PSYCHOLOGICAL HEALTH AND SAFETY

LEARNING OUTCOME

Describe the requirements of the Work Health and Safety legislation as it relates to psychological health and safety.

ASSESSMENT CRITERIA

- Describe the legislative requirements relating to psychological health and safety
- Understand the hazards and factors that impact on psychological health and safety
- Understand the outcomes and implications of poor psychological health and safety in the workplace
- Understand processes for eliminating and minimising risks to psychological health and safety.

REFERENCES

- Work Health and Safety Act 2011
- Work-related psychological health and safety: A systematic approach to meeting your duties
- Preventing psychological injury under work health and safety laws fact sheet

PSYCHOLOGICAL HEALTH AND SAFETY

WHAT WORK HEALTH AND SAFETY LAWS APPLY?

The purpose of the WHS laws is to eliminate or minimise risks to the health and safety of workers. ‘Health’ is defined as meaning psychological as well as physical health. The WHS laws set out specific duties to manage risks to psychological health and safety which are noted below. It is important to remember a person may have more than one duty and more than one person can have the same duty.

A **PCBU** has the primary duty to ensure, so far as is reasonably practicable, workers and other people are not exposed to psychological health and safety risks arising from the business or undertaking.
This duty requires the PCBU to ‘manage’ risks to psychological health and safety arising from the business or undertaking by eliminating exposure to psychosocial hazards so far as is reasonably practicable. If it is not reasonably practicable to eliminate them, the PCBU must then minimise those risks so far as is reasonably practicable.

An **officer** of a PCBU has a duty to exercise due diligence to ensure the PCBU complies with their duties under the WHS laws. This includes taking reasonable steps to gain an understanding of the psychosocial hazards and risks associated with the operations of the business or undertaking, and to ensure the business or undertaking has and uses appropriate resources and processes to eliminate or minimise risks to psychological health. An officer is essentially a person involved in making decisions that affect the whole or a substantial part of the organisation.

Workers have a duty to take reasonable care for their own health and safety and to not adversely affect the health and safety of other persons. Workers must comply with reasonable instructions, as far as they are reasonably able, and co-operate with reasonable health and safety policies or procedures that have been notified to workers.

Other persons at the workplace, like visitors, must take reasonable care for their own health and safety and must take reasonable care not to adversely affect other people’s health and safety. They must comply, so far as they are reasonably able, with reasonable instructions given by the PCBU to allow them to comply with WHS laws.

OTHER LEGISLATIVE FRAMEWORKS

WHS and workers’ compensation laws do not operate in isolation and other laws may also be relevant.

Criminal laws - where incidents of bullying involve an assault or other criminal behaviour, the criminal laws will apply.

Anti-Discrimination laws - each Australian jurisdiction regulates against the discrimination of certain groups including sex discrimination. Under anti-discrimination laws, organisations are also required to make reasonable adjustments by making changes to allow workers with mental disorders to perform the inherent requirements of their job.

***Fair Work Act 2009* and some jurisdictional industrial laws** contain measures to address bullying at work. A worker who is subject to bullying at work can apply to the Fair Work Commission for an order to prevent the worker from being bullied at work by an individual or group of individuals. Under the *Fair Work Act 2009* an employer must not take any adverse action against an employee or prospective employee because of their disability (such as for accessing sick leave). State and territory industrial laws have similar protections against discrimination in employment.

Privacy laws – There are a number of Australian laws regulating handling and disclosure of personal information and health care records, including the *Privacy Act 1998* (Cth). Responsibilities for handling personal information could also arise under state and territory laws, particularly in relation to state or territory government agencies. Personal information includes information or opinion about an identifiable individual.

Disclosure by an employee during employment – Workers are not required to disclose information about a mental health condition to their manager or supervisor if the mental health condition does not affect how they do their job. However, organisational systems should be in place to ensure workers understand the importance of getting medical advice when their disability or long term health condition may affect their ability to carry out the inherent or essential requirements of the job, including working safely. Workers should be encouraged to consult their treating medical practitioner if they believe the job requirements may exacerbate their condition and then discuss this medical advice with their manager.

Disclosure during recruitment processes – Having a mental health condition does not often significantly affect a person's ability to perform the inherent requirements of a job. However, during the recruitment process you may ask an applicant to disclose a known disability or illness, including a mental health condition that might reasonably be expected to impact on the applicant's ability to perform inherent requirements of the job and to identify if any reasonable adjustments may be needed.
Under the *Fair Work Act 2009*, the prohibition on adverse action by a prospective employer against a prospective employee on the basis of physical or mental disability does not apply to action taken because of the inherent requirements of a particular position. If a prospective employee does not disclose a known pre-existing condition when requested, it may affect their access to workers' compensation if the condition worsens or recurs in that employment.

CAUSES OF PSYCHOLOGICAL INJURY – PSYCHOSOCIAL HAZARDS

Psychosocial hazards or factors are anything in the design or management of work that increases the risk of work-related stress. A stress response is the physical, mental and emotional reactions that occur when a worker perceives the demands of their work exceed their ability or resources to cope. Work-related stress if prolonged and/or severe can cause both psychological and physical injury.
Stress itself does not constitute a physical or psychological injury.

Workers are likely to be exposed to a combination of psychosocial hazards; some may always be present, while others only occasionally. Common psychosocial hazards and factors are listed below.

High job demands

Sustained high physical, mental and or emotional effort is required to do the job. Some examples are tasks or jobs that require:

- long work-hours
- high workloads - too much to do, fast work pace or significant time pressure
- long periods of vigilance looking for infrequent events (like air traffic controllers, during long distance driving, security monitoring)
- emotional effort in responding to distressing situations or distressed or aggressive clients (like paramedics dealing with difficult patients)
- exposure to traumatic events or work-related violence (like emergency workers)

- shift work leading to higher risk of fatigue, or
- frequently working in unpleasant or hazardous conditions (like extreme temperatures or noise, around hazardous chemicals or dangerous equipment, or having to perform demanding work while wearing uncomfortable protective clothing or equipment).

Low job demands

Sustained low levels of physical, mental or emotional effort required to do the job. Tasks or jobs that where there is:

- too little to do, or
- highly repetitive or monotonous tasks (like picking and packing products, monitoring production lines).

Low job control

Where workers have little control over aspects of the work including how or when a job is done. Tasks or jobs where:

- work is machine or computer paced
- work is tightly managed (like scripted call centres)
- workers have little say in the way they do their work, when they can take breaks or change tasks
- workers not involved in decisions that affects them or their clients, or
- workers are unable to refuse dealing with aggressive clients (like police services).

Poor support

Tasks or jobs were workers have inadequate:

- emotional support from supervisors and co-workers
- information or training to support their work performance, or
- tools, equipment and resources to do the job.

Poor workplace relationships

Jobs where there is:

- workplace bullying, aggression, harassment including sexual harassment, discrimination, or other unreasonable behaviour by co-workers, supervisors or clients
- poor relationships between workers and their managers, supervisors, co-workers and clients or others the worker is required to interact with
- conflict between workers and their managers, supervisors or co-workers - this is made worse if managers are reluctant to deal with inappropriate behaviours, or
- lack of fairness and equity in dealing with organisational issues or where performance issues are poorly managed.

Low role clarity

Jobs where there is:

- uncertainty about or frequent changes to tasks and work standards
- important task information which is not available to the worker, or
- conflicting job roles, responsibilities or expectations (such as a worker is told one job is a priority but another manager disagrees).

Poor organisational change management

Workplaces where there is:

- insufficient consideration of the potential WHS and performance impacts during downsizing or relocations or associated with the introduction of new technology and production processes
- inadequate consultation and communication with key stakeholders and workers about major changes, or
- not enough practical support for workers during transitions times.

Low recognition and reward

Jobs where:
- there is a lack of positive feedback
- there is an imbalance between workers' efforts and formal and informal recognition and rewards
- there is lack of opportunity for skills development, or
- skills and experience are underused.

Poor organisational justice

Workplaces where there is:
- inconsistent application of policies and procedures
- unfairness or bias in decisions about allocation of resources and work, or
- poor management of underperformance.

Poor environmental conditions

Exposure to poor quality or hazardous working environments. Examples include:
- hazardous manual tasks
- poor air quality
- high noise levels
- extreme temperatures, or
- working near unsafe machinery.

Remote work

Work at locations where access to resources and communications is difficult and travel times may be lengthy. Examples include:
- farmers
- real estate agents
- a community nurse conducting visits at night
- night shift operators in petrol stations or convenience stores
- off shore mining, and
- fly-in, fly-out (FIFO) workers.

Isolated work

Work where there are no or few other people around where access to help from others especially in an emergency may be difficult.

Violent or traumatic events

A workplace incident involving exposure to abuse, the threat of, or actual harm that causes fear and distress and can lead to stress and/or a physical injury. This is common amongst groups such as first responders, disaster and emergency services and defence personnel.

Examples include:

- robbery
- assault
- being bitten, spat at, scratched or kicked
- being threatened with a weapon.

Secondary or vicarious trauma
There are also risks associated with witnessing a fatality, or investigating a serious injury or fatality. Some workers such as child protection workers, lawyers, police officers, forensic scientists, journalists and custom officers may as part of their work need to repeatedly listen to detailed descriptions of very painful and traumatic events experienced by others.

MANAGING RISKS TO PSYCHOLOGICAL HEALTH AND SAFETY

WHS laws require you to manage risks from hazards, including work-related psychosocial hazards, so far as is reasonably practicable.

A psychologically healthy and safe workplace does not happen by chance or guesswork. You have to think about what could go wrong at your workplace and what the consequences could be. Then you must do whatever you can (in other words, whatever is ‘reasonably practicable’) to control - eliminate or minimise - psychological health and safety risks arising from your business or undertaking.

How to identify psychosocial hazards

The first step in the risk management process is to identify all work-related psychosocial hazards. This involves finding things and situations that could potentially harm people. Psychosocial hazards can arise from organisational factors (work organisation, job design and poor workplace culture), environmental factors and individual factors.

There may be other hazards unique to your organisation which should be considered. It is helpful to talk to your industry association, unions and WHS regulator to find out about hazards and solutions that may be common in your industry.

Psychosocial hazards may be identified by:

- having conversations with workers, supervisors and health and safety specialists
- inspecting the workplace to see how work is carried out, noting any rushing, delays or work backlogs
- noticing how people interact with each other during work activities
- reviewing relevant information and records such as reporting systems including incident reports, workers’ compensation claims, staff surveys, absenteeism and staff turnover data, and
- using surveys to gather information from workers, supervisors and managers.

In complex situations you may want to seek advice on specific risk identification and assessment techniques and the help of specialists.

Individual factors

People respond to hazards in different ways. Individual differences that may make some workers more susceptible to harm from exposure to the same hazard include:

- being a new or young worker
- having an existing disability, injury or illness
- having previously been exposed to a traumatic event, or
- workers who are currently experiencing difficult personal circumstances.

By talking to your workers, including these groups, and asking how they are coping you can decide if they may need some additional support so they can do their work safely and well.

You should do all that is 'reasonably practicable' to identify and control psychological health and safety risks including for at risk workers and to make adjustments to accommodate their needs at work. Your regulator will take into account a number of factors including your business size and nature when deciding what was reasonably practicable for you to do.

HOW TO ASSESS RISKS

Assessing risks involves considering what could happen if someone is exposed to a psychosocial hazard, the degree of harm that may result, and the likelihood of that outcome. The complexity of a risk assessment will depend on the types of hazards present, how workers are exposed, and the information and resources available.

Exposure to the hazard

The frequency and intensity of exposure to each psychosocial hazard should be considered during the risk assessment. For example, infrequent exposure to low levels of workplace conflict may be unpleasant without causing a risk to psychological health and safety, while frequent exposure to high levels of conflict can increase the likelihood of both physical and psychological injury.

A risk assessment can help you determine:

- how severe a risk is - the frequency and duration of exposure to a psychosocial hazard and possible consequences of continued exposure and whether existing control measures are effective
- how urgently you need to take action, and
- options for eliminating hazards or minimising the risk - including their effectiveness and availability.

Many hazards and their associated risks are well recognised and have well-known and accepted control measures. In these situations it may not be necessary to formally assess the risk if there are well-known and effective controls measures suitable to your circumstances.

If, after identifying a hazard, you already know the risk and how to control it effectively, you can implement the controls without undertaking a risk assessment. You can simply then check to confirm these have been effective.

A more thorough risk assessment should be done if exposure to psychosocial hazards could result in a psychological injury and there is uncertainty about the:

- potential severity of consequences
- ways hazards may interact to produce new or greater risks, or
- effectiveness of control measures.

The level of risk can be assessed by weighing up the presence of the psychosocial hazards and considering the potential of the hazard to lead to harm.

Workers and others may be exposed to more than one type of psychosocial hazard at any one time. Psychosocial hazards interact with each other so you should not consider these separately. For example, the combination of high job demands, low control, and low support increases the likelihood and severity of physical or psychological harm.

HOW TO ASSESS RISK FROM EXPOSURE TO PSYCHOSOCIAL HAZARDS

First identify who should participate in the risk assessment. For example your risk assessment might first focus on those parts of the organisation where psychosocial hazards have already been identified.
The most common methods used to assess risks are consulting with workers and their HSRs, using information from focus groups, interviews, and de-identified surveys and reviewing your organisation's records.

Important considerations when assessing the risk are:

- workers' views of the work-related psychosocial hazards and factors. An assessment based on observation or other data alone is unlikely to provide accurate results, sometimes it will be helpful to ask work groups or team about the most important issues
- the assessment should focus on known psychosocial hazards such as those listed on page 2 and those specific to your workplace, and
- using the most suitable risk assessment method. This will vary depending on the nature of the work, your organisation and workforce.

For some situations, advice from experienced WHS professionals may be useful to help do the risk assessment and communicate results to your workers and HSRs or unions.

HOW TO CONTROL RISKS

The hierarchy of controls

Under WHS laws, work-related hazards that present a risk to psychological health and safety must be eliminated so far as is reasonably practicable, or if that is not reasonably practicable, the risks must be minimised so far as is reasonably practicable.

Some control measures are more effective than others. Controls can be ranked from the highest level of protection and reliability to the lowest. This ranking is known as the hierarchy of control.

If your assessment has identified actual or potential harm from exposure to psychosocial hazards you can follow the hierarchy of controls to help you eliminate or minimise risks. You should match your risk control measures to the psychosocial hazards in the specific parts of your organisation you identified or assessed in steps 1 and 2 of the risk management process.

The Code of Practice: *How to Manage Work Health and Safety Risks* refers to the management of both physical and psychosocial hazards. The Code groups the hierarchy of controls into different types that can be applied when eliminating or minimising WHS risks. Other ways of considering a hierarchy of effective controls are discussed in the psychology, health promotion and public health literature on your jurisdiction's website or headsup (headsup.org.au).

WHS laws require you to eliminate risks so far as is reasonably practicable, and if it is not reasonably practicable to do so, to minimise those risks so far as is reasonably practicable.

Further information is available in the Guide: *How to determine what is reasonably practicable to meet a health and safety duty*.

ELIMINATING RISKS (HIGHEST LEVEL OF PROTECTION AND RELIABILITY)

Eliminating the risk means completely removing the psychosocial hazard and associated risks. This is the most effective control measure and you should always consider it before anything else.

Examples include:

- removing the risk of assault during a robbery by exclusively using remote payment methods
- eliminating excessive work demands by
  - setting achievable workloads and performance targets with your current staff numbers and skills mix, or
  - designing jobs to eliminate activities better undertaken by outsourced companies with well-developed processes for example delivery of products to customers.

It may not be reasonably practicable to eliminate the risk, for example if doing so means you cannot make your product or deliver your service. Where a risk cannot be eliminated you must minimise it so far as is reasonably practicable.

You may find it useful to consider the information in the *Principles of Good Work Design: A Work Health and Safety Handbook*. Good work design considers the work tasks, work systems, the physical working environment, and the workers and others in the workplace. Good work or job design may involve eliminating hazardous tasks or minimising their risks by substituting them with less hazardous tasks, using isolation or engineering controls.

Minimising risks

The hierarchy of control model was developed to address physical hazards. However it can be applied to psychosocial hazards.

Work design is used to minimise the risks by substituting the hazard, isolating the hazard from the person or putting in place engineering controls. This must be done so far as is reasonably practicable.
For psychological health and safety, substitution means substituting the hazardous ways of working with less hazardous alternatives, this is done by changing the design of the work or the system of work. Isolation and engineering controls may also be used to control physical and psychological risks.

Examples include designing work and work systems:

- allowing longer for difficult tasks to be completed safely, especially by inexperienced staff
- matching work allocation with appropriate staff for example ensuring sexual assault caseload allocations consider the case type, complexity, numbers of available staff and their skills and experience
- redesigning work systems to minimise confusion by clearly defining your workers' roles, reporting structures, tasks and performance standards
- providing workers with control over their work pace to allow them to take breaks to manage their fatigue instead of using machine pacing or automated work allocation
- increasing the level of practical support during peak workloads

- consulting your workers about how major organisational changes may affect them and listening to their views
- improving the work environment by
    - reducing the physical demands of the job by supplying appropriate manual handling equipment
    - installing sound dampening technology or enclosing machinery to isolate the worker from unpleasant or hazardous noise, or
    - increasing the lighting in darker areas or placing barriers between workers and customers to minimise the risk of assault, violence and other crime.

While you should use work design to minimise the risks so as far as reasonably practicable, where this is difficult to adequately do you should carefully consider ways you can provide more emotional and practical support or increase the level of job control the worker has over their tasks. By increasing support and or job control you can minimise the impact of other psychosocial hazards and bolster people's capacity to cope, they may then experience less stress.

Administrative risk controls

Only after applying substitution, isolation and engineering control measures to minimise risks so far as is reasonably practicable should you use administrative controls. They should always be used in conjunction with higher order controls.

They commonly include your organisation's policies and standard operating procedures. These outline for example your expected workplace behaviours and how you will manage unreasonable behaviour including by your supervisors, workers, clients or customers.

They may also include specific instructions on how to manage foreseeable serious risks and how to respond if an incident occurs, including providing assistance to your workers. This is very important where there is a higher likelihood of exposure to psychosocial hazards, for example emergency responders.

Administrative controls include:

- using job rotation for repetitive or highly demanding tasks, to reduce exposure time such as rotating workers who need to deal with aggressive clients
- having clear expectations about psychological health and safety in your organisation including on bullying and sexual harassment and that you check these are put into practice
- ensuring your workers have the right tools, information, training and supervision to do their job safely and well you have a workplace values and rewards system that supports collaboration and teamwork in your organisation
- you consult and train your workers to prepare for the introduction of new equipment, software or production techniques, and
- providing your supervisors with appropriate training in people and work management, and on the job support, and
- you train your workers and supervisors to recognise early warning signs of psychological injury

Your expectations about workplace behaviours can be outlined in policies and procedures of your value statements.

Personal protective equipment

Protecting the worker through personal protective equipment (PPE) is a last resort and must be used where there are physical risks likely to cause a stress response that cannot be reasonably minimised using higher order controls. Examples include providing:

- personal distress alarms
- outdoor workers with eye and face protection from the sun and glare
- police with body armour and face protection
- gloves, gowns, and face shields to protect child care workers, emergency workers, nurses and personal care workers from contact with body fluids, and
- high quality hearing protection or headphones to reduce stress reported from excessive or annoying background noise.

Combining risk controls

Workers may be exposed to multiple psychosocial hazards. Some of these may always be present while others only occasionally. You should also always consider how hazards interact.

In most cases, a combination of control measures will most effectively minimise the risk. For example, in customer service there may be work pressure, aggressive customers and supervisors who are not readily available to provide support. In this circumstance a combination of control measures could include:

- automating the service
- redesigning the work environment to introduce barriers between workers and clients
- job rotation to reduce exposure to distressed customers
- administrative procedures to prioritise customers showing signs of aggression, and
- training supervisor and workers to improve team communication
- providing training in de-escalation for aggressive customers, and
- reviewing difficult incidents to identify improvements to existing controls.

When implementing controls, you should always check you have not inadvertently introduced new hazards.

HOW TO REVIEW YOUR CONTROL MEASURES

You must maintain, monitor and review and then if necessary revise control measures for risks to psychological health and safety to make sure they remain effective. Reviews must occur:

- where a new hazard or risk is identified
- if a control measure is not adequately minimising the risk
- before a significant workplace change occurs for example a change to the work environment or systems of work
- where consultation indicates a review is necessary, or
- if a HSR requests a review.

Consultation with your workers and their representatives is required throughout the risk management cycle. This includes when you are reviewing control measures.

You can use the same method you used during the initial hazard identification and risk assessment process. Further guidance is in the Code of Practice: *How to Manage Work Health and Safety Risks.*

Note: Content for this module was sourced from the Guide titled Work-related psychological health and safety: A systematic approach to meeting your duties. For more information on the systematic approach, please consult this document.

ACTIVITY

ABC Legal specialises in family law and criminal law. Lawyers experience high workloads and exposure to trauma working on cases associated with domestic violence, child sexual abuse and other crimes.

ABC Legal had a high turnover of staff and low morale in the workplace and a culture where continuously high levels of stress and long work hours were accepted as part of the job and any sign of 'weakness' could cost a lawyer their job. Staff were exhausted.
Read case study and highlight two key psychosocial hazards being high workloads and exposure to trauma.

Working in your groups, identify the psychosocial hazards that may impact on the Lawyer's psychological health and safety.

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