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Resources Safety and Health Queensland (RSHQ)
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SUBJECT: Managing Psychosocial Hazards in Queensland’s Resources Industry

Resources Safety and Health Queensland (RSHQ) is seeking feedback on options to clarify obligations to manage psychosocial hazards engaged primarily with the the Queensland resources industry which was extended to all sectors including mines, quarries, and petroleum and gas operations. As there is crossover of interests for our members we are providing feedback from an AfPA perspective.

The Australian Flexible Pavement Association (AfPA) is the peak body for the multi-billion-dollar flexible pavement industry in Australia. For over 50 years, AfPA has represented the flexible pavement industry to lead safety, sustainability, innovation, knowledge, and collaboration outcomes unified voice on the advancement of flexible pavement technology.

Our membership brings together a unique and diverse collective of industry, all state road authorities including Queensland Department of Transport and Main Roads (QTMR), and a number of Councils. AfPA represents our members and acts as a source of technical and reference information for both industry and governments nationally. We are proud to provide a range of services to our members including a wide suite of training courses, regular industry events and technical advice on a national and state basis.

The flexible pavement industry is responsible for the design, specification, manufacture, construction and maintenance of all forms of flexible pavement to provide a better-connected Australia now and into the future. AfPA works to deliver positive industry outcomes to:

- support our industry to be healthy, safe, innovative and sustainable
- build a solid understanding of our industry with key stakeholders

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- support the national harmonisation of best practice
- drive a culture of continuous improvement
- ensuring value for our members

Workplace health and safety is key to our values and a priority issue for AfPA and its members. We work closely with our industry members in identifying and better managing health and safety risks in our industry and collaborating with government bodies and other organisations in promoting good practices. The legislative and policy environment is a key part of this effort, and as such, our members have a keen interest in likely future developments in this area.

Feedback from received concerning consultation on managing psychosocial hazards in Queensland's resources industry has been incorporated into **Addendum A**. Comment focuses on key questions arising from the proposed options put forward in the discussion paper released by RSHQ.

To discuss further, I can be reached on [REDACTED] or [REDACTED]

Yours sincerely



Mark Piorkowski
Executive Director - QLD

Addendum A: AfPA QLD Submission to RSHQ Managing Psychosocial Hazards

The below submission has been written on behalf of AfPA QLD in conjunction with State and National Legislation, Regulations and Standards within Australia.

Do you support the proposed option of clarifying obligations to manage psychosocial hazards?

AfPA support the option of clarifying the obligations of employers to manage psychosocial hazards in the workplace as outlined in the *Work Health and Safety Act 2011 (WHS Act)*, the *Model Work Health and Safety Regulations 2011 (Cth)*, the *Code of Practice: Managing psychosocial hazards at work (Qld)*, the *National Standard for Psychological Health and Safety in the Workplace*, and the *International Standard ISO 4003:2021 Occupational health and safety management – Psychological health and safety at work – Guidelines for managing psychosocial risks*. This is an important step in protecting the health, safety and wellbeing of employees. Psychosocial hazards can have a significant impact on the mental and emotional health of employees, and they can also lead to physical health problems. By taking steps to clarify obligations, employers can help to create a safe and healthy workplace for all employees. AfPA agree that the clarification of obligations of employers should align with the above Legislation, Regulations and National Standards.

Which part of the proposed option do you support and why?

AfPA are supportive of the below elements within the proposed option:

The definition of health to include both physical and psychological health.

Health is a complex concept that encompasses both physical and psychological well-being. Physical health refers to the state of the body, while psychological health refers to the state of the mind. Both physical and psychological health are essential for overall well-being. There are a number of reasons why it is important to include both physical and psychological health in the definition of health. First, physical and psychological health are interconnected. For example, stress can have a negative impact on physical health, and poor physical health can lead to psychological problems. Second, both physical and psychological health are important for quality of life. People who have good physical and psychological health are more likely to be happy, productive, and engaged in life. Third, both physical and psychological health are important for economic productivity. People who are healthy are more likely to be able to work and contribute to the economy.

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

There are a number of benefits to regulating psychosocial risks in the workplace. These benefits include:

- Improved health and well-being of workers: Regulation can help to reduce the incidence of psychosocial hazards in the workplace, which can lead to improved health and well-being of workers.

- Reduced costs: Regulation can help to reduce the costs associated with psychosocial hazards, such as the cost of absenteeism, presenteeism, workers' compensation claims, and lost productivity.
- Increased productivity: Regulation can help to increase productivity by creating a more positive and productive work environment.

In addition to regulating psychosocial risks, it is also important to have a clear and effective process for responding to complaints or incidents of psychosocial hazards. This process should ensure that complaints are investigated promptly and fairly, and that appropriate action is taken to address the concerns of the complainant. An example of this is supported and outlined in the ***Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)*** which introduces a positive duty on employers and Persons Conducting a Business or Undertaking (PCBU). This Act outlines the requirement on employers and PCBU's to shift their focus to actively preventing workplace sex harassment and discrimination, rather than responding only after it occurs. The new positive duty imposes a legal obligation on employers and PCBUs to take proactive and meaningful action to prevent workplace sexual harassment, sex discrimination, sex-based harassment, conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex and victimisation from occurring in the workplace or in connection to work.

Which part of the proposed option do you not support and why?

AfPA is supportive of all proposed elements of the amendments to Queensland's resources safety and health legislation.

If you do not support the proposed option, is there an alternate option which you do support?

This question is not applicable to this submission.

Within the proposed option, do you support clarify reporting obligations for incidents relating to psychosocial hazards and psychological injuries?

AfPA support clarifying reporting obligations for incidents relating to psychosocial hazards and psychological injuries as a matter of importance. AfPA promote reporting incidents relating to psychosocial hazards and psychological injuries while maintaining privacy and confidentiality, in line with the ***Privacy Act 1988 (Cth)***.

AfPA propose that this is imposed as a 'positive duty' of employers and PCBU's. Positive duty was introduced in the ***Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)*** to eliminate:

- workplace sexual harassment, sex discrimination and sex-based harassment
- conduct that mount to subjecting a person to a hostile workplace environment on the ground of sex;
- and, certain acts of victimisation

Employers and PCBU's already have obligations under work health and safety legislation to "*ensure workers are not exposed to risks in the workplace and that this is reduced as far as is reasonably practicable*", however, **positive duty** addresses hazards and risks in the workplace in a more proactive manner, as

outlined by **Respect@Work 2022** (<https://www.respectatwork.gov.au/new-positive-duty-employers-prevent-workplace-sexual-harassment-sex-discrimination-and-victimisation>).

Positive duty shifts the focus from a reactive approach of responding after it occurs to a more proactive approach for employers and PCBU's to actively prevent psychosocial hazards and psychological injuries within the workplace.

Proactively preventing psychosocial hazards and psychological injuries in the workplace has a number of benefits. These benefits include:

Improved employee health and well-being

When workers are not exposed to psychosocial hazards, they are less likely to experience stress, anxiety, depression, and other mental health problems. This can lead to improved physical health, increased productivity, and a better overall quality of life.

Reduced workplace accidents and injuries

Psychosocial hazards can also increase the risk of workplace accidents and injuries. By proactively preventing psychosocial hazards, employers can help to create a safer workplace for all employees.

Improved employee morale and engagement

When employees feel valued and respected, they are more likely to be engaged in their work. This can lead to a more positive work environment and improved morale.

Do you have any other feedback or comments about the proposed option?

AfPA suggests that the responsibility of employers, employees and bystanders as it relates to psychosocial hazards and risks should be outlined clearly within the Resources Safety and Health Legislation, as is done in the **International Standard ISO 4003:2021 Occupational health and safety management – Psychological health and safety at work – Guidelines for managing psychosocial risks**.

The cost of preventing psychosocial hazards is relatively low compared to the cost of dealing with the consequences of these hazards. By proactively preventing psychosocial hazards, employers can save money, improve employee health and well-being, and create a more productive and positive work environment.

Clear and consistent requirements across jurisdiction will facilitate better health outcomes for resource sector workers.