Think forward

NT Worksafe – Public Comments on the draft Code of Practice on Managing Psychosocial Hazards at Work

18 December 2023

Acknowledgement of Aboriginal and Torres Strait Islander Peoples

We acknowledge the Aboriginal and Torres Strait Islander peoples as the Traditional Owners of Australia and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work, and we acknowledge that the sovereignties of these lands and waters were never ceded. We pay our respects to Traditional Owners' Elders past and present, and commit to supporting them and Aboriginal and Torres Strait Islander emerging leaders to create more equitable, healthy, and safe workplaces for all Australians, particularly for the most disadvantaged Australians.

About us

The Australian Institute of Health and Safety (AIHS) is the national association for people who work in generalist health and safety roles, including practitioners and professionals. The AIHS directly represents more than 4,000 work health and safety (WHS) practitioners and professionals working nationally. We advocate for the more than 20,000 people who work in WHS across Australia.

In July 2019 our name changed from the Safety Institute of Australia to emphasise the importance of occupational health as well as safety. For 75 years we have worked towards our vision of "safe and healthy people in productive workplaces and communities".

Our voice as a profession and association of WHS experts is often distinct from those of government, employers, and workers. Our focus is on the science-, evidence-, and risk-based practice of WHS, to create safer and healthier workplaces.

For more information see www.aihs.org.au.

AIHS Summary Position

We note and applaud your jurisdiction's adoption of the model amendments, the Work Health and Safety (National Uniform Legislation) Regulations (2011), to include the requirement to use the hierarchy of control measures in the management of psychosocial hazards.

We strongly support your proposal to amend the model Code of practice on managing psychosocial hazards at work (the Code) so that the Northern Territory version includes for example:
- using the hierarchy of control measures when identifying and selecting control measures,
- additional practical examples of hazards and controls, and
- reflecting the recent increased duties around incident notification.

Your proposed amendments have included improvements to the model Code which also reflect some important NT-specific contextual factors.

The rationale for our position

Psychosocial risks to varying degrees occur in every Northern Territory workplace no matter the size of the organisation. There have been increased primary and secondary workers' compensation claims within the NT public sector workplaces that have known high psychosocial risk (e.g. emergency, health and education services).

The awareness of the link between psychosocial hazards and risks at work in the Australian community is now higher than it has ever been. The release of the NT Code and associated compliance support campaigns should further increase duty holder awareness and capabilities.

The release of the NT code of practice on managing psychosocial risks at work will provide greater clarity to duty holders including PCBUs, Officers and workers, and provides WHS professionals and practitioners with practical steps to comply with the duties to manage these serious risks.

The adoption of this Code will bring the Northern Territory in line with most other jurisdictions.

Many NT duty holders operate across borders and consistency across jurisdictions in expectations and management approaches will reduce the regulatory burden for employers and simplify compliance activities and enforcement approaches by regulators.

Specific variations from the model Code of Practice

Our comments are directed as proposed variations from the model code of practice.

Section introduction

You briefly note that effective management of psychosocial hazards can also help to reduce the risk of injuries and improve performance and productivity. In future awareness-raising activities, we recommend communicating that most hazards interact, and that control measures for one can have multiple benefits. It would be useful to include more information on these interactions and benefits, such as reduced errors and less damage to equipment. It is also important to emphasise that increasing awareness and prevention of vicarious trauma not only benefits workers but also their family and friends.

Section 1.3. Consultation, cooperation and coordination

We note and support your explicit reference to the need to consult all affected workers, particularly those with vulnerabilities. While you include all three terms in this section, the first section of the text only refers to 'consultations with workers'. We recommend you include a sentence on the need for those *within* a workplace to:

- coordinate their activities (which should reduce some types of psychosocial hazards, e.g. arising from lack of information, poor scheduling etc.) and

- cooperate with and across other teams (which should reduce job demands, increase role clarity, intra and cross-team support).

While these examples are not in the model Code, we believe they would be useful additions.

Section 2.2. How to identify psychosocial hazards

Consult your workers
The inclusion of additional explanations on how a worker may describe exposure to psychosocial hazards is very useful and an improvement on the model Code. For example, 'gender-based harassment' makes it clear that it equally applies to all genders, and 'coerced to work beyond their capacity' and 'upset or angry or critical that information, training or resourcing is inadequate' are both very common concerns from the People at Work (PAW) data set (see more at https://www.peopleatwork.gov.au/).

Review available information

We note the large number of NT workers who are from non-English speaking countries and who identify as or from Aboriginal and Torres Strait Islander communities.[1] The AIHS therefore applauds your inclusion of 'cultural advisers' who can ensure 1) these workers' views are heard, 2) culturally appropriate consultation is undertaken, and 3) help ensure WHS training and information including on psychosocial matters is appropriate.

Section 3. Assess the risk

People at Work Risk Assessment survey

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[1] ABS 2021 Census

We support the inclusion of a link and information about the PAW risk assessment survey. This free Australian-validated national online survey tool also has evidence-based practical resources. While duty holders can use other tools, cost can be a significant barrier for NT organisations, so including a link to a free evidence-based non-commercial tool is helpful. As the PAW survey and tools are funded by the regulators (including by NT Worksafe), duty holders should be confident that NT Worksafe inspectors will be familiar with it.

PAW now has close to 100,000 respondents; this easily makes it the largest tool of its kind in Australia and probably internationally. This means duty holders can be confident about PAW's reliability and validity.

Section 4. Control the risk and Appendix A

Inclusion of the hierarchy of control (HoC)

We support the inclusion of the HoC. There are considerable benefits to ensuring the message to duty holders is consistent - that the underlying process for controlling WHS risks is the same for both physical and psychological hazards.

Most duty holders should be aware of the HoC, and explaining how it applies to psychosocial risks as you have done is both helpful and clear.

This should also help duty holders to remove some of the complexity of psychosocial risks, as they should already have a greater understanding of how to apply the HoC to physical risks. Through consultation with workers and hazard identification processes, they should be able to identify the critical risks and control options to be implemented.

We support the proposed amendment to the Code to explicitly note the requirement to use the HoC both when identifying and selecting control measures. Importantly it should help to highlight that relying on lower-order controls such as training is not enough.

We note and support the amendments you have included in Appendix A on psychosocial hazards and controls examples (e.g. calling out high mental or cognitive demands, emotional work demands, low job control such as insecure work arrangements, frequent changes of supervisors and colleagues, building cross-cultural awareness, exposure to natural disasters, and gender-based harassment). We believe these are useful and topical examples.

Section 7.2. Notifiable incidents

The amendments to this section makes it clear there is a duty to notify the regulator of serious psychological injury or illness. Worksafe NT will need to ensure supporting guidance to explain the new requirements under the WHS Act.

Should you wish to discuss any of the sources behind our statements of clarifications of our positions please contact Mr Willian Newell Chair AIHS NT Branch (william.newell@nt.gov.au) or Dr Peta Miller from the AIHS Policy and Advocacy committee (peta.miller.au@gmail.com).