WHS psychosocial obligations at work

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Overview

• Background
• Psychosocial hazards at work
• Risk management for psychosocial issues
• Occupational stress risk factors
• Workplace harassment
• Summary
Background

• The *Workplace Health and Safety Act 1995* places obligations on persons for ensuring workplace health and safety at work. Section 28 of the Act requires obligation holders to manage the risks to health and safety from work and work activities.

• WHSQ considers psychological hazards in the workplace to be an OHS issue because they can create physical or psychological risks to a person’s health and safety.

• *Therefore obligation holders are legally obliged to manage and minimise these risks.*
Psychosocial hazards at work

1. Occupational stress
   - stress related negative health outcomes may arise from exposure to eight psychosocial risk factors:
     - demands
     - control
     - support
     - roles
     - relationships
     - change
     - organisational justice climate
     - recognition and reward.
Psychosocial hazards cont.

2. Workplace harassment
   • customers, clients and between workers
   • arises from poorly managed conflict at work

3. Workplace aggression
   • customers, clients and between workers

4. Poor safety behaviours
   • poor safety culture
   • poor risk perception
   • lack of incentives or consequences
Psychosocial hazards cont.

5. Cognitive issues in behaviour and design
   • task/equipment design
   • distractions and cognitive workload

6. Fatigue
   • hours of work
   • shiftwork
   • monotony
   • psychological and physiological demands
Psychosocial risk management

**Identify**

**Psychosocial hazards:**
- high demand
- low control
- poor support
- role clarity
- poorly managed change
- poorly managed relationships
- recognition/reward systems
- poor justice climate
- fatigue
- poor safety behaviours
- cognitive issues (behaviours and design).

**How?**
- understand worker complaints and grievances
- observe staff interactions
- involve staff (feedback)
- one on one discussions
- monitor data trends

**Assess**

**Impact of hazards:**
- productivity
- rates of absenteeism
- turnover/exit interviews
- staff engagement/morale
- customer feedback
- peak demands.

**How?**
- worker surveys
- stress audit
- analyse incident reports
- focus groups

**Control**

**Take action:**
- alter problem risk factors (reduce demand, increase control, increase support etc)

**How?**
- set HR policy/procedures
- improve supervisor skills
- plan workloads to meet customer demand
- clear performance goals, accountability/role clarity
- provide assistance (e.g. .E.A.S.)
- effective early rehabilitation, remove/minimise causes
- employee/mgr training
- communicate policy and availability of assistance
- check worker understanding and implementation of changes.
Occupational stress risk factors

Demands
Physical, cognitive and emotional demands (e.g. workloads high mental tasks, work patterns and the work environment.)

Control
How much control a person has over the way they do their work.
Occupational stress risk factors cont.

Support
Includes encouragement, sponsorship and resources provided by the organisation, line management and colleagues.

Relationships
Promoting positive working relationships to manage conflict and unacceptable behaviour.
Occupational stress risk factors cont.

Roles
A person’s understanding of their role within the organisation and whether the organisation ensures that they do not have conflicting roles.

Change
How organisational change (large or small) is managed and communicated in the organisation.
Occupational stress risk factors cont.

Justice climate
Refers to perceptions of fairness about work procedures and how they are enacted. Includes procedural fairness (unbiased, consistent, accurate, open to appeal) and relational fairness (dignity and respect during a process).

Recognition and reward
Stress may arise when a person perceives that their contribution to the organisation and achievements are not recognised or rewarded commensurately.
Interaction between risk factors

• Work related factors that are usually associated with high stress and harassment include:
  – high work demands
  – low control over work
  – low supervisor support
  – low peer support
  – poor relationships at work.

• The association with stress is strongest with high work demands and poor relationships at work.

• Some risk factors can provide a buffering effect (e.g. support).
Mental stress

• A person's response to a situation in which they perceive themselves to be at risk of not coping, when success in coping is important to them and failure represents a threat.

• The term ‘stress’ is not used in some regulatory authorities.
Mental stress cont.

• Can be a term for a number of mental illnesses or alternatively, can refer to a general feeling of distress.

• Workplace harassment may result in mental stress.
Possible effects from exposure to occupational stress risk factors:

- general low level distress and physical effects
- mental illness (depression, anxiety disorders)
- physical illness/injury (compromised immunity, cardiovascular disease, musculoskeletal disorders)
- negative work-related outcomes (loss of productivity, absenteeism, turnover, legal costs).
Prevention of Workplace Harassment Advisory Standard 2004

The advisory standard includes:

1. a definition for workplace harassment

2. an outline of the workplace health and safety obligations of workers, employers and the public

3. guidance on how these obligations can be met.
What is “workplace harassment”?

1. A person is subjected to “workplace harassment” if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person’s employer or a co-worker or group of co-workers of the person that:

   - is unwelcome and unsolicited
   - the person considers to be offensive, intimidating, humiliating or threatening
   - a reasonable person would consider to be offensive, humiliating, intimidating or threatening.
What is “workplace harassment” cont.

2. “Workplace harassment” does not include reasonable management action taken in a reasonable way by the person’s employer in connection with the person’s employment.

3. In this section - “sexual harassment” see the Anti-Discrimination Act 1991, section 119.
Examples of what workplace harassment is NOT

Reasonable management actions include:

- performance management processes
- actions taken to transfer or retrench a worker
- a decision not to provide a promotion in connection with the worker’s employment
- see Section 1.4.2 of advisory standard.
Workplace harassment control measures

Strategies aimed at preventing or controlling workplace harassment include:

1. workplace harassment prevention policy
2. accessible complaint handling system
3. review of human resource systems
4. training and education.

WHSQ enforcement activities focus on these elements.
Other agencies

- Industrial Relations Commission (State and Federal)
- WorkCover Queensland or self-insurer
- Anti-Discrimination Commission (Qld)
- Human Rights Commission (Federal)
- Office of Public Service Commissioner (OPSC)
- Queensland Police Service
- Training services in DETA
Role of WHSQ in workplace harassment complaints

• To provide guidance and advice in preventing and minimising risks to health and safety from psychosocial issues including harassment.

• In some cases, to make enquiries regarding whether obligation holders are preventing or minimising risks associated with workplace harassment. *This does not constitute confirming whether harassment occurred.*

• To take actions in line with WHSQ Enforcement Framework.
Role of WHSQ cont.

• Inquiries done sensitively but not anonymously.

• WHSQ’s response will depend on what the client is seeking:
  – general information
  – compensation or financial outcome
  – advocacy
  – mediation/conciliation
  – counselling
  – complaint investigation or enforcement action.
Role of WHSQ is **not** to:

- resolve the problem - ultimate responsibility for resolution rests with workplace parties
- mediate or conciliate between the parties involved
- try to validate whether harassment occurred
- provide counselling or victim support
Role of WHSQ is **not** to:

- reprimand any parties
- vindicate feelings of being wronged
- provide any services in relation to obtaining an apology, remuneration/compensation or reinstatement.
Protection for speaking up

- As a workplace health and safety officer, workplace health and safety representative or worker, you may have a concern about a workplace health and safety issue at your workplace.

- The *Workplace Health and Safety Act 1995* encourages you to speak up, protecting you from victimisation.

- Amendments to the Act in 2003 particularly protect:
  - workplace health and safety officers;
  - workplace health and safety representatives; and
  - members of workplace health and safety committees.

- By law, an employer cannot dismiss or victimise you for:
  - making a complaint about an issue concerning exposure to a risk of illness of injury; or
  - contacting or helping a workplace health and safety inspector.

- Refer to Section 174 of the *Workplace Health and Safety Act 1995*
Current WHSQ activities related to workplace harassment

• developing an on-line workplace harassment information tool

• on-going inspector training for workplace harassment investigations

• development of information products

• presentations to range of industry stakeholders
WHSQ enforcement framework

• Transparent approach to investigation

• Psychosocial notifications for work-caused mental illnesses

• Complaints received through the Infoline screening process

• Further information is available on WHSQ web site www.deir.qld.gov.au
Summary

• WHSQ continues to act on complaints for harassment under its general powers.

• WHSQ generally has an advisory role to assist employers and others to manage risks associated with psychosocial issues.