for **data collection** and analysis.

More **resources and good practice examples**.

Psychosocial hazards and the role of HSRs

Kathy Naumczyk
Assistant Director Psychosocial Regulation
Comcare

Teagan Poole
Senior Authorisations Officer
Comcare

Session outline

Psychosocial hazards
- Why are they hazards?
- PCBUs duty
- Comcare's approach to psychosocial regulation

Role of a HSR in psychosocial matters
- Functions and powers
- Confidentiality
- Prohibition of discriminatory conduct against a HSR

Scenario

Why are psychosocial hazards, hazards?

Psychosocial hazards can create stress

↓

Exposure to severe levels, frequent or prolonged stress

↓

Psychological harm and/or physical harm

↓

Psychological injury and/or physical injury

Psychosocial hazards and PCBU duties

A person conducting a business or undertaking (PCBU) must eliminate psychosocial risks, or if that is not reasonably practicable, minimise them so far as is reasonably practicable.
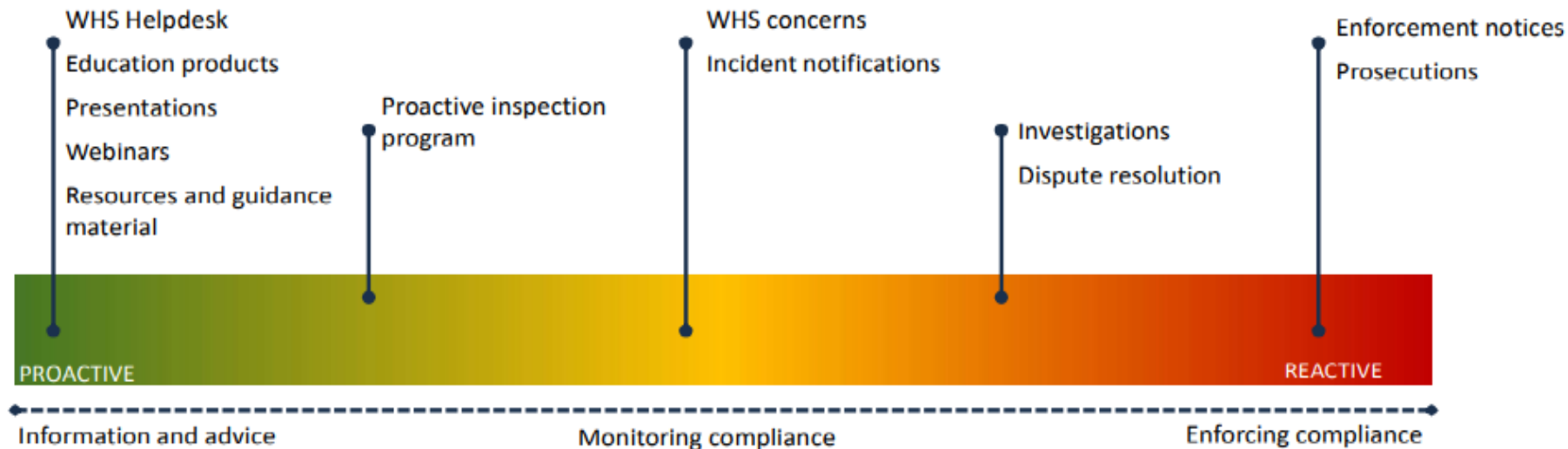

Image: Safe Work Australia Code of Practice: How to manage work health and safety risks

Comcare's approach to psychosocial regulation

WHS Helpdesk
Education products
Presentations
Webinars
Resources and guidance material

Proactive inspection program

WHS concerns
Incident notifications

Investigations
Dispute resolution

Enforcement notices
Prosecutions

PROACTIVE

REACTIVE

Information and advice

Monitoring compliance

Enforcing compliance

Section 68 of the WHS states the powers of a HSR

    a)   to represent the workers in the work group in matters relating to work health and safety; and

    b)   to monitor the measures taken by the person conducting the relevant business or undertaking or that person's representative in compliance with this Act in relation to workers in the work group; and

    c)   to investigate complaints from members of the work group relating to work health and safety; and

    d)   to inquire into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

<div align="center">

Physical hazards or **psychosocial** hazards

= **same** HSR role

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How can HSRs represent workers?

- Health and Safety Committee membership
- Feedback to work group and/or PCBU during periods of consultation, reflective of worker feedback
- Advice during consultation of WHS matters in work group
- If a worker authorises a HSR to be a representative to facilitate issue resolution.

How can HSRs monitor PCBU compliance?

- Hazard identification
  - Anecdotal feedback gathering from regular conversations with workers
  - Promote an open-door policy

- Monitor reporting
  - Request information e.g.
  - APS census results or other internal surveys/feedback captured.

- Raise issues and consult with management to attempt resolution
- Inspect the workplace
- Request review of controls
- Consult with PCBU work health and safety team.

What else can be done?

Requesting assistance from Comcare:

- Raise a work health and safety concern with Comcare
- Request a Comcare Inspector to attend the workplace to assist in resolving the matter (s82)

HSRs may also:

- Issue a Provision Improvement Notice
- Instruct workers to cease work where there is an immediate or imminent risk to health and safety
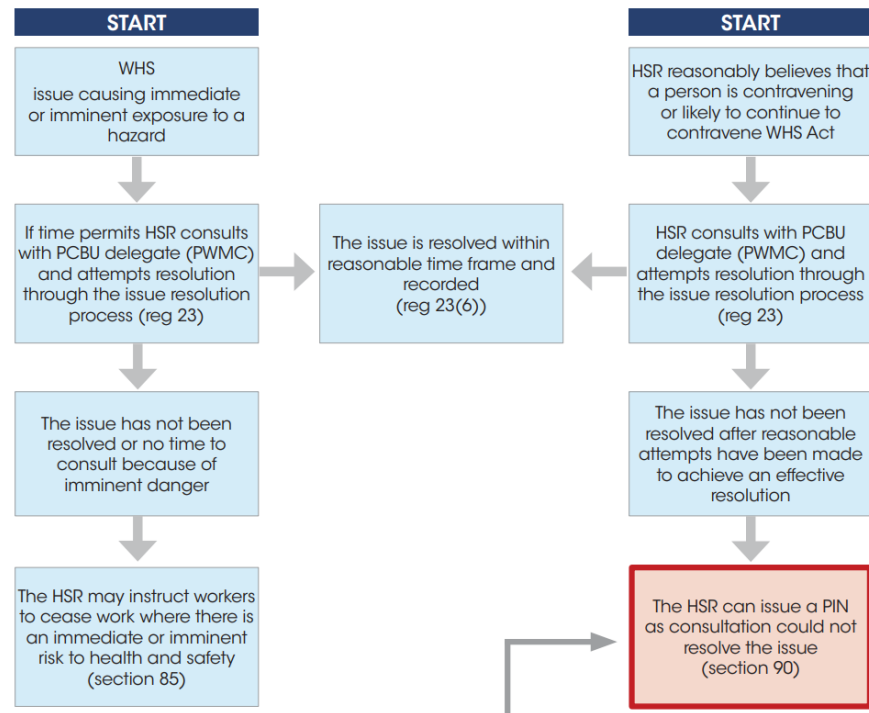
Confidentiality and psychosocial matters

- Confidentiality should be respected

- De-identified reporting is an option, however be cautious around detail to avoid unintentionally identifying the worker.

- Always provide formal reporting and support options.

WORK HEALTH AND SAFETY ACT 2011 - SECT 271

Confidentiality of information

(1)   This section applies if a person obtains information or gains access to a document in exercising any power or function under this Act (other than under Part   7).

(2)   The person must not do any of the following:

  (a)   disclose to anyone else:

      (i)   the information; or

      (ii)   the contents of or information contained in the document;

  (b)   give access to the document to anyone else;

  (c)   use the information or document for any purpose.

Confidentiality and HSR duties

Examples of discriminatory conduct could include:

- Firing a worker

- Terminating a contract for services with a worker

- Changing a worker's position to their detriment, e.g., by decreasing their salary or by demotion

- Treating a worker differently from others

- Not hiring someone

- Offering a prospective worker less favourable terms and conditions

- Terminating a commercial arrangement, e.g., a contract to supply materials to a workplace, or a sub-contracting arrangement.

Sample scenario

Situation

A PCBU has a call centre as part of its operations.

Due to recent legislative change, the PCBU has had to change some of the services available to its customers. This is resulting in an increase of customers contacting the call centre to either clarify or dispute the service changes.

Sample scenario

WHS issue

- Workers of the PCBU are experiencing an increase in aggressive callers including threats of violence towards call centre workers. Workers are feeling stressed and anxious.

- Workers have spoken to their line managers about their concerns regarding the increase in customer aggression and the effect on their psychosocial wellbeing, but there have been no changes made at the workplace to address the issue.

- Several workers approach the HSR (Sharim) for their workgroup to see if they can assist in resolving the issue as their nominated representative.

Hazard identification

Job demands

Sustained or intense high levels of physical, mental or emotional effort which are unreasonable or chronically exceed workers' skills, or sustained low levels of physical, mental or emotional effort. A job can include periods of high and low job demands. A job can also involve a combination of low or high mental, emotional and physical demands.

Appendix B – Harmful behaviours

This appendix provides information on psychosocial hazards related to harmful behaviours. Harmful behaviours include:

- violence and aggression
- bullying
- harassment including sexual harassment or gender-based harassment, and
- conflict or poor workplace relationships and interactions.

These can cause physical and psychological harm to the person they are directed at and anyone witnessing the behaviour.

A single or irregular exposure to these hazards may not create psychosocial risks or the risks may be very low. However, if workers are exposed to a hazard (or a combination of these hazards) over a prolonged period or in a severe way they can cause psychological and physical harm.

safe work australia

Managing psychosocial hazards at work

Code of Practice

JULY 2022

HSR action taken after raising the issue

- Keep workers informed

- Check in progress with workers and manager

- Seek assistance from the work health safety unit as issue remained unresolved

- Suggest interim control measures based on feedback obtained by affected workers consulted

- Monitor progress.

Image: Safe Work Australia Code of Practice: How to manage work health and safety risks

Where to get assistance

PCBU

Internal documents including policies or procedures

WHS team

Managers

Peers

HSRs within your workplace

Workers

Safe Work Australia

Guidance materials

Comcare

HSR Network

Training

Guidance materials

Inspectors

Union

Guidance material

Support

Panel discussion

Lachlan Whittle, ARPANSA

Mandy Kay, Services Australia

Josh Dolega, CPSU

Mark Shortus, Comcare

Feedback survey

Thank you for attending the Forum

Please take a moment to complete our short survey

For general enquiries contact us on **1300 366 979** or **WHS.help@comcare.gov.au**

Contact us Forums@comcare.gov.au

Follow us: comcare.gov.au