

4 August 2023

Mr Mark Stone  
Chief Executive Officer  
Resources Safety and Health Queensland  
Email: [minershealth@rsha.gov.au](mailto:minershealth@rsha.gov.au)

Dear Mark

Thank you for the opportunity to comment on the *Clarifying obligations to manage psychosocial hazards in the Queensland resources industry* Discussion Paper on behalf of the members of the Queensland Resources Council (QRC).

The QRC is the peak representative organisation of the Queensland minerals and energy sector. The QRC and its member companies are committed to providing a physically and psychologically safe workplace for all workers and has taken proactive steps to provide an inclusive, safe and respectful environment in which to work. The QRC's *Respect in the Workplace* website to be launched later this year will provide a library of resources on psychosocial hazard management and addressing inappropriate behaviours.

#### **QRC response to Discussion Paper questions**

The QRC recognises that psychosocial hazards are not just issues for the resources sector, but all industry sectors and the broader community. **Culture** cannot be regulated. While legislation can set minimum standards, it will not directly result in cultural change or prevent the risk of inappropriate behaviour in the workplace; other behavioural change strategies are required.

With this in mind, the QRC supports **in principle**, the proposed option to clarify obligations to manage psychosocial hazards at work.

QRC appreciates RSHQ's early consultation with industry, however given the preliminary nature of the Discussion Paper and the evolving nature of psychosocial hazard management in resources sectors nationally and internationally, QRC requests further engagement and consultation with industry on the intent and drafting of the proposed option. This will ensure industry is able to provide detailed feedback on proposed changes.

Early concerns raised by QRC members included the wording of obligation and hazard definitions, as well as how compliance requirements and reporting obligations are defined. Further information is requested so that impacts can be assessed and detailed feedback provided.



QRC supports the development of a Recognised Standard or Guidance Note that principally aligns with Workplace Health and Safety Queensland's (WHSQ) *Code of Practice 2022 – Managing the risks of psychosocial hazards at work*. In doing so, account must be taken of the substantive differences between mining safety and workplace health and safety Acts. Education, training and awareness campaigns are also suggested as a means to support adoption and compliance.

Consultation question	Response
<p>1. Do you support the proposed option of clarifying obligations to manage psychosocial hazards?</p>	<p>The QRC generally supports the proposed option but requests further engagement and consultation on the intent and drafting of the proposed option to ensure industry can provide detailed feedback on proposed changes.</p> <p>QRC believes the proposed option would be ineffective and counterproductive if it is developed without detailed engagement and consultation with industry through each phase of development. It is essential that the consultation period is at least 12 weeks for each step to ensure a meaningful feedback process is achieved.</p>
<p>2. Which part of the proposed option do you support and why?</p>	<p>QRC members generally supports the intent to clarify obligations and align with <i>Work Health Safety Act 2011 (Qld)</i>.</p>
<p>3. Which part of the proposed option do you not support and why?</p>	<p>Further consultation with industry is required on the wording of proposed changes including obligations, definitions including 'health' and terms used to describe the level of risk (e.g. 'acceptable', 'reasonably practicable', 'reasonably achievable'). In particular what would realistically be achievable and compliant and could objectively be assessed by the regulator.</p> <p>Further clarification is required in relation to reporting by the obligation holder versus notification to RSHQ by the complainant or a third party.</p>
<p>4. If you do not support the proposed option, is there an alternate option which you do support?</p>	<p>Not applicable.</p>



<p>5. Within the proposed option, do you support clarifying reporting obligations for incidents relating to psychosocial hazards and psychological injuries?</p>	<p>QRC supports clarifying reporting obligations for incidents relating to psychosocial hazards and psychological injuries, if supported by clear and objective advice for understanding the purpose of reporting, reporting criteria threshold requirements, and where persons are impacted, privacy considerations of the complainant and the alleged offender.</p> <p>QRC notes implementing reporting obligations may be challenging in practice, offering the following insights and comments:</p> <ul style="list-style-type: none"> <li>• The mere presence of a psychosocial hazard at work does not mean that the hazard is not effectively controlled or that harm has resulted from exposure to the hazard.</li> <li>• The term psychological injury encompasses a broad spectrum of cognitive, emotional, and behavioural responses which may be individualised.</li> <li>• Reporting of such incidents to RSHQ, if not de-identified, may require the permission of the impacted worker.</li> <li>• Mandatory reporting requirements may deter individuals' from coming forward and reporting incidents, especially if data is not deidentified. Regulatory controls would be required to ensure individuals are not re-traumatized through reporting processes, inspector enquiries and investigations. This may also extend to the alleged perpetrator. Specialist support services for affected individuals should also be made available during and after the reporting process.</li> <li>• RSHQ may become aware of an incident through a complaint made by the complainant or a third party and notification by the obligation holder. Clarity for industry is required as to RSHQ's response to both the complaint and the notification (either of which may be substantiated or unsubstantiated at the time of reporting).</li> <li>• Similarly, the purpose of reporting psychosocial incidents to RSHQ is required (i.e. is it for the purposes of a compliance response/investigation, targeting systematic policy procedures or individualised compliance response, trend identification to inform reporting/education and compliance</li> </ul>
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	<p>campaigns, should only substantiated incidents be reported etc).</p> <ul style="list-style-type: none"> <li>Data on psychosocial incidents often lacks the necessary context to fully understand the underlying causes.</li> </ul>
<p>6. Do you have any other feedback or comments about the proposed option?</p>	<p>QRC offers the following comments:</p> <ul style="list-style-type: none"> <li>Noting that 'psychosocial hazards' has a broad definition, the Discussion Paper seems to focus on sexual harassment, referencing it multiple times. Clarification is sought on the purpose of the Discussion Paper and the proposed option; is it to address all psychosocial hazards or specifically incidences of sexual harassment.</li> <li>The <i>Code of Practice 2022 – Managing the risks of psychosocial hazards at work</i> includes a broad range of psychosocial hazards that people may encounter at work, for example discrimination. The Discussion Paper does not specifically address discrimination or list additional psychosocial hazards canvassed within the Code. It is unclear if RSHQ will take an iterative approach to providing guidance against selected psychosocial hazards and in doing so will ensure that any changes are consistent with Human Rights and supporting legislation.</li> <li>Guidance material is requested to support industry understanding of obligations and compliance. The preferred format is either a Recognised Standard or Guidance Note which is consistent with WHSQ's <i>Code of Practice 2022 – Managing the risks of psychosocial hazards at work</i> taking account of the of the substantive differences between mining safety and workplace health and safety Acts.</li> <li>Further information on the definition and assessment of compliance is requested, noting this is a specialised area requiring suitably qualified persons (e.g. organisational psychologists) to assess an operations effective management of risks, and offer recommendations for improvement. Any increase in levies to fund additional or an expanded inspectorate with the required skills to assess/evaluate industry in this area was opposed.</li> </ul>



	<ul style="list-style-type: none"><li>• Noting the preliminary nature of the Discussion Paper, QRC requests further detail on the proposed changes and continued engagement and consultation with industry on the drafting and intent of the legislative amendments, particularly regarding key definitions, proposed duties and obligations, reporting requirements and compliance.</li></ul>
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QRC appreciates the early consultation with industry on this matter, and we welcome further engagement with you. If you require any more information, please contact Aimee Bagewadi, Policy Advisor – Health, Safety and Community

[Redacted]

Yours sincerely



Ian Macfarlane  
Chief Executive  
Queensland Resources Council

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