

MEMBER ADVISORY

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Safe Work Australia guides for dealing with psychosocial hazards in the workplace

Under the model work health and safety (WHS) laws, persons conducting a business or undertaking (PCBU) must eliminate risks to health and safety in the workplace to the extent that is reasonably practicable. This includes risks to workers' psychological health.

Safe Work Australia (SWA) has published a range of national guidance material, based on the model WHS laws. The aim of this material is to provide guidance to PCBUs about what they should or must do to fulfil their responsibilities under WHS legislation and/or workers' compensation laws, as well as to provide advice to workers.

SWA has produced a guide entitled *Work-related psychological health and safety: A systematic approach to meeting your duties* (January 2019) which recognises the negative effects arising from poor psychological work health and safety, and outlines a systematic practical approach to managing work-related psychological risks.

SWA has identified Psychosocial hazards as arising from the way the work or job is designed, organised and managed; work relationships and interactions, including bullying, harassment, discrimination, aggression and violence; and equipment, working environment or requirements to undertake duties in hazardous environments.

Familiar psychosocial hazards include:

- high or low job demands
- violence and aggression
- harassment, including sexual harassment
- bullying
- low job control
- poor support
- conflict or poor workplace relationships and interactions
- lack of role clarity
- poor organisational change management
- inadequate reward and recognition
- poor organisational justice
- poor physical environment
- remote or isolated work
- traumatic events.

SWA has produced guidance material on the major psychosocial risk factors as follows:

Workplace bullying

- [Guide for Preventing and Responding to Workplace Bullying](#) (May 2016)
- [Dealing with workplace bullying – a worker's guide](#) (May 2016)

Consistent with the definition of workplace bullying found in the *Fair Work Act 2009* (Cth), the guides define workplace bullying as 'repeated and unreasonable behaviour directed towards a worker or a

MEMBER ADVISORY

group of workers that creates a risk to health and safety'. The guides also state that reasonable management action taken in a reasonable way is not considered to be workplace bullying.

The *Guide for Preventing and Responding to Workplace Bullying* provides information for PCBUs on how to identify and manage the risks of bullying occurring in the workplace as part of meeting their duties under WHS laws. It also explains what is and is not workplace bullying, how an employer can effectively respond to complaints and how to conduct an investigation into allegations of bullying.

The workers' guide helps workers determine if workplace bullying is occurring and how the matter may be responded to. It provides information for workers who believe they may be experiencing or witnessing workplace bullying on where to seek advice and what steps they should take to address the issue. This includes information on seeking the intervention of work health and safety regulators, the Fair Work Commission, or human rights and anti-discrimination agencies. The guide also provides information on what a worker can do if a workplace bullying report has been made against them.

Sexual harassment

- *Guide for preventing workplace sexual harassment* (January 2021)
- *Preventing workplace sexual harassment – guidance for small business* (January 2021)
- *Workplace sexual harassment – advice for workers* (January 2021)

These guides address sexual harassment carried out in a workplace. Sexual harassment is defined, in accordance with the definition found in the *Sex Discrimination Act* (adopted in the *Fair Work Act*), as any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature, in circumstances where a reasonable person, having regard to all the circumstances, would anticipate the possibility that the person harassed would be offended, humiliated or intimidated.

The *Guide for preventing workplace sexual harassment* and *Preventing workplace sexual harassment – guidance for small business* are both aimed at assisting businesses to meet their WHS duties to manage the risks of sexual harassment between workers, supervisors and managers, as well as from third parties with whom workers interact in the workplace.

The *Workplace sexual harassment – advice for workers* provides advice for workers about the duties under WHS laws and what they can do if they experience or witness sexual harassment in the workplace.

Violence and aggression

- *Guide for preventing workplace violence and aggression* (January 2021)
- *Preventing workplace violence – information sheet for small business* (January 2021)
- *Workplace violence and aggression – advice for workers* (January 2021)
- *Family and domestic violence at the workplace – information sheet* (January 2021)

Disclaimer: This document is issued for general guidance only and does not constitute professional advice.

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MEMBER ADVISORY

The *Guide for preventing workplace violence and aggression* and the *Preventing workplace violence – information sheet for small business* are aimed at assisting PCBUs to meet their duties under WHS laws to manage the risk of violence and aggression in the workplace.

The *Family and domestic violence at the workplace – information sheet* is designed to provide guidance for PCBUs on how to manage the risks of family and domestic violence at the workplace by recognising that such violence can become a WHS issue if a perpetrator threatens, intimidates or carries out violence on a partner or family member at the workplace, including when the worker is working from home.

The *Workplace violence and aggression – advice for workers* provides advice about duties under WHS laws and what to do if workers experience workplace violence or aggression.

Systems of Work, Workload and Good Work Design

SWA also confirm that PCBUs are responsible for the impact of systems of work that they require employees to follow. Good work design is essential in ensuring all health and safety duties are met and it is acknowledged that worker health and wellbeing is impacted by poor job design and poorly executed work practices. SWA have produced a handbook on good work design that can be applied to any workplace in any industry:

- [Principles of Good Work Design – A work health and safety handbook](#) (March 2020)

Workplace Health and Safety Queensland (WHSQ) operational responses

Psychosocial hazards in the workplace remain an important health and safety focus for WHSQ. The SWA guides, in combination with the How to Manage Work Health and Safety Risks Code of Practice 2021, provide guidance for employers on how to meet their duties under the *Work Health and Safety Act* to manage risks to workers' health and safety.

Additionally, WHSQ has published the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice 2021 as a practical guide to PCBUs to meet the requirements for consultation, cooperation and coordination on WHS matters.

In the latter part of 2022, WHSQ plan to release a new Code of Practice, *Managing the risk of work-related psychosocial hazards*, which will provide further guidance to both employers and employees on what represents safe practices when it comes to managing psychosocial hazard risks in the workplace.

CONTACT OUR UNION FOR SUPPORT

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