



## Clarifying obligations to manage psychosocial hazards in the Queensland resources industry

Resources Safety and Health Queensland (RSHQ) is seeking stakeholder views on options to clarify obligations to manage psychosocial hazards in Queensland's resources industry.

Psychosocial hazards from the design or management of work, work environment, plant, or workplace interactions and behaviours can cause psychological harm to workers. These include hazards in the workplace such as:

- bullying
- harassment, including sexual harassment
- violence and aggression
- exposure to traumatic events
- high and/or low job demands
- remote or isolated work.

Frequent, prolonged or severe exposures to these hazards can lead to physical and psychological harms including but not limited to:

- depression
- anxiety
- post-traumatic stress disorder
- suicide
- cardiovascular disorders
- musculoskeletal disorders.

### Other jurisdictions

In 2022, Safe Work Australia published [model work health and safety \(WHS\) laws](#) and a [model code of practice](#) for managing psychosocial hazards, including sexual harassment at work.

Subsequently, WHS legislation in most Australian jurisdictions have been amended to clarify

requirements relating to management of psychosocial hazards in alignment with the model WHS laws. These have provided clarity on definitions associated with psychosocial hazards and the requirements to manage relevant risks.

Queensland's WHS legislation, the [Work Health and Safety Act 2011](#), which applies to general workplaces, contains a definition for health which includes psychological health and associated regulation-making powers. Changes to the *Work Health and Safety Regulation 2011* that commenced on 1 April 2023, requires the identification of psychosocial hazards and management of psychosocial risks using the hierarchy of controls. These changes are supported by Workplace Health and Safety Queensland's [Code of Practice for Managing the risk of psychosocial hazards at work](#).

Changes in Victoria are being considered to the reporting of psychosocial complaints and incidents, with [draft occupational health and safety regulation amendments](#) proposing mandatory bi-annual reporting of specified psychosocial complaints involving aggression or violence, bullying or sexual harassment.

In addition, Western Australia's (WA) parliamentary inquiry report '[Enough is Enough](#)', tabled on 23 June 2022, found sexual harassment of women in WA's mining industry is a significant issue and recommended legislative changes to clearly define sexual harassment. This was further supported by PwC's report '[Regulatory Capability Review of WorkSafe Mines Safety](#)' released in November 2022

which recommended legislative amendments to provide clarity on definitions and reporting.

## **Queensland resources safety and health legislation**

Under Queensland's resources safety and health legislation consisting of the [Coal Mining Safety and Health Act 1999](#), [Mining and Quarrying Safety and Health Act 1999](#), and [Petroleum and Gas \(Production and Safety\) Act 2004](#), and their respective regulations, operators have a general duty to protect the safety and health of persons at their site, as well as persons who may be affected by their operations and/or operating plant.

However, unlike other jurisdictions, there is no other clarifying mechanisms that address the management of psychosocial hazards.

### **Proposed option**

Amendments to Queensland's resources safety and health legislation are proposed, to clarify operators' obligations to protect workers from safety and health risks arising from operations/operating plant also extend to related physical and psychological health risks from psychosocial hazards.

Potential changes would provide clarity and align with Queensland's general work health and safety laws and those in other Australian jurisdictions, which address management of risks arising from psychosocial hazards.

This would provide obligation holders with requirements that are clear and consistent across jurisdictions and facilitate better health outcomes for resource sector workers.

This would include amending Queensland's resources safety and health acts to:

- ensure health is defined as including both physical and psychological health

- provide a regulation-making power to further define how to manage psychosocial risks arising from psychosocial hazards and respond to complaints or incidents.

Proposed amendments to Queensland's resources safety and health regulations would clarify requirements for operators to manage psychosocial risks arising from psychosocial hazards including:

- provide clearer definitions in the context of psychological health, psychosocial hazards and psychosocial risks
- clarify the resources industry's duty to appropriately manage the risk of psychosocial hazards including requirements to:
  - identify psychosocial hazards
  - implement control measures in accordance with the hierarchy of controls
  - when determining control measures for psychosocial hazards, consider duration, frequency and severity of exposure to psychosocial hazards and how psychosocial hazards may interact or combine to increase risk
  - maintain and review controls.
- clarify reporting obligations for incidents relating to psychosocial hazards and psychological injuries.

Changes are not proposed to the [Explosives Act 1999](#) as the relevant obligations in these workplaces are already covered under the [Work Health and Safety Act 2011](#) or respective resources safety and health legislation.

### **Alternative options**

#### Status quo (do nothing)

No change. This option continues the existing framework in its current form. This option is not recommended as clarity would not be provided and Queensland's resources safety and health legislation

will remain inconsistent with other WHS laws in Queensland and across Australia.

#### Non-regulatory option

Under this option, no regulatory reforms would be made. Guidance, in the form of a non-statutory guideline, may be considered. This option is not recommended as there is already significant guidance available on managing the risks of psychosocial hazards in the workplace, including Workplace Health and Safety Queensland's [\*Code of Practice for Managing the risk of psychosocial hazards at work\*](#). Furthermore, the most certain way to achieve the clarity required is to provide specific definitions within the legislation. This option would also leave Queensland's resources safety and health legislation inconsistent with other WHS laws in Queensland and across Australia.

#### **Stakeholder submissions**

RSHQ is seeking views from all Queensland resources sector stakeholders about these options.

In particular:

1. Do you support the proposed option of clarifying obligations to manage psychosocial hazards?
2. Which part of the proposed option do you support and why?
3. Which part of the proposed option do you not support and why?
4. If you do not support the proposed option, is there an alternate option which you do support?
5. Within the proposed option, do you support clarify reporting obligations for incidents relating to psychosocial hazards and psychological injuries?
6. Do you have any other feedback or comments about the proposed option?

Stakeholder submissions can be sent to [minershealth@rshq.qld.gov.au](mailto:minershealth@rshq.qld.gov.au) by 4 August 2023.

#### **Privacy**

RSHQ collects your personal information for the purpose of the consultation for which you are submitting your feedback or survey or consultation response.

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#### **Not government policy**

Please note that these proposals are not government policy and at this stage only stakeholder feedback is being sought for further consideration.

Any further consideration of amendments is a decision of the Queensland Government.

#### **Further information**

Email: [minershealth@rshq.qld.gov.au](mailto:minershealth@rshq.qld.gov.au)

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Not Government Policy

