WORKSAFE ACT SAFE + HEALTHY WORKPLACES

STRATEGY FOR MANAGING WORK-RELATED PSYCHOSOCIAL HAZARDS 2021-2023

Wednesday 6th October 2021

ACKNOWLEDGEMENT OF COUNTRY

WORKSAFEACT

07 October 2021

WORK-RELATED PSYCHOSOCIAL HAZARDS

Psychosocial hazards are hazards that arise from or in relation to:

- The design and management of work

- The working environment or equipment, or

- Workplace interaction or behaviours

that may cause psychological or physical harm.

MANAGING WORK-RELATED PSYCHOSOCIAL HAZARDS

Key objectives:

① 1. Increase awareness of psychosocial hazard management and workers' compensation obligations

② 2. Support psychosocial hazard management compliance

③ 3. Enforce compliance in psychosocial hazard management and associated workers' compensation duties
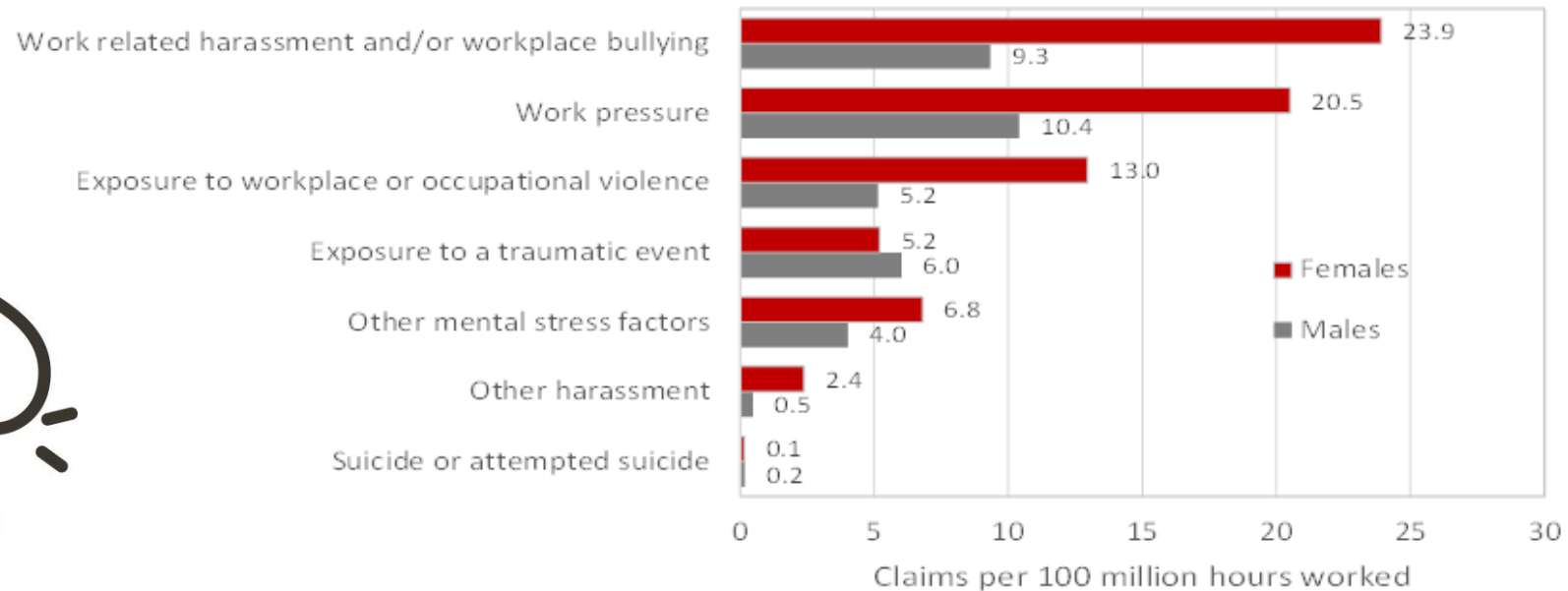
④ 4. Build WorkSafe ACT capability and capacity as a responsive regulator on workplace psychosocial hazard matters

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THE RISK OF HARM AUSTRALIA WIDE

Frequency rates by sex and mental stress sub-category, 2016–17 to 2018–19p combined – Safe Work Australia, 2021 Psychosocial health and safety and bullying in Australian Workplaces – Indicators from accepted workers' compensation claims (Annual Statement, 6th edition)

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WORK-RELATED VIOLENCE AND AGGRESSION

| Priorities: | Aged Care Sector | Education and Training Sector | Disability Sector | Health Sector |

SEXUAL HARASSMENT

| Priorities: | Health and Community Services | Education and Training | Construction - residential and commercial | Hospitality |

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WHY NOW?

Review of the model Work Health and Safety laws: Final report - December 2018

Marie Boland recommended amending the model WHS Regulations to deal with how to identify the psychosocial risks associated with psychological injury and the appropriate control measures to manage those risks.

- Agreed and under way, along with the development of a Model Code.

WorkSafe ACT's Strategic Plan 2020-2024

- Psychological health identified as a strategic enforcement priority.

WorkSafe ACT's Statement of Expectations 2020 and 2021

WorkSafe committed to:

- addressing psychosocial hazards by increasing its capability

- developing tools to address these hazards

- engaging with industry and social partners to understand barriers, enablers and opportunities to inform our regulatory response, and

- developing and releasing an evidence based strategy to guide the work in this area.

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PSYCHOSOCIAL INSPECTORATE

A/g Senior Inspector Jeff Beaver – WorkSafe ACT

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WORK-RELATED MENTAL HEALTH

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Mental (psychological) health, just like physical health, is an important part of work health and safety (WHS).
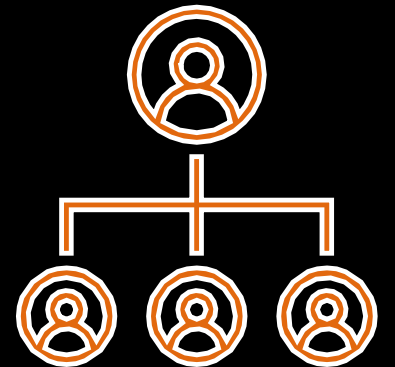
Understanding and managing risks in the workplace that may lead to physical or psychological injury creates a safe, healthy and productive workplace.

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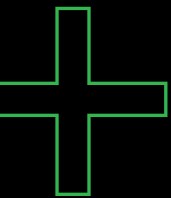
MENTAL HEALTH IS DIFFERENT TO PSYCHOSOCIAL HAZARDS

PSYCHOSOCIAL HAZARDS ARE CONTROLLABLE
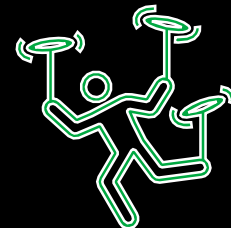
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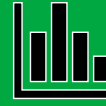
Proactive Inspections

Reactive Inspections

WHAT WE CAN DO

WorkSafe ACT can only act on situations that fall within the scope of the Work Health and Safety Act 2011 (WHS Act). This includes verifying an employer or business (or other PCBU) is:

• consulting with workers about work health and safety

• providing and maintaining a work environment that is without risks to health and safety

• providing and maintaining safe systems of work

• monitoring the health and safety of workers and the conditions at the workplace, to ensure that work-related illnesses and injuries are prevented, and

• providing appropriate information, instruction, training or supervision to workers and others at the workplace to allow work to be carried out safely.

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WHAT WE CANNOT DO

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There are some things WorkSafe ACT cannot do. These include:

• provide legal advice

• mediate between the workplace parties involved

• provide counselling

• order the employer or business (or other PCBU) to discipline the alleged bully or terminate their employment

• take sides

• deal with industrial matters or discrimination, and

• issue an order to stop bullying behaviour - the <u>Fair Work Commission</u> has powers to issue these orders if required.

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BEFORE CONTACTING US
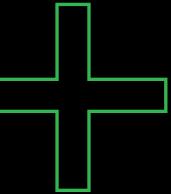
Steps should be taken to have the safety issue resolved in the workplace before submitting a workplace concern to WorkSafe ACT. These steps may include:

• speaking to your supervisor or manager

• speaking with your health and safety representative

• speaking to your union representative

• or following the grievance process of your

workplace if available.

If the above actions are not appropriate or do not resolve the issue, a hazard concern can be lodged with WorkSafe ACT. Please refer to WorkSafe ACT's website for reporting options.

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CONTACTING US

By Phone

By completing the Psychosocial hazard complaint form on the WorkSafe ACT website

Psychological hazards that can negatively impact on workers that may be raised with us include:

- work-related stress

- work-related bullying

- work-related fatigue

- work-related violence and aggression

- unreasonable lack of job control or lack of role clarity

- changing work arrangements such as rosters or leave, to deliberately cause inconvenience

- ongoing and insufficient organisational justice or support
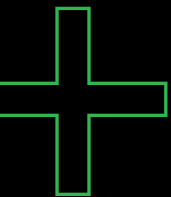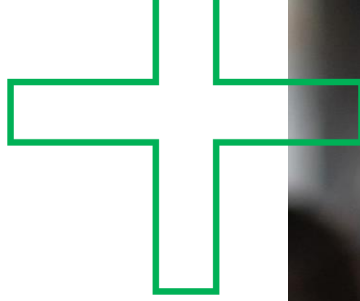
INSPECTION OVERVIEW

01.
Gather information - Psychosocial hazards and risks (interactions, sources)

02.
Gather information- Existing controls being implemented

03.
Gap analysis- Identify contraventions and determine enforcement actions

04.
Issue workplace visit report and enforcement notices

05.
Further analysis - Desktop review and if necessary issue enforcement notices

06.
Notice compliance verification-
Desktop and/or through follow-up inspection

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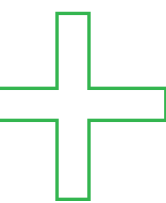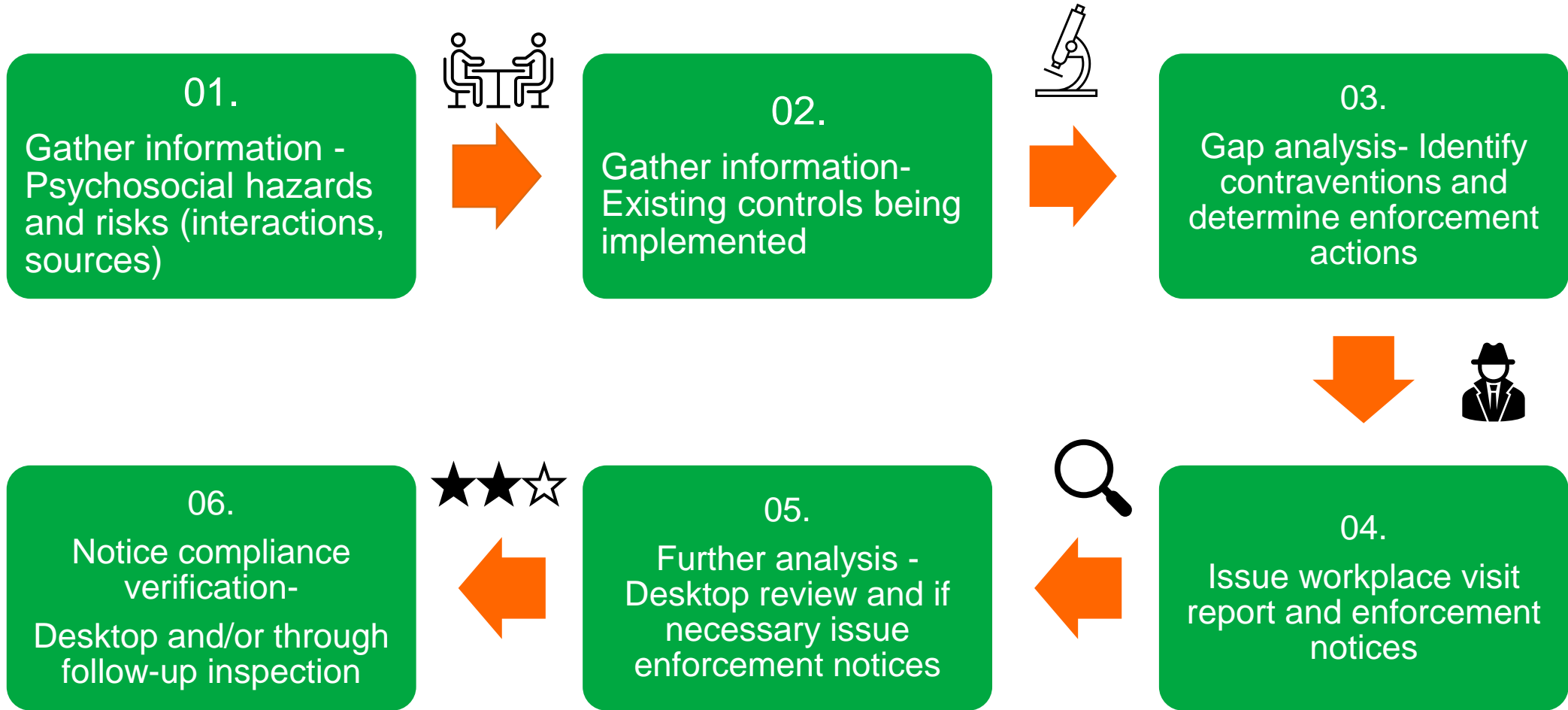
01. GATHER INFORMATION ON PSYCHOSOCIAL HAZARDS AND RISKS (INTERACTIONS)

Whole system information gathering

Multiple psychosocial hazards can interact

Imbalanced job design
- A-typical working hours
- Job demands
- Job control
- Effort-reward imbalance

Occupational Uncertainty
- Job insecurity
- Role stress
- Organisational change

Lack of value and respect in the workplace
- Relational justice
- Workplace conflict bullying

Occupational social support

Procedural justice

Temporary employment status

https://www.mentalhealth.org.uk/file/workplace-venn-diagramjpg

Construction

example of:

Interacting psychosocial hazards and effect on safety behaviour

Changing, highly physically demanding work

↓

Fatigue from job overload, irregular hours, long work days to meet time pressures

↓

Lack of supervision from supervisor due to the above

↓

Worker feeling stressed from all of the above
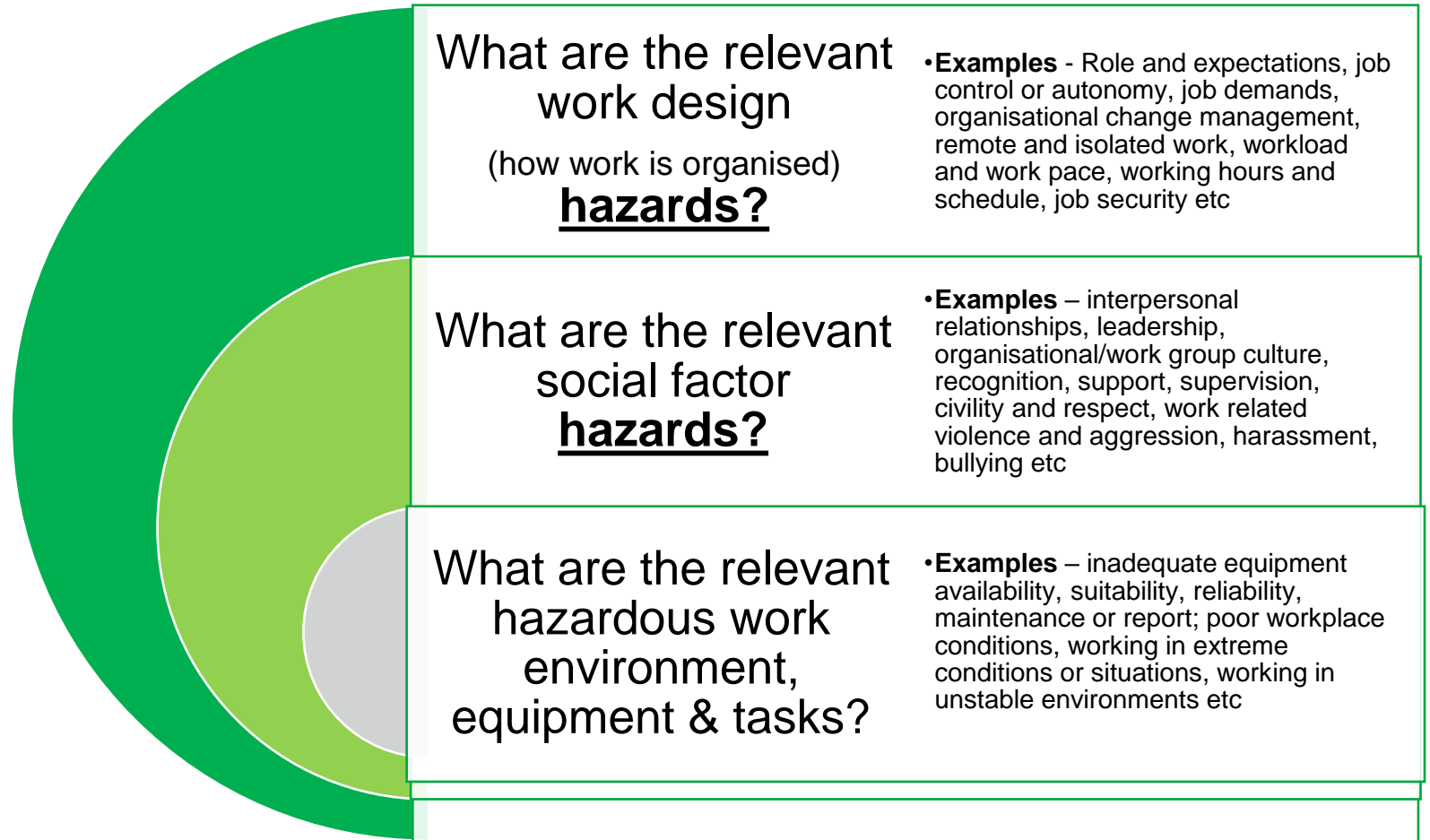
↓

All of the above impacts on worker's safety behaviours (e.g. does not use fall restraint equipment)

Psychosocial hazard sources

What are the relevant work design

(how work is organised) **hazards?**

•**Examples** - Role and expectations, job control or autonomy, job demands, organisational change management, remote and isolated work, workload and work pace, working hours and schedule, job security etc

What are the relevant social factor **hazards?**

•**Examples** – interpersonal relationships, leadership, organisational/work group culture, recognition, support, supervision, civility and respect, work related violence and aggression, harassment, bullying etc

What are the relevant hazardous work environment, equipment & tasks?

•**Examples** – inadequate equipment availability, suitability, reliability, maintenance or report; poor workplace conditions, working in extreme conditions or situations, working in unstable environments etc

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OCCUPATIONAL VIOLENCE – PSYCHOSOCIAL HAZARDS IDENTIFICATION
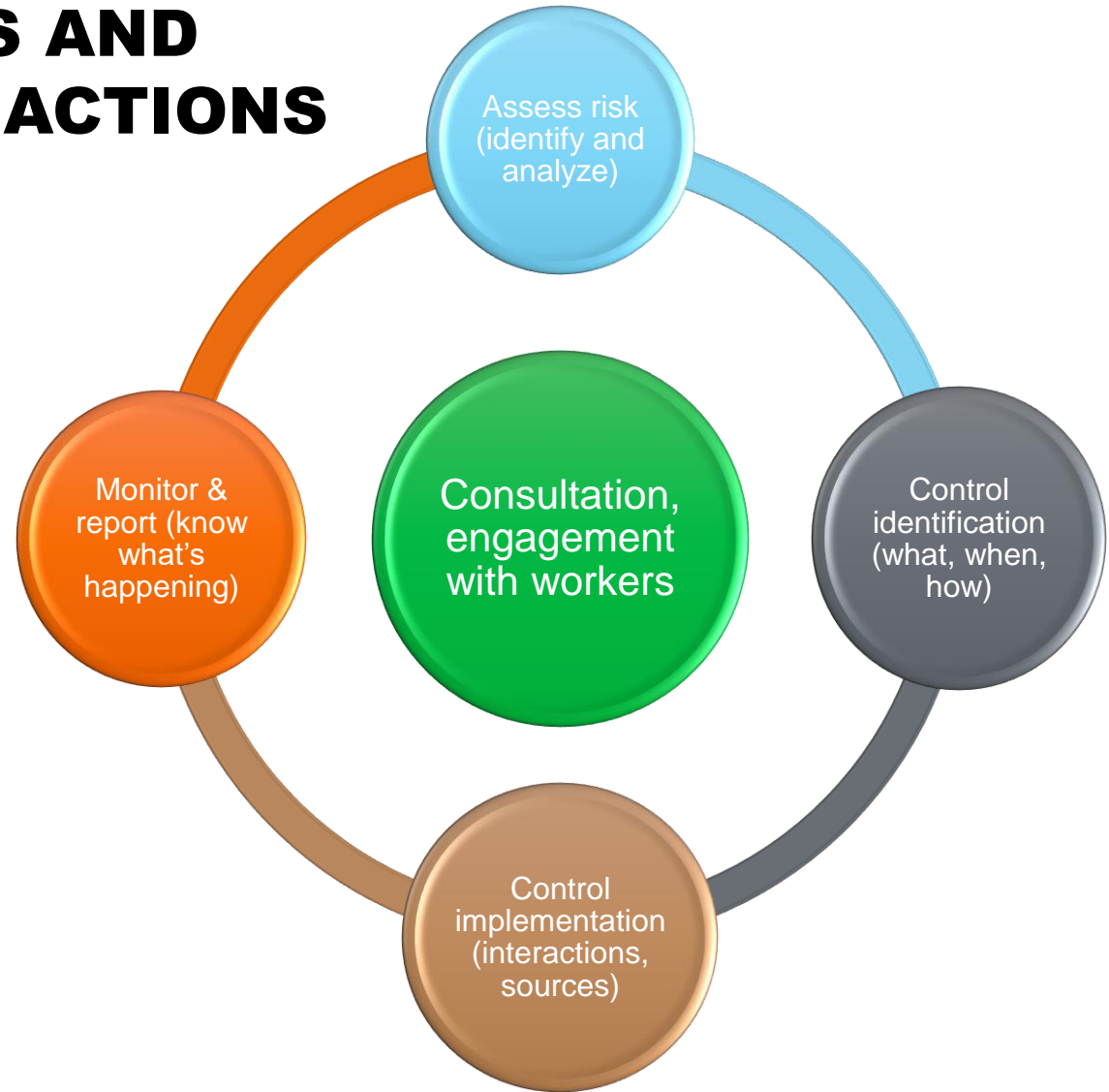
Education Scenario

Physical environment hazards

For example - Poor access and egress, availability of objects that could be used to injure, lack of visibility of students, unauthorised access to vulnerable areas etc

Psychosocial hazards

For example - Weak and permissive management and reporting practices, working in isolation, lack of supervision/training/resources, inconsistent/team conflicts in recognising occupational violence and aggression, continued exposure to student interactions with inadequate down time, inadequate emergency preparedness and response, inadequate post incident support/process (including return to work) etc

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03.
GAP ANALYSIS-
IDENTIFY CONTRAVENTIONS AND
DETERMINE ENFORCEMENT ACTIONS

Risk event control and risk management continuity

Assess risk (identify and analyze)

Control identification (what, when, how)

Consultation, engagement with workers

Monitor & report (know what's happening)

Control implementation (interactions, sources)

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OCCUPATIONAL VIOLENCE – RISK CONTROLS

Education scenario

Risk control is achieved by targeting/modifying the relevant underlying physical and psychosocial environment hazards (sources) that have been identified

For example – clear access and egress, limit access points to selected/vulnerable areas, limit/secure access to items that could be used as weapons, work systems that remove/restrict work in isolation, risk based approach to scheduling, improving attitudes to managing/reporting occupation violence incidents, staff training etc

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04. COMMON NOTICE(S) TO SECURE COMPLIANCE

- Directs remedy for a contravention of the WHS Act or to prevent a likely contravention from occurring

Improvement Notice

- Directs cessation of any activity that creates an immediate or imminent risk to health and safety

Prohibition Notice

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OCCUPATIONAL VIOLENCE - IMPROVEMENT NOTICE EXAMPLES OF ACTIONS REQUIRED

Education Scenario

Section 19 WHS Act
(a) the provision and maintenance of a work environment without risks to health and safety

So far as is reasonably practicable, remove/secure objects that could be used as a weapon, and remove obstruction(s) to egress in the educational program areas to ensure a safe work environment for workers who are at risk of injury from occupational violence and aggression.

Section 19 WHS Act
(g) The health of workers and the conditions at the workplace are monitored for the purposes of preventing illness or injury of workers arising from the conduct or the business or undertaking

Implement so far as is reasonably practicable, an incident reporting register capturing all incidents of occupational violence and aggression with clear roles and responsibilities for the purposes of ensuring workplace conditions are being monitored to prevent illness or injury of workers.

THANK YOU

"If you put good people in bad systems, you get bad results. You have to water the flowers you want to grow"
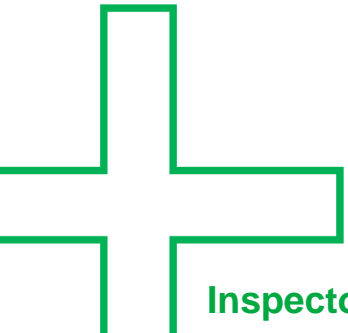
- Stephen Covey

DIGITALIZING INSPECTORATE TOOLS

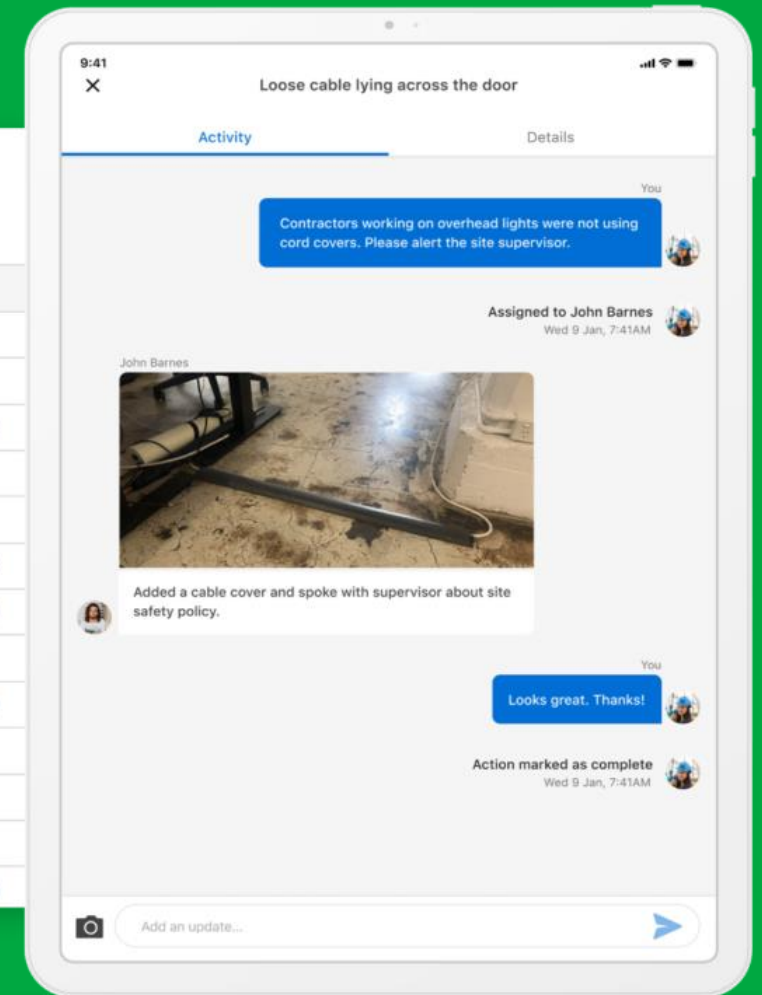**Ben Palmer | Psychosocial Inspector**

Psychosocial Maturity

IAUDITOR

Inspector benefits

- Digitalized

- Complete Inspectorate use

- Mobile hand held applications

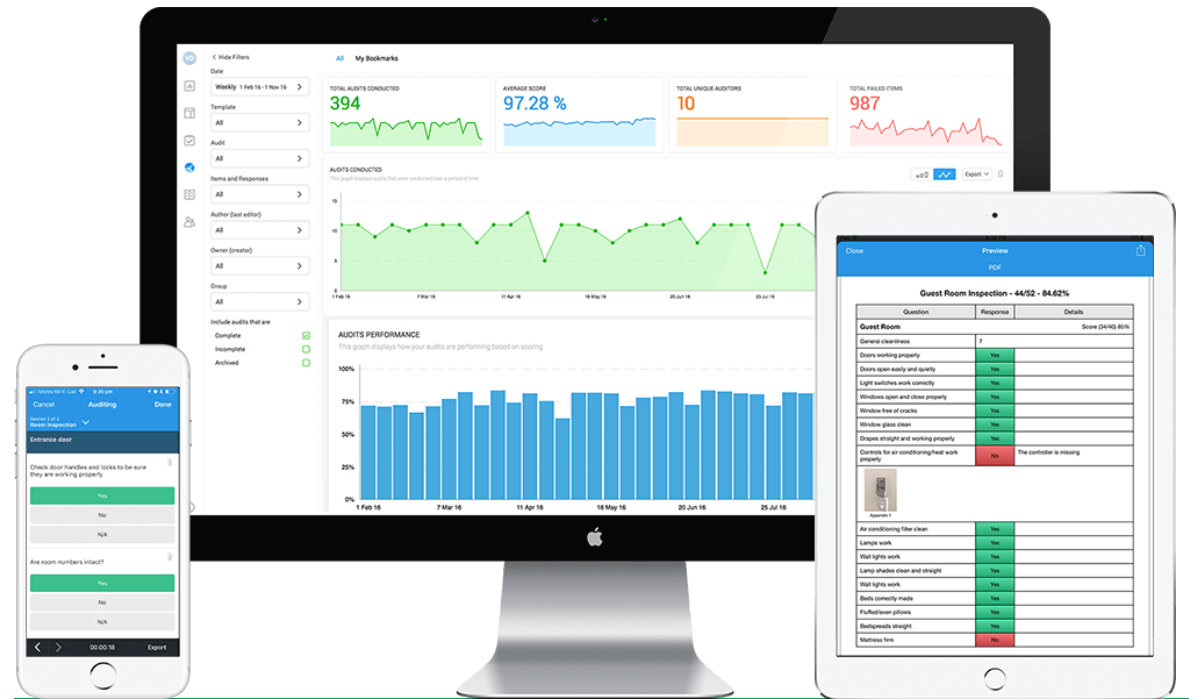- Increased inspection efficiencies

- Follow ups and actions

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IAUDITOR

Inspectorate benefits

- Maximize workflow and system integrations.

- Gather in-depth data and analytics - For effective reporting, improving standards, and planning for the future operations.

- Highlighting repeat offenders

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COMPLIANCE STATISTICS

Psychosocial Maturity

INSPECTORATE BENEFITS
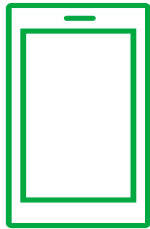
Digital questionnaire using the I-auditor platform.

Multi-inspectorate use for broad industry reach.

Identification of workplace maturity from employer and worker perspectives.

Overall score, indicative of the workplace psychosocial maturity.

Digital operation allows for benchmarking, industry monitoring and future action.

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PSYCHOSOCIAL MATURITY

Workplace Benefits

- Increased insight into workplace psychosocial maturity.

- Feedback and resources for improvement.

- Highlighting at risk areas and workplaces for further inspection and improvement.

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Attitude

Capability

Compliance

85

MATURITY RATING SCORE

PSYCHOLOGICAL DISTRESS

WOMEN IN THE WORKPLACE

12.1%

of women workers experience high levels* of psychological distress. These levels are greater than male workers.

11.2% of Australian Workers

report high levels* of psychological distress

*high levels – high to severe levels of psychological distress

16% Retail

15.4% Transport

14.6% Cultural & Recreational
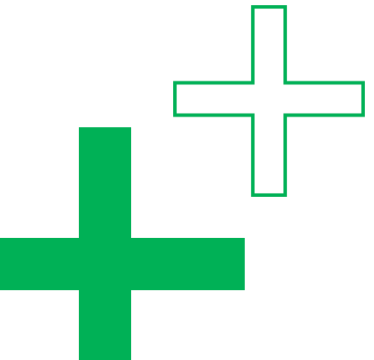
"Psychological distress is the effect of internal conflict or external stressors that causes a person suffering".

Dollard, M., Bailey, T., McLinton, S., Richards, P., McTernan, W., Taylor, A, & Bond, S. (2012). The Australian Workplace Barometer: Report on psychosocial safety climate and worker health in Australia. Safe Work Australia.

YOUNG AUSTRALIAN WORKERS

12.6%

of workers aged 18 to 34 experience high levels* of psychological distress. These levels are higher than any other age group.

Labourers or related occupations experience the highest levels of psychological distress over all other occupations

22.4%

Proportion of workers within occupations experiencing high levels* of psychological distress

CASUAL/TEMPORARY CONTRACT TYPE

14.2%

of workers with a casual contract experience high levels* of distress. These levels are higher than permanent or fixed contract workers.

9.6% Managers/Administrators

8.1% Professional Work

8.1% Technician/Associate Professor

12.5% Tradesperson or related worker

17.3% Advanced Clerical, Sales

17.1% Intermediate Clerical, Sales

11.5% Intermediate Plant Operator

6.9% Elementary Clerical, Sales

Australian Workplace Barometer Data 2014-15

Depression attributed to job strain is routinely underestimated
- 13.2% men and
- 17.2% women

LaMontagne et al, 2008

COMMON TRIGGERS FOR ACTION ON PSYCHOSOCIAL HAZARDS

- **Compliance or enforcement action by a WHS regulator**

- **Psychological injury occurrence**

- **Psychosocial risk assessment, survey, worker consultations**

- **Industry or WHS Consultants' advice**

- **Financial pressures:**

  ➤ organisational costs (insurance, workers' compensation premiums)

  ➤ contractual or supply chain partners or investors

  ➤ reduce errors, and increase innovation

- **Leadership change**

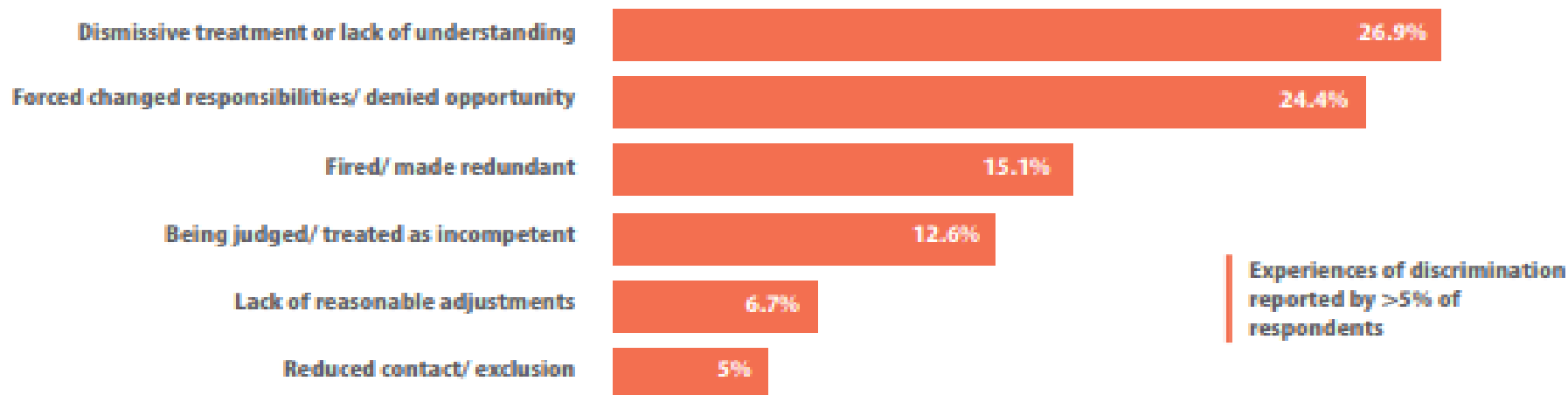- **Legislative or industry reviews suggesting systemic changes required**

Poor PSC- 43% more sick days & 72% higher performance loss at work

Sources: Fletcher et al 2020; Becher et al 2016; LaMontagne 2014; Dollard et al 2012

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STIGMA AND DISCRIMINATION

Research in Australia shows that:

the types of **negative and positive experiences** that people with mental illness report from employers include (%):

Experience	%
Dismissive treatment or lack of understanding	26.9%
Forced changed responsibilities/ denied opportunity	24.4%
Fired/ made redundant	15.1%
Being judged/ treated as incompetent	12.6%
Lack of reasonable adjustments	6.7%
Reduced contact/ exclusion	5%

Experiences of discrimination reported by >5% of respondents

%	Description
54.3%	Non-specific **support** or help
19.4%	Allowed **time off**
18.1%	**Flexibility** with duties or hours worked
10.8%	Increased **contact/ checking** on them
9.1%	**Talk/listen**
7.3%	Encourage **professional help**

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Reavley, N. J., et al. (2017). "Discrimination and positive treatment towards people with mental health problems in workplace and education settings: Findings from an Australian national survey." Stigma and Health 2(4): 254-265.

LEGAL CONFUSION AND ANXIETY

- **Legal requirements**
  - Minimum compliance requirements
  - Shared responsibilities for WHS
  - WHS, industrial relations and privacy requirements
- **Identifying and assessing without a specialist**
- **Effective practical controls and applying the hierarchy of control**
- **Incident notification**
- **Workers' compensational obligations**
  - Supporting recovery and RTW
  - Reasonable workplace adjustments
- **Role and effectiveness of general and mental health promotion**

Sources: Inspector, PC, Bolland review, SafeWork NSW Code consultation and others

ORGANISATIONAL BARRIERS

- Financial business pressures
- Perceived or actual lack of resources to implement controls
- Complex or high-risk work activities
- Isolated and remote work, precarious employment arrangements and large numbers of CALD workers
- Lack of access/cost of access to psychosocial experts
- High workloads and stress – managers have little spare capacity to devote to psychosocial management

Sources; Hasle et al 2021; Buniya et al 2020; McNair yellow squares 2020; Rafferty et al 2020; and others

IMMATURE ORGANISATIONAL CULTURES

- Lack senior leaders and managers commitment
- Profit/customers prioritised over safety
- Lack of WHS incentives
- Perceptions WHS requirements are onerous, workers are to blame and safety the responsibility of WHS personnel
- Perception competitors are not complying so why should we
- Organisational decision-making silos, lack of management accountability
- Inadequate resource allocation - willingness to invest

Sources: Maliha et al 2021; Hasle et al 2021; Buniya et al 2020; Othman et al 2020; Rafferty et al 2020; McNair yellow squares 2020; and others
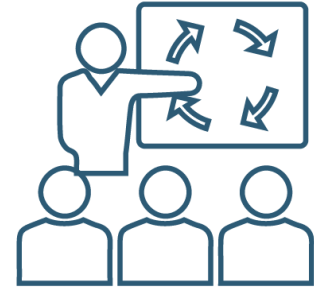
POOR PSYCHOSOCIAL AWARENESS, KNOWLEDGE AND SKILLS
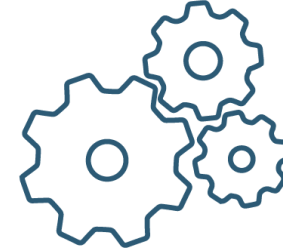
- Complacency/fatalistic attitudes
- Lack of awareness of impact of decisions on psychological safety
- Cognitive bias
- Poor knowledge of risk and worker profiles
- Poor psychosocial risk management knowledge
- Volume of advice –discerning what's relevant

Sources: Hasle et al 2021; Maliha et al 2021; Buniya et al 2020; Othman et al 2020; Rafferty et al 2020; Business SA 2019; and others

INADEQUATE WHS MANAGEMENT SYSTEMS

Potential costs

Potential savings

↑ Potential savings: higher productivity, lower staff turnover, higher corporate knowledge, morale etc.

↓ Externalised failure costs, which then drive reputational damage & regulatory sanctions

↓ Direct failure costs to business: e.g. legal costs, workers' compensation, reduced productivity

↓ Indirect failure costs to business: eg Lost access to labour, capital, customer and supplier markets

↑ Prevention costs

O'Neill 2014, p.39

- Poor WHS business case
- Poor integration of WHS into business risk management
- Inadequate WHSMS and processes
  - ➢ Reactive rather than proactive risk management
  - ➢ Reliance on lower order controls
  - ➢ Poor process for accessing mental health assistance

Hasle et al 2021; Maliha et al 2021; Buniya et al 2020; Othman et al 2020; Rafferty et al 2020; Business SA 2019; and others

COMPLIANCE SUPPORT SUGGESTIONS

- Targeted psychosocial compliance visits and advice for high-risk work
- Fair enforcement of non compliance- 'a level playing field'
- Industry-specific psychosocial compliance guidance
- Guidance on WHS duties in complex psychological situations
- Guidance on shared duties in supply chains
- Guidance on good work design
- Guidance and tips on effective workplace communication
- Business case for psychosocial hazards at work
- Best practice examples

- Communication campaigns tailored to suit stakeholders
- Messaging using ACT leaders' networks
- Providing or supporting manager and supervisor psychosocial training in collaboration with industry associations
- Providing or supporting worker psychosocial hazard management training in collaboration with unions or worker advocates
- ACT government reward and recognition schemes for good management of psychosocial risks and implementing workplace mental health programs

FACILITATED Q+A

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THANK YOU

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