



Legislative options to clarify obligations to manage psychosocial hazards in Queensland's resources industry.

The Mining & Energy Union Queensland District Branch ("MEU") is the principal union that represents the interests of those who work in the black coal mining industry including production, engineering, and other workers. The union covers workers across a number of roles and activities in all black coal mining sites across Queensland. In the coal mining industry, the MEU has a proud history of representing coal mine workers at all levels for over 115 years.

The MEU is happy to work with the Government regarding psychosocial hazards and harm. Time and time again our members have advised Industry Safety & Health Representatives and other union officials of traumatic events, poor support, remote or isolated work, poor physical environment including accommodation, violence and aggression, bullying, and harassment, and sexual harassment and assault.

Protecting workers from psychological harm - Mines and quarries

The MEU's preference is option one, which is clarifying that health includes both physical and psychological health. Concerningly, results from a survey conducted by the MEU, 80% of respondents claimed to have suffered from stress related illnesses as a result of circumstances at work but nearly 45% of those workers did not seek support for their illnesses. Results of this survey have been previously provided to Resources Safety and Health Queensland as apart of the MEU' first submission regarding psychosocial hazards and harm.

In the view of the MEU, this survey of members indicates that there is a real danger of coal mining employees being exposed to and being injured from psychosocial hazards



at the workplace on a regular basis but there is little to no awareness of these dangers on coal mining sites and nothing appears to have been done by employers to avoid employees from suffering from these injuries.

Legislative change will ensure industry has a clear understanding of the existing obligations to protect the physical and psychological health of workers.

Managing the risk of psychosocial hazards - Mines and quarries

The MEU's preference is option one, amending safety and health regulations being to include an explicit requirement of a safety and health management system to provide for the management of psychosocial risks. This would include a definition of psychosocial hazards and psychosocial risks, and a requirement to consult with workers. The requirement to consult with workers is amongst the MEU's highest priority in any amendments. Implementation of any amendments must consider the CMSHA fitness for work provisions and in particular s.42 (1)(b)(3) which currently look at impairment from physical or psychological injury and developed through consultation within a tripartite process. Therefore, the MEU proposes the following amendments to s.42:

Safety and health management system for personal fatigue and other physical and psychological impairment, and drugs

(1) A coal miner's safety and health management system must provide for controlling risks at the mine associated with the following:

(a) personal fatigue

(b) other physical or psychological impairment; Example of other physical or psychological impairment— an impairment caused by stress or illness

(c) the improper use of drugs



(2) The system must provide for the following about personal fatigue for persons at the mine—

- (a) an education program.*
- (b) an employee assistance program.*
- (c) the maximum number of hours for a working shift.*
- (d) the number and length of rest breaks in a shift.*
- (e) the maximum number of hours to be worked in a week or roster cycle.*

(3) The system must provide for protocols for other physical and psychological impairment for persons at the mine.

Sexual harassment

Given the serious and complex nature of sexual harassment and assault, the MEU's preference would be the previously published *Guide to managing risks of workplace sexual harassment in the Queensland resources industry* becoming Recognised Standard, to ensure industry has a clear understanding of their obligations. Without clarification of obligations, there may not be as effective management of risks to psychological and other health risks resulting in costs to respond to victims of sexual harassment and assault and related health impacts.

Psychosocial risk controls

The MEU's preference is option three, amendments to include the hierarchy of controls for managing psychosocial risks assist in achieving more effective risk management. The MEU is supportive of a structured, highly protective framework for Queensland resources obligation holders to follow to ensure psychosocial risks are effectively controlled, which will ensure workers are provided with a strong level of protection.



Psychosocial harm and hazards cannot be merely addressed through administrative controls, which has predominantly been the course of action for many sites. Psychosocial harm and hazards are universal, experienced by all workers, and location of site should not determine the treatment of workers.

Reporting obligations

The MEU's preference is both option one, update reporting obligations guidance material to inform Queensland's resources industry on psychosocial reporting requirements and option three, amending Queensland's mining and P&G legislation to require periodical (6-monthly) de-identified reporting of incidents and reports of exposure to traumatic events, bullying and harassment (incl. sexual harassment).

The MEU has previously had to write to Senior Site Executives to remind them of their reporting obligations under legislation. It is clear that both more guidance and clear transparency is required of industry to ensure they are accurately reporting incidents of any nature on site.

The MEU does not support removing the requirement to provide names of witnesses or persons present to Industry Safety and Health Representatives for high potential incidents involving psychosocial hazards. More often than not, these workers seek out their representatives, not their workplaces, to assist them in these matters. Industry Safety and Health Representatives treat these matters with the utmost confidentiality and respect.

Other issues of note

The MEU has a further concern about the approach of companies generally (based on our experience in these matters) in circumstances where a worker may have been



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exposed to, and/ or suffered an injury from, a psychosocial hazard or risk. In the MEU's experience, companies will stand the worker down or "aside" while they investigate whether the injury is caused by something in the workplace. At times, this can also coincide with a Workcover claim made by the worker. This process in itself can take a significant period of time and can also expose the worker to another psychosocial hazard or risk.

Whilst it is understandable that some of these scenarios will play out on a case-by-case basis, the MEU believes that more work on timelines that could be enforceable should be considered to try and address this concern. This topic is mentioned in the paper for consultation where it recognised in the executive summary that poor support, and/ or prolonged exposure to psychosocial hazards such as depression and anxiety can further impact those involved. It is further recognised in Section 3.4 of the paper which acknowledges the ongoing impacts of these injuries.

It is important to bring this matter to attention as the MEU do not see that this matter is addressed in the proposed paper. The MEU is both happy and prepared to work with the relevant stakeholders to consider this matter further.

Regards

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