Draft code of practice

Psychosocial hazards at work for fly-in fly-out (FIFO) workers in the resources and construction sectors

July 2024

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| **DRAFT FOR CONSULTATION** |

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Foreword

Details to be added following consultation.

The *Psychosocial hazards at work for fly-in fly-out (FIFO) workers in the resources and construction sectors: Code of practice* is an approved code of practice under section xx of the *Work Health and Safety Act 2020* (WHS Act).

An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the WHS Act and Work Health and Safety (General) Regulations 2022 (WHS General Regulations), Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations) and Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 (WHS PAGEO Regulations).

### Scope

### How to use this code of practice

This Code includes references to the legal requirements under the WHS legislation. These are included for convenience only and should not be relied on in place of the full text of the WHS Act, WHS General Regulations, WHS Mines Regulations or WHS PAGEO Regulations. The word ‘must’ indicates a legal requirement exists that must be complied with. The word ‘should’ indicates a recommended course of action, while ‘may’ is used to indicate an optional course of action.

### The development of this code of practice

Details to be added following consultation.

### Acknowledgement

This Code draws upon the *Managing the risk of psychosocial hazards at work: Code of practice* published by SafeWork NSW, State of New South Wales, and the *Managing the risk of psychosocial hazards at work: Code of practice* published by Workplace Health and Safety Queensland, State of Queensland.

The Department of Energy, Mines, Industry Regulation and Safety recognises the contributions received during public consultation and thanks respondents for their feedback. This feedback has been considered when finalising the structure and content of the Code.

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# 1. Introduction

## 1.1 Scope and application

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| **WHS General Regulations r. 289**Meaning of construction work**WHS Mines Regulations r. 5B**Meaning of mining operations**WHS PAGEO Regulations r. 5**Geothermal energy operations**WHS PAGEO Regulations r. 6**Petroleum operations |

This Code provides guidance on the application of a risk management process to avoid or minimise the harm from psychosocial hazards and risk factors. You should use this Code if you have functions or responsibilities to manage exposure to psychosocial hazards and risk factors in the resources and construction sectors, as far as reasonably practicable.

It applies to workplaces in Western Australia utilising fly-in fly-out (FIFO) drive-in drive-out and bus-in bus-out work arrangements and are covered by the following legislation:

* *Work Health and Safety Act 2020* (WHS Act)
* Work Health and Safety (General) Regulations 2022 (WHS General Regulations)
* Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations)
* Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 (WHS PAGEO Regulations).

For the purposes of this Code, the term FIFO is used to cover all work arrangements requiring travel to and from remote sites beyond daily commuting range.

The FIFO work arrangement is a method of employing people in remote areas that are beyond daily commuting range of their permanent place of residence. Workers are transported temporarily to the work site instead of being permanently relocated and are provided with accommodation for the duration of their roster. Those engaged in FIFO work arrangements work on a rotational basis, with rostered time at the workplace alternating with intervals of time at their permanent place of residence.

This Code applies to resource operations and non-resource construction workplaces that utilise FIFO work arrangements, which includes:

* mining, petroleum, and geothermal energy operations including:
* drilling
* exploration
* extraction
* processing
* construction
* transport
* production
* support services such as security, cleaners, catering and administration
* construction work not carried out at a mining, petroleum or geothermal energy operation.

## 1.2 What are psychosocial hazards?

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| **WHS Act s. 4**Meaning of health**WHS General Regulations r. 55A**Meaning of psychosocial hazard**WHS Mines Regulations r. 55A**Meaning of psychosocial hazard |

The WHS Act defines health as physical and psychological. Psychosocial hazards are hazards that may cause psychological harm and can arise from or relate to:

* the design or management of work
* the work environment
* plant at the workplace, or
* workplace interactions or behaviours.

Common psychosocial hazards include stress, fatigue, bullying, violence, aggression, harassment (e.g. sexual or racial harassment) and burnout, which can be harmful to the health of workers (Figure 1.1). Both short- and long-term exposure to psychosocial hazards may cause harm to a person. For example, while exposure to severe, short-lived (event-based) psychosocial hazards such as experiencing violence at work may result in harm to health (e.g. acute-stress disorder, post-traumatic stress disorder), it is important to recognise that workers can also experience harm to health (e.g. vicarious trauma, depression and anxiety disorders, sleep disorders, cardiovascular and musculoskeletal disorders, suicide) from repeated or cumulative exposure to psychosocial hazards. People may experience multiple psychological and physical symptoms of harm as a result of exposure.

In addition to adverse health outcomes for workers, exposure to psychosocial hazards and risk factors in the workplace can also affect performance and increase the risk of accidents or incidents.

Psychosocial hazards and the appropriate controls will vary for every workplace and sometimes between groups of workers depending on the:

* organisational context (e.g. type and size of the business, financial business pressures, organisational structure and culture, environmental conditions, supply chain, contracting arrangements)
* nature of the work (e.g. workload, roles and responsibilities, time constraints, production pressures, hazardous work and environment).



Figure 1.1 Diagram showing the influence of workplace conditions on workers’ health

## 1.4 Who is responsible for managing psychosocial hazards in the workplace?

Under the WHS Act, everyone in the workplace has a duty to manage hazards and risks to worker health and safety. The WHS Act defines health as both physical and psychological. Table 1 sets out those duties.

**Table 1. Duties in relation to managing hazards and risks in the workplace**

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| **Who**  | **Duties**  |
| Person conducting a business or undertaking(section 19) | A PCBU has the primary duty of care under the WHS Act to ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks arising from work carried out as part of the business or undertaking.Examples include mine operator, nominated petroleum or geothermal energy operations facility operator, company providing support services, principal contractor for a construction project.This duty includes, so far as is reasonably practicable:* providing and maintaining a work environment that is without risks to health and safety
* providing and maintaining safe systems of work
* monitoring the health and safety of workers and the conditions at the workplace to ensure that work-related illnesses and injuries are prevented
* providing appropriate information, instruction, training or supervision to workers and other people at the workplace to allow work to be carried out safely.

The PCBU also has a duty to maintain accommodation premises under their control or management so that the worker occupying the premises is not exposed to risks to health and safety. |
| Person with management or control of a business(section 20) | The person with management or control of a workplace means a PCBU to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace.The person with management or control of a workplace must ensure, so far is as reasonably practicable, that the workplace and anything arising from the workplace are without risks to the health and safety of any person. |
| Principal contractor(WHS General and WHS Mining Regulations regulation 293) | The principal contractor is the PCBU with management or control of the workplace.The principal contractor may be:* a PCBU who commissions a construction project
* another PCBU who is engaged and authorised to have management or control of the workplace (by the PCBU who commissions a construction project).

A construction project has only one principal contractor at any specific time. |
| Designers, manufacturers, importers, installers and suppliers of plant, substances, or structures(sections 21-26) | Designers, manufacturers, importers and suppliers of plant, structures or substances can influence the safety of these products before they are used in the workplace.These duty holders must ensure, so far as is reasonably practicable, these products are without risks to the health (including psychological health) and safety of workers or others who are at or near the workplace.Examples include taking reasonable steps to design workplaces (including worker accommodation) that reduce the risk of work-related violence and aggression or designing plant to ensure that the cognitive demands for operating it do not create a psychosocial risk. |
| WHS service providers(section 26A) | Any PCBU providing services relating to work health and safety, including those relating to psychosocial hazards, must, so far as is reasonably practicable, ensure the WHS services are provided so that any relevant use of them at, or in relation to, a workplace will not put the health and safety of people who are at the workplace at risk.Examples include an approved workplace rehabilitation provider, risk management specialist, auditors, engineers and technical specialists. |
| Officers(section 27) | Officers,such as company directors, must exercise due diligence to ensure the business or undertaking complies with the WHS Act and Regulations. This includes taking reasonable steps to ensure the business or undertaking has and uses appropriate resources and processes to eliminate or minimise psychosocial hazards.Examples include board members and chief financial officers. |
| Workers(section 28) | Workers, including employees, contractors, subcontractors, labour hire employees, outworkers, apprentices or volunteers, have a duty to:* take reasonable care for their own health and safety while at work
* take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
* comply, so far as the worker is reasonably able, with any reasonable instruction given by the PCBU
* cooperate with any reasonable policies and procedures of the PCBU, for example a workplace bullying policy.
 |
| Others(section 29) | Other people at a workplace, such as visitors and clients, have similar duties to those of a worker and must:* take reasonable care for their own health and safety while at work
* take reasonable care that their acts or omissions do not adversely affect the health and safety of workers or other people
* comply, so far as the person is reasonably able, with any reasonable instruction given by the PCBU.
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Duty holders need to be aware that they may have obligations under different sets of legislation.

For further information, refer to the interpretive guidelines:

* *The meaning of ‘person conducting a business or undertaking’ (PCBU)*
* *The health and safety duty of an officer*
* *Duty of persons conducting business or undertakings that provide services relating to work health and safety.*

## 1.5 Workplaces

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| **WHS Act s. 8**Meaning of workplace |

A workplace is any location where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. For FIFO workers, a workplace can include:

* accommodation
* construction sites, whether located within or outside of a resource operation
* exploration camps
* on-site aerodromes and charter flights
* ports
* work-related events such as training, conferences and social activities
* work vehicles and private vehicles used for work purposes
* crib rooms and other areas where workers gather
* onshore and offshore petroleum and geothermal energy operations within State coastal waters, including

vessels, aircraft, or other mobile structures

any waters and any installation on land, on the bed of any waters or floating on any waters. For example, commercial diving in water, monopods, wells, offshore installations, rigs, floating platforms.

Some workplaces, such as non-employer provided accommodation and ports, can have shared jurisdiction, requiring consultation and cooperation between duty holders.

## 1.6 Consultation

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| **WHS Act s. 46**Duty to consult with other duty holders**WHS Act s. 47**Duty to consult workers**WHS Act s. 48**Nature of consultation**WHS Act s. 49**When consultation is required |

The WHS Act requires PCBUs to consult and cooperate with health and safety representatives (if any) and workers about health and safety at the workplace, so far as is reasonably practicable.

The WHS Act also requires PCBUs to consult, cooperate and coordinate activities with all other people who have a duty in relation to the same matter, so far as is reasonably practicable.

For further information, refer to Section 3.2 and the *Work health and safety consultation, cooperation and coordination: Code of practice*.

## 1.7 Reporting to the regulator

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| **WHS Act s. 35**What is a notifiable incident**WHS Act s. 36**What is a serious injury or illness**WHS Act s. 37**What is a dangerous incident**WHS Act s. 38**Duty to notify of notifiable incidents**WHS Act s. 39**Duty to preserve incident site |

Sections 36 and 38 of the WHS Act provide that certain injuries and incidents must be reported to the regulator immediately after becoming aware of the incident. If a psychosocial hazard has caused injuries of a type specified in the WHS Act, then the incident is notifiable. For example, if the incident:

* requires the person to have immediate treatment as an in-patient in a hospital
* requires the person to have treatment by a medical practitioner within 48 hours of exposure to a substance
* occurs in a remote location and requires the person to be transferred urgently to a medical facility for treatment, or
* in the opinion of a medical practitioner (including a general practitioner), is likely to prevent the person from being able to perform their normal work for 10 days or more. This includes both lost time and restricted work injuries.

Section 36(1) of the WHS Act contains additional criteria for notifiable incidents.

Some psychosocial incidents, such as physical assault or the threat of physical harm of any form is a criminal act. If a suspected criminal act has been committed, the appropriate response is to contact the police. In certain violence and aggression situations, such as those regarding family and domestic violence, contacting the police without consultation with the affected individual can unintentionally put them at further risk. For clarity, if the person is in imminent danger, it would be appropriate to call the police without consultation.

Note: The WHS General Regulations do not specify any further reporting requirements for non-resources construction work.

For more information, refer to the *Violence and aggression at work* and the *Workplace behaviour* codes of practice and the *Incident notification: Interpretive guideline*.

### 1.7.1 Reporting requirements under the WHS Mines Regulations

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| **WHS Mines Regulations r. 5**Terms used**WHS Mines Regulations r. 675V**Duty to notify regulator of reportable incidents**WHS Mines Regulations r.675X**Duty to notify mine operator of incidents |

In addition to requirements to report notifiable incidents under sections 36 and 38 of the WHS Act, regulation 675V of the WHS Mines Regulations requires that the mine operator of a mine must notify the regulator as soon as possible after becoming aware of a reportable incident. A psychosocial incident is reportable if:

* it results in an illness or injury (either physical or psychosocial) that requires medical treatment
* there is a suicide or attempted suicide at a mine, or a place associated with a mine, including at worker accommodation, or
* the incident could have caused serious harm to a person.

Regulation 5 contains additional criteria for reportable incidents.

A PCBU at a mine that is not the mine operator must also ensure the mine operator is notified as soon as reasonably practicable of any notifiable incident that has been notified to the regulator, and after any reportable incident occurs.

### 1.7.2 Reporting requirements under the WHS PAGEO Regulations

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| **WHS PAGEO Regulations r. 99**Meaning of notifiable occurrence**WHS PAGEO Regulations r. 100**Duty to notify of notifiable occurrences |

Under the WHS PAGEO Regulations, regulation 100 requires operators to immediately notify the regulator after becoming aware that a notifiable occurrence arising out of the conduct of the operations at the facility has occurred.

If a psychosocial incident arising out of the conduct of operations at the facility meets the criteria of a notifiable occurrence as defined in regulation 99, the facility operator must notify the regulator immediately after becoming aware of the occurrence. This includes incidents that:

* did not cause, but could reasonably have been expected to cause:
* the death of, or serious personal injury to, a person, or
* a worker to be incapacitated from performing work for a period of 3 or more days
* a reasonable operator would consider requiring an immediate investigation.

An attempted suicide at petroleum and geothermal energy operations is likely to be notifiable when it causes serious injury, as defined in section 36 of the WHS Act or regulation 99 of the WHS PAGEO Regulations.

## 1.8 Safety management systems and psychosocial hazard management

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| **WHS General Regulations r. 309**Additional duties of principal contractor – WHS management plan: Preparation**WHS Mines Regulations r. 621**Duty to establish and implement mine safety management system**WHS Mines Regulations r. 622(1)(d)(v)**Content of mine safety management system**WHS Mines Regulations r. 675EA**Duty to prepare and implement health management plan**WHS PAGEO Regulations r. 27**Safety case required for an operation**WHS PAGEO Regulations r. 32**Operation description, formal safety assessment, safety management system and emergency response plan |

### 1.8.1 WHS management plan under the WHS General Regulations

The principal contractor for a construction project must prepare a written WHS management plan for the workplace before work on the construction project commences.

A WHS management plan for construction work is a documented plan to manage site health and safety. The contents of this plan must include the:

* names, positions and WHS responsibilities of all people with WHS roles connected to the project
* arrangements in place between PCBUs at the workplace for consultation, cooperation and the coordination of activities
* arrangements in place for managing WHS incidents
* site-specific health and safety rules, and describe how all people at the workplace will be informed of these rules
* how safe work method statements will be collected, assessed, monitored and reviewed.

The WHS management plan can include additional information, such as:

* methods for the identification of, and managing the impact from, psychosocial hazards
* provision of adequate facilities for workers
* provision of any information, instruction, training and supervision necessary to protect all workers from risks to their health and safety
* hazardous chemicals register and storage
* safe use and storage of plant
* site traffic management plans.

### 1.8.2 Mine safety management systems under the WHS Mines Regulations

The mine operator of a mine must establish and implement a mine safety management system for the mine.

The mine safety management system must include the processes for managing risks, including psychosocial risks, and a health management plan that will be used to control risks to health and safety associated with operations at the mine.

The health management plan identifies all health hazards that may have an adverse effect on the health of any worker or other person, including psychosocial hazards. This includes a description of the arrangements that are in place for all monitoring, assessment and regular inspection of the working environment at the mine. These arrangements can assist to ensure the psychosocial health of workers is not adversely affected because of the mining operations and provides details of controls the mine operator will implement to manage the associated risks.

The mine operator must also ensure a worker who has experienced adverse health effects from an exposure to a psychosocial hazard at the mine is removed from the hazard.

For further information, refer to the *Mine safety management system: Code of practice.*

### 1.8.3 Safety case under the WHS PAGEO Regulations

Petroleum or geothermal energy operations cannot be commenced unless a safety case in is force.

The safety case must contain a safety management system which includes processes and procedures that describe the systems in place to manage risks relating to work health and safety and to ensure the maintenance of a healthy and safe working environment at the facility. This includes maintaining systems for preventing and managing psychosocial hazards.

# 2 Leadership and workplace culture

## 2.1 Leadership

#### Leadership commitment

Leaders play a critical role in positively influencing workplace culture, management practices, and the experiences of their workforce. They must encourage and support effective consultation to eliminate and minimise psychosocial hazards and risks. Visible involvement by leaders, through encouragement and consultation with workers, emphasises the importance of mitigating psychosocial risks, and encourages workers to engage in positive workplace practices.

Leaders should ensure they understand the psychosocial hazards and risks at the workplace, and how they are being controlled.

Leaders should ensure the organisation has effective communication processes to maintain their awareness and understanding of psychosocial risks in the workplace, including how to raise and resolve health and safety concerns.

They should take proactive steps to ensure the business or undertaking has effective governance arrangements and resources to allow it to address psychosocial risks. Their commitment to preventing psychosocial risks should be demonstrated in the organisational priorities they set and the way they choose to measure the organisation’s success. They should ensure this commitment is effectively communicated across the organisation.

The PCBU’s safety management system should integrate the risk management approach across different work functions which have a responsibility or role in managing the risk of psychosocial hazards (e.g. workers’ compensation, employee relations, human resources, work health and safety).

#### Officer duties under WHS laws

Senior leaders who are officers under the WHS Act, such as company directors, have a duty to exercise due diligence to ensure the PCBU complies with its duties under the WHS legislation. For psychosocial risks, this means the officer must take reasonable steps to:

* acquire and keep up-to-date knowledge of work health and safety matters, including psychosocial risks
* gain an understanding of the nature of the operations of the business or undertaking of the PCBU and generally of the psychosocial risks associated with those operations
* ensure the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise psychosocial risks from work carried out by the business or undertaking
* ensure the PCBU has appropriate processes for receiving and considering information regarding psychosocial incidents and risks and responding in a timely way to that information
* ensure the PCBU has, and implements, processes for complying with any duty or obligation they have under the WHS Act and Regulations
* ensure the steps implemented by the PCBU to prevent and manage psychosocial hazards and risks are reviewed regularly to ensure effectiveness (and make modifications if required).

For information on officers and their duties see the *Interpretive Guideline:* *The health and safety duty of an officer.*

#### Consultation, cooperation and coordination with and between PCBUs

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| **WHS Act s. 46**Duty to consult with other duty holders |

A FIFO workplace typically has multiple PCBUs, therefore communication about the systems of work, including how work is managed organised and supported, is integral. PCBUs are often remote, and each PCBU may also have multiple levels of management from executive level to leading hands. This may mean that there is less visibility or representation of some PCBU management structures on site.

The PCBU with management and control of the workplace may interact with other PCBUs including:

* labour hire agencies that provide the agency with workers such as construction workers
* PCBUs that provide a service on an ongoing basis, including catering, security or cleaning
* PCBUs that provide workers on a one-off or ad-hoc basis, for example to provide fleet management, shutdown crew, maintenance or electrical workers.

The PCBU with management and control of the workplace must maintain communication with other PCBUs to ensure all parties are able to fulfil their duties under the WHS legislation and hazards in the workplace are managed effectively. The frequency and type of communication will depend on the nature of the work being done by the other PCBU and the associated risk.

All PCBUs at a workplace must ensure WHS issues, including psychosocial hazards, are raised, resolved and reported. Examples may include:

* coordinating and monitoring systems for hazard or incident reporting
* determining who will investigate inappropriate behaviours, and ensuring they have adequate resources and communicate with all parties involved
* determining who will report notifiable and reportable incidents and occurrences to the regulator and outline how incidents and subsequent actions taken because of the incident investigation will be communicated with other PCBUs and workers.

The PCBU with management and control of the workplace can demonstrate their commitment and due diligence by ensuring all PCBUs at the workplace:

* are aware of the safety management system requirements
* allocate sufficient resources
* consistently apply policy and strategy
* demonstrate consultation
* show their commitment to psychosocial health, such as through supportive statements
* maintain an up-to-date knowledge of psychosocial hazards and controls
* integrate safety into production values
* address hazard reports in a timely and consistent manner
* ensure that managers have adequate training in psychosocial hazards, including investigation of psychosocial hazards.

## 2.2 Management and supervision

Manager and supervisory support is a fundamental protective factor against harm to health from exposure to psychosocial hazards. Effective managers and supervisors can identify psychosocial hazards and risks in the work area and take appropriate action. Supervision is essential to check that work instructions and procedures are being followed and tasks are completed safely.

Together with leadership, effective supervision sets and maintains the standards of performance and physical and mental aspects of the work environment and is critical to achieving and maintaining the desired safety culture and overall safe system of work.

Managers and supervisors must have the knowledge and skills to support workers and manage psychosocial hazards and risk factors, positively influence workplace culture and address inappropriate behaviours and interactions. Managers can achieve this by:

* managing work demands to reduce workload hazards, for example by providing additional resources during peak times, or during a shut down
* providing support, consulting and communicating issues that may affect workers, including following an incident report
* providing workers opportunities to collaborate and build team relationships
* expressing clear expectations and standards of behaviour and consistent follow-up action for breaches
* providing clear job instructions and communicating with workers when work conditions and tasks change
* maintaining awareness, knowledge and skills to facilitate access to appropriate services and health management options such as recovery-at-work or return-to-work support
* providing adequate support and monitoring worker wellbeing following a traumatic incident to mitigate the risk of a secondary injury
* acknowledging, responding to, recording and escalating hazard reports in a timely manner, and coordinating or facilitating investigations where necessary.

## 2.3 Workplace culture

A workplace’s culture reflects the values, attitudes, perceptions, competencies and behaviours of the people working there. It reflects the organisation’s commitment to, and prioritisation of, health and safety as well as the effectiveness of the organisation’s safety management system.

Leadership has a strong role in influencing a workplace’s culture. Practical measures improving workplace culture can include:

* not displaying and actively removing inappropriate images in the workplace (e.g. inappropriate calendars or advertisements)
* ensuring the organisation’s performance management, recruitment and promotion practices place value on respectful behaviour and diversity
* taking reports of psychosocial hazards seriously and responding in a timely and supportive way
* ensuring social activities are inclusive and appropriate
* ensuring workplace policies reflect the culture you wish to establish and set a clear standard for appropriate behaviour
* communication and consultation with workers, facilitating transparency and identifying barriers to communication between workers and management
* actively increasing diverse representation among work groups.

Workplace culture may become a risk factor when inappropriate or unreasonable workplace behaviour is permitted or rewarded by managers and supervisors through a lack of consequences or tolerance of the behaviours. This can create a hostile work culture that may result in the socialisation of new or existing workers adopting the shared destructive norms and values, leading to a continued cycle of harmful behaviour.

Similarly, workplace culture may become a risk factor for inappropriate or unreasonable behaviour occurring if it involves an unjust and punitive culture where workers experience negative consequences for raising concerns and making mistakes.

Workplaces which use performance-based reward systems and generate competition between workers may be at higher risk of inappropriate and unreasonable workplace behaviour. While these offer many benefits, it is important that workplaces developing a reward system consider whether it will pose an increased risk of these behaviours occurring.

## 2.4 Characteristics of FIFO work arrangements and suicide

Studies suggest that the prevalence of mental health problems among FIFO workers are significantly higher than the national average. Stressful life events such as bereavement and relationship loss may interact with workplace psychosocial hazards and prolonged periods away from family and social supports to increase a worker’s vulnerability.

Suicide is a concern at FIFO work arrangements due to specific characteristics that are generally present within these work arrangements which can impact on mental health and in severe cases result in a suicide or attempted suicide.

Research has demonstrated the following specific characteristics of FIFO work arrangements are associated with impacts on mental health:

* roster design, length and compression
* commuting arrangements
* isolation
* high workload and low autonomy
* hotelling or non-permanent allocation of rooms in employer-provided accommodation
* limited opportunities for quality or meaningful social interactions at employer-provided accommodation
* job insecurity i.e. contractual arrangements.

Organisations and leaders should demonstrate genuine commitment to improving the mental health of their workforce. For example:

* develop an overarching and integrated mental health framework linked to all aspects of the organisation’s values, policies and procedures. This needs to be embedded in the workplace culture
* create supportive environments that enhance healthy attitudes and skills, and destigmatise mental health conditions
* engage, employ and train skilled specialists in workplace mental health and wellbeing who are equipped to implement a mental health framework
* mental health should be given the same status and resources as other aspects of work health and safety
* engage employees at all levels to contribute and share in the responsibility for mental health and wellbeing within the workplace and camp accommodation
* educate the workforce about mental health, how to recognise signs and symptoms of distress, and their role in contributing to a mentally healthy workplace
* raise awareness about the effect of alcohol and other drugs on mental health
* provide training and instruction for leaders to recognise, manage and support workers that display signs and symptoms of mental distress
* provide workers with information and support to access available support services.

Workers may present with symptoms of mental ill health, whether or not they are directly work-related. These can often interact with work-related difficulties, increasing the chance of psychosocial harm. Managing the psychosocial risks within the workplace is an important step towards minimising the impact these have on the worker and reducing the chance of a psychosocial injury.

This is particularly important in a FIFO work arrangement where there may be limited opportunities for relief from the stressors.

In addition to adverse health outcomes for workers, exposure to psychosocial hazards and risk factors in the workplace can affect performance and increase the risk of accidents or incidents.

# 3 Overview of risk management approach

To meet their duties to manage psychosocial hazards and risk factors in the workplace, the PCBU must eliminate or minimise psychosocial hazards and risks so far as is reasonably practicable.

## 3.1 Risk management process

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| **WHS Act s. 17**Management of risks**WHS Act s. 18**What is reasonably practicable in ensuring health and safety**WHS General Regulations r. 35**Managing risks to health and safety**WHS Mines Regulations r. 35**Managing risks to health and safety**WHS General Regulations r. 55C**Managing psychosocial risks**WHS Mines Regulations r. 55C**Managing psychosocial risks**WHS PAGEO Regulations r. 109**Managing risks to health and safety |

PCBUs must use a risk management approach to manage psychosocial hazards and risks. This process is detailed in the *How to manage work health and safety risks: Code of practice* and enables the PCBU to identify and address causal factors and systemic issues that may exist in the work environment.

Figure 3.1 Risk management process (adapted from Safe Work Australia).

Figure 3.1 illustrates the risk management approach for psychosocial hazards and risk factors as a continual process comprised of four steps:

1. identify hazards and risk factors
2. assess risks
3. control risks
4. maintain and review effectiveness of controls.

These steps must be supported by leadership commitment and supportive, capable management and supervision, as well as clear and accessible policies and procedures, and training and education. Communication and consultation with workers, health and safety representatives and other duty holders is essential at all stages.

When starting the process, it is important to identify:

* who will take part (e.g. management, supervisors and leading hands, workers, health and safety representatives, subject matter experts)
* workplace data that will inform the assessment (e.g. incident and hazard reports, complaints, workers’ compensation claims, absenteeism rates, staff turnover, survey results, workload and task assessments, focus groups, consultation with workers including health and safety representatives) and how confidentiality will be maintained
* legislative requirements, and what the workplace is already doing to meet those requirements (e.g. initiatives targeted at improving workplace culture and behaviour, redesign of jobs to incorporate principles of good work design, policies, procedures, training)
* relevant sources of information (e.g. consult codes of practice and other guidance, access online resources, engage subject matter experts, review relevant published literature)
* how hazards and risk factors will be considered and recorded (e.g. in the site or project’s hazard or risk register)
* how and when the hazard and risk assessments will be reviewed and updated including when changes are made at the workplace.

## 3.2 Communication and consultation

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| **WHS Act s. 47**Duty to consult workers**WHS General Regulations r. 38**Review of control measures**WHS Mines Regulations r. 38**Review of control measures**WHS PAGEO Regulations r. 38**Involvement of workers |

At each step of the risk management process PCBUs and other duty holders must consult workers and health and safety representatives who are, or are likely to be, directly affected by a work health and safety matter. Effective communication requires consistent and authentic engagement, action and feedback from management to address workforce concerns. This means sharing information with workers and giving them a reasonable opportunity to express their views on health and safety matters affecting them.

By drawing on workers’ experience, knowledge and ideas, it is more likely psychosocial hazards and risk factors will be identified and effective controls selected. Worker participation throughout the process can lead to increased support and understanding when strategies are implemented.

Examples of strategies to encourage communication and reporting include:

* visible and accessible leadership engagement with workers
* reporting of psychosocial incidents and near misses, being responsive to worker reports and maintaining confidentiality
* actively encouraging workers to provide feedback
* consulting workers about workplace updates and changes, and reviewing the effectiveness of control measures
* developing work procedures and instructions in consultation with workers who perform the task
* proactively engaging and consulting with health and safety representatives in sharing information and ideas
* implementing a system to identify and check on absent workers
* having a standing agenda or discussion item on psychosocial hazards at health and safety committee meetings, team meetings and toolbox meetings
* providing regular updates to the workforce (e.g. email broadcasts, newsletters)
* surveys and other feedback mechanisms that invite suggestions from workers.

#### Factors that may put some workers at higher risk

When applying a risk-based approach to psychosocial hazards, it is important to consider that some individual characteristics are associated with an increased risk of exposure to psychosocial hazards or harm resulting from exposure. Representation of characteristics varies across industries, organisations, workplaces and the work groups within them. Generally, workers who are members of marginalised groups or possess attributes that are under-represented within a workplace may be at increased risk. For example, workers with:

* limited experience in the workplace (e.g. young workers)
* barriers to understanding safety information (e.g. literacy or language)
* perceived barriers to raising safety issues (e.g. power imbalance or stigma), or
* previous exposure to a hazard.

Workers with such attributes are not inherently at risk. Instead, it is external factors such as attitudes towards these attributes which increase risk; many of which may be controlled or influenced by the PCBU. For example, inexperienced workers may not identify harmful behaviours or have the confidence to report them. This could be addressed by providing more detailed induction training and greater support and supervision until they gain experience and understand these hazards.

The PCBU must consult with workers to effectively identify factors that contribute to the level of risk and appropriate actions to address them. It is important to include workers from these under-represented groups in the consultation.

## 3.3 Identify psychosocial hazards

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| **WHS Act s. 17**Management of risks**WHS General Regulations r. 34**Duty to identify hazards**WHS Mines Regulations r. 34**Duty to identify hazards**WHS General Regulations r. 55C**Managing psychosocial risks**WHS Mines Regulations r. 55C**Managing psychosocial risks**WHS PAGEO Regulations r. 108**Duty to identify hazards |

Undertaking a comprehensive risk assessment will help identify foreseeable psychosocial hazards and risk factors. It may require input from operational groups (e.g. work teams, health and safety representatives, emergency medical officers), and subject matter experts (e.g. organisational psychologists, organisational development consultants, human resources consultants).

Under WHS legislation, to determine appropriate control measures to implement to manage psychosocial risks and hazards, the PCBU must have regard to all relevant matters. This includes understanding what psychosocial hazards and risk factors are, how they can intersect and compound in the workplace, and which ones are likely to be present in their workplace.

This requires PCBUs to consider organisational contexts and environmental factors commonly associated with FIFO work in the resources sector, as well as the unique characteristics of the individual workplace. PCBUs must give regard to the interactions between these contexts and factors which may compound the risk of exposure to psychosocial hazards and harm to health and impact the suitability and practicability of control measures.

Table 3.1 lists some psychosocial hazards and risk factors that organisations should assess as part of the risk management process. It also highlights those hazards and risk factors that may warrant additional consideration in the context of FIFO work arrangements.

The list is not exhaustive and there are other psychosocial hazards and risk factors that that a PCBU may need to consider. These should be identified through the risk management process.

**Table 3.1 Examples of work-related psychosocial hazards and risk factors to assist in the risk management process.**

|  |  |  |
| --- | --- | --- |
| **Psychosocial hazard or risk factor** | **Description** | **Examples** |
| Poor leadership practices and workplace culture | Leadership practices (e.g. style, resource allocation, supporting workers) that negatively influence workplace culture, which is the shared beliefs, norms and values of the workforce | Workplaces where there is:* a leadership practice that tolerates, permits or perpetuates inappropriate or unreasonable workplace behaviours
* leadership that does not respect diversity in the workplace such as gender, ethnicity or sexuality
* limited or no management accountability in managing psychosocial hazards and risks
* a mismatch of leadership style to the nature of the work or work group
* a lack of trust and authentic consultation
* a lack of commitment to health and safety (e.g. insufficient allocation of resources, prioritisation of production over safety)
 |
| Poor or no policies and procedures | Policies and procedures that do not meet legislative and business requirements, and were developed with no or limited consultation with workers  | Workplaces where there are:* no policies or procedures for managing inappropriate and unreasonable behaviour
* procedures that cannot be applied as written
* policies and procedures that lack clarity and are difficult to understand
* policies and procedures that are not adhered to
* procedures that have little to no flexibility to accommodate the uniqueness of each situation
* no mechanisms for impartially addressing worker reports of inappropriate and unreasonable behaviour by senior management
* procedures that systemically discriminate against groups of workers in the workplace
 |
| Work demands | Substantial or excessive physical, mental and emotional effort required to do the job | Tasks or jobs that involve:* fast work pace and time pressure
* excessive or insufficient workload
* repetitive or monotonous tasks
* sustained concentration
* high mental workload
* frequent or high emotional labour
* exposure to emotionally distressing situations and traumatic events (e.g. first responders)
 |
| Low levels of control | Lack of control over aspects of the work, including how and when a job is done (i.e. autonomy) | Tasks or jobs where:* work is machine or computer paced
* work is tightly prescribed or scripted
* workers have little say in the way they do their work, when they can take breaks or change tasks
* workers are not involved in decision making about work that affects them or their clients
* workers are unable to refuse working with aggressive individuals
 |
| Lack of control over the aspects of accommodation arrangements | Jobs with limited options to allow for:* personal scheduling of activities of daily living (e.g. meal times, laundry, showering)
* varying sleep schedules
* different accommodation preferences (e.g. privacy, security, location)
 |
| Lack of control over travel arrangements | Type of travel, travel and waiting times and duration, physical comfort, crossing time zones, departure and arrival times, no down time between arrival and starting work |
| Inadequate support | Lack of support in the form of constructive feedback, problem solving, practical assistance, provision of information and resources | Tasks or jobs where workers have insufficient or inappropriate:* support from leadership, supervisors or coworkers
* information or training to support performance
* equipment or resources to do the job
 |
| Lack of role clarity | Unclear or constantly changing management expectations about the responsibilities of the job.Incompatible expectations or demands placed on workers by different workplace stakeholders | Jobs where there is:* uncertainty about or frequent changes to tasks and performance standards
* important task-related information that is not available to the worker
* conflicting job roles, responsibilities or expectations
 |
| Poor organisational change management | Uncertainty about changes in the organisation, structure or jobUnstructured approach to change | Workplaces where:* organisational change is poorly managed
* there is inadequate communication and consultation with workers about the change
 |
| Low recognition and reward | Lack of positive feedback on job and task performance, and inadequate skills development and utilisation | Jobs where there is:* an imbalance between workers’ efforts and associated recognition and reward
* a lack of recognition of good performance
* a lack of opportunity for skills development
* an underuse of skills and experience
 |
| Poor organisational justice | Unfairness, inconsistency, bias or lack of transparency in the way procedures are implemented, decisions are made, or workers are treated | Workplaces where there is a real or perceived:* inconsistency in the application of organisational policies and procedures
* unfairness in the allocation of resources
* bias in the approval of worker entitlements (e.g. annual leave)
* disparity between worker groups (e.g. contractors and main employees)
 |
| Insecure work | Employment types such as contract, seasonal work, casual, freelance and gig work | Jobs that have:* little or no job security
* little or no entitlements or benefits (e.g. sick leave, pay rates)
* low levels of control
* need to work multiple jobs
 |
| Physical environment  | Work environments where risk management of physical hazards is inadequate  | Working in environments with:* extremes of temperature
* excessive or disruptive noise
* poor air quality or air contaminants e.g. dust
* vibration
* hazardous substances or plant
* adverse natural event e.g. bushfire, cyclone, flood
 |
| Accommodation arrangements that unreasonably affect the amount of quality rest and sleep needed to manage fatigue, including exposure to:* hot and humid conditions with no relief
* nuisance and excessive noise that disturbs or disrupts sleep routines
* lack of natural light block out options
* inadequate ventilation or temperature control
 |
| Remote or isolated work | Work where access to resources and communications is difficultWork where there are no or few other people around | Working and living in a remote location may mean:* limited access to reliable communication technology
* limited access to preferred support network
* limited access to recreational activities
* interruption and reduced capacity to fulfil usual roles and commitments in family, community and other social networks
* challenges with reintegration to home and work environments after being away from them
* few opportunities to escape work issues and work relationships
 |
| Work where travel times may be lengthy | Commutes that involve:* multiple modes of transport
* crossing time zones
* overnight accommodation
* impact on unpaid personal recovery time
* cognitive demands (active vs. passive transport)
* waiting times
* physical comfort
* departure or arrival times
 |
| Fatigue | A state of mental or physical exhaustion, or both | Jobs where there are:* high cognitive demands, such as sustained concentration
* extended work hours (i.e. overtime, working greater than 12 hours per shift)
* shift work rotations (particularly backward rotation from night to day)
* sustained physical exertion
* long, uneven or compressed rosters
* a large number of consecutive days worked

Design, quality and management practices for accommodation facilities that compromise the amount and quality of sleep and rest |
| Burnout | A psychological and physical response to chronic work-related stress | Cognitively or emotionally demanding work with low support and control, and insufficient time for rest and recovery |
| Inappropriate and unreasonable behaviour | Exposure to behaviours that are unreasonable, offensive, intimidating or may cause distress | Witnessing or experiencing situations involving:* violence or aggression, including sexual assault
* gendered violence
* family domestic violence
* bullying
* harassment, including sexual and racial harassment
* conflict
* discrimination
 |
| Gendered violence | Exposure to behaviours affecting a person because of their sex, gender, sexual orientation or non-socially prescribed gender role that creates a risk to their health and safety | Witnessing or experiencing situations involving:* sexual harassment
* sexual assault
* disrespectful interactions
* attitudes and behaviours perpetuating or reinforcing gendered violence
 |
| Family and domestic violence | Exposure to behaviours intended to coerce, control or create fear within a family or intimate relationship | Witnessing or experiencing situations involving:* physical threats and violence
* controlling and monitoring work-related communication and activity
* emotional and psychological abuse
 |
| Traumatic events | Exposure to an event, or threat of an event, that is deeply distressing or disturbing for the individual | Witnessing or experiencing situations involving:* death or threat to life
* serious injury
* near misses
* self-injury
 |
| Vicarious trauma | Results from repeated exposure over time to other people’s traumatic experiences. It is a cumulative response and is sometimes referred to as compassion fatigue | Work where there is the potential for exposure to traumatic or distressing information and material.Jobs that involve:* interaction with people who are experiencing trauma
* interaction with people who have been abused
* responding to traumatic events
* investigations into traumatic events
 |
| Secondary trauma | Can occur unexpectedly and suddenly as a result of emotional distress from indirect exposure to another person’s traumatic experience. It is an acute response where symptoms often mimic post-traumatic response disorder |

## 3.4 Assessing psychosocial risks

**WHS Act s. 17**

Management of risks

**WHS General Regulations r. 33**

Specific requirements that must be complied with

**WHS Mines Regulations r. 33**

Specific requirements that must be complied with

**WHS General Regulations r. 55D**

Control measures

**WHS Mines Regulations r. 55D**

Control measures

**WHS PAGEO Regulations r. 110**

Hierarchy of control measures

Once psychosocial hazards have been identified, the level of risk must be assessed.

A risk assessment (or multiple or dynamic risk assessments) must be carried out for any identified psychosocial hazards where the risk of the hazard(s), or accepted control measures, are not well known. For example, where there is uncertainty about the:

* likelihood or severity of consequences
* ways a psychosocial hazard may result in injury or illness
* ways psychosocial hazards may interact or combine to create new or greater risks
* ways changes at work may impact the effectiveness of control measures
* ways of eliminating or minimising the risk.

The assessment of psychosocial risks will vary depending on the type of site. For example, a large organisation may conduct an organisation-wide psychosocial risk assessment as well as site-based risk assessments to understand specific hazards and risks applicable to different worker groups.

When conducting risk assessments, it’s important to note that each work group may have a different workplace culture, practices and norms particularly if there are geographical distances between the workplaces (e.g. head office and FIFO workplaces). Therefore it is important to get representation of data across all applicable work groups and sites.

Where psychosocial hazards and their risks are well recognised, and have well-known and accepted control measures, those control measures can be implemented without undertaking a further risk assessment. For example, additional resourcing to reduce high work demands where peak work demand periods have been identified.

When this occurs, these control measures must be reviewed and, as necessary, revised to confirm they are working as intended and continue to be effective.

It is important those undertaking the risk assessment have access to information about the work environment and work processes, and knowledge and understanding of potential psychosocial hazards and risk factors. If those responsible for the risk assessment have limited knowledge and understanding about how to analyse evidence of psychosocial risks, then appropriate training should be provided, or assistance sought from a subject matter expert.

#### Additional considerations when assessing the risk of work-related violence

The serious nature of work-related violence means that, even if the likelihood of the behaviours occurring is low, the severity of harm can be very high. For this reason, where there is a risk of work-related violence, such as in worker accommodation, a separate risk assessment specific to work-related violence must be conducted.

Other factors should still be considered as part of a risk assessment for work-related violence, as a combination of psychosocial hazards can increase the risk of harm. For example, a workplace culture and practices that perpetuate or reinforce attitudes supportive of gendered violence (such as victim blaming or attitudes dismissive of consent), and unrestricted access to alcohol in the workplace.

**3.3.1 How to conduct a risk assessment**

To assess the risk of harm from psychosocial hazards, PCBUs need to identify the worker(s) likely to be affected and consider:

* the **duration** – how long are workers exposed to the hazard(s)?
* the **frequency** – how often are workers exposed to the hazard(s)?
* the **severity** of their exposure – how stressful do worker(s) find the psychosocial hazard to be?
* the **interaction** of psychosocial hazards
* whether existing controls are effective and the additional measures, if any, that should be implemented to control residual risks
* how urgently action needs to be taken.

Some psychosocial hazards, when present at low levels over a long period of time, can accumulate to significantly affect psychological health. Other psychosocial hazards may cause more immediate harm, such as a single stressful event. In many circumstances, psychosocial hazards will interact and combine to create the risk of harm. For example:

* poor fatigue management practices such as noisy accommodation, extended working hours, and insufficient rest and recovery time between shifts can increase the risk of injury
* exposure to a traumatic event, such as witnessing a serious workplace incident, may lead to the development of an acute stress response or post-traumatic stress disorder (PTSD)
* high work demands, lack of perceived supervisor support, and little control over the way work is done, can result in workers experiencing stress or frustration.

A record of risk assessments should be kept demonstrating that psychosocial hazards and risk factors have been considered and recorded as a part of the hazard identification and risk management process. The hazard and risk assessments should be reviewed and updated regularly, including when an identified trigger for review occurs. For further information refer to Section 3.7.

## 3.5 Controlling risks

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| **WHS Act s. 17**Management of risks**WHS General Regulations r. 55D**Control measures**WHS Mines Regulations r. 55D**Control measures **WHS PAGEO Regulations r. 110**Hierarchy of control measures |

Once psychosocial hazards and risks have been identified and assessed, risks can be controlled.

Risks to health and safety must be eliminated if it is reasonably practicable to do so. If it is not reasonably practicable to eliminate the risks, risks must be minimised so far as is reasonably practicable.

Every workplace is different. The best combination of control measures to eliminate hazards and minimise risks should be tailored to the organisation’s business size, type and work activities to manage risks during everyday operations and in emergencies.

In determining control measures the PCBU must have regard to all relevant matters, including:

* the duration, frequency and severity of the exposure of workers and other people to the risk of psychosocial hazards
* how psychosocial hazards may interact or combine
* the design of work, including job demands and tasks
* the systems of work, including how work is managed, organised and supported
* the design and layout, and environmental conditions, of the workplace and employer-provided worker accommodation, including the provision of:
	+ safe means of entering and exiting the workplace
	+ facilities for the welfare of workers
* the plant, substances and structures at the workplace
* workplace interactions or behaviours
* the information, training, instruction and supervision provided to workers.

Further information and examples of these are provided in Section 4.

### 3.5.1 Eliminate and minimise risks

The risk controls can involve good work design across the organisation and be targeted to affected work groups and tasks with the highest risks. Targeting controls in this way will provide the highest level of protection for the largest number of workers. These controls will usually also benefit individuals identified to be at risk of harm.

It may not always be reasonably practicable to eliminate the hazard or risk. For example, where jobs have some inherent hazards, such as emergency response personnel and other workers who respond to accidents or incidents.

If a hazard or risk cannot be eliminated, then the PCBU must minimise it so far as is reasonably practicable.

When redesigning work, the PCBU can consider the psychosocial hazards identified and look for opportunities to turn these into controls to mitigate risk. For example, where there are work demands such as excessive time pressure, role conflict, and poor practical support, the PCBU could improve scheduling to minimise overload, clarify roles and responsibilities and provide additional practical support.

Physical hazards contributing to psychosocial risks should be controlled through relevant isolation and engineering controls, for example, by providing secure accommodation to prevent unauthorised access to workers’ rooms.

Where hazards and risks remain even after the work has been redesigned, then administrative controls, including safe systems of work, and appropriate information, training, instruction and supervision, will also be required. Relying on administrative controls should never be the main risk management approach.

In most cases, psychosocial risk management can use a mix of good work design, safe systems of work, and suitable and adequate information, training, instruction, and supervision. These are discussed in Section 4.

### 3.5.2 Implementing controls

Because the controls may require changes to the way work is carried out, it may be necessary to support these with:

* safe work procedure(s) that describe the tasks, hazards, how tasks can be safely done, and the duties, roles and responsibilities of all parties to follow these
* information, training, instruction and supervision of workers on implemented controls including safe work procedures
* appropriate information and instruction for site visitors
* a schedule for maintaining, monitoring and reviewing controls to ensure they are effective and are not creating new unintended WHS or organisational risk.

When proposing changes to existing or new controls or workplace arrangements, it is essential that affected workers and their health and safety representatives are consulted as early as possible. For example, on the:

* design and management of the work such as restructures, work locations, changes to tasks, duties, and working arrangements
* the introduction of new technology, trialling equipment and plant production processes, or the redesign of existing workplaces.

## 3.6 Controlling residual risks

Before authorising the implementation of controls, the relevant duty holder should do a final check for residual risks that may remain and check the quality of the controls in place to reduce the risk as low as reasonably practicable.

Risk control quality could be rated as follows:

1. Controls are adequate, i.e. the hazard or risk is eliminated, or residual risk is insignificant.
2. Controls are in place to the full extent that is reasonably practicable. The controls are not ideal, but there is no better control currently available, or the cost would be grossly disproportionate to the risk. Ongoing monitoring of this risk is needed.
3. Controls are satisfactory and appear to be working adequately. However, more effective controls are known and available and could be implemented.
4. Controls are inadequate. There are known limitations with existing controls, and further action to manage the risk is urgently needed.
5. The risk is uncontrolled. Controls either have not been implemented, or they are grossly inadequate. Immediate action is required.

If, after considering the residual risks and the adequacy of controls, the risk is uncontrolled, inadequately controlled, or controls are considered only satisfactory, further action is required. When making a judgement about what additional controls are ‘reasonably practicable’, the PCBU should weigh up the elements of what is ‘reasonably practicable’ as set out in section 18 of the WHS Act. The *How to determine what is reasonably practicable to meet a health and safety duty: Interpretive guideline* contains further information.

## 3.7 Maintain and review controls

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| **WHS Act s. 17**Management of risks**WHS General Regulations r. 37**Maintenance of control measures**WHS General Regulations r. 38**Review of control measures**WHS Mines Regulations r. 37**Maintenance of control measures**WHS Mines Regulations r. 38**Review of control measures**WHS PAGEO Regulations r. 111**Maintenance of control measures**WHS PAGEO Regulations r. 112**Review of control measures |

The information and processes the PCBU used to identify hazards and risks will also help maintain and review the effectiveness of control measures. Do not assume risks will not change or that controls will remain suitable, sufficient, and effective over time. Without regular monitoring, maintenance and reviews the effectiveness of controls erode over time.

Monitoring should be undertaken through regular scheduled discussions at management meetings, staff meetings and health and safety committee meetings. A standing agenda item at these meetings may help to ensure that regular monitoring occurs. Regular monitoring of the incidence of grievances, staff turnover and use of employee assistance programs is also useful. Incident reports and findings should be reviewed to identify any trends and to work out whether additional measures such as training or information should be provided to workers.

Mechanisms for the recognition and early detection of psychosocial harm to health in the workplace include analysing workplace data from:

* hazard, incident and investigation reports
* complaints
* worker surveys
* consultation with health and safety representatives and work teams
* alcohol and other drug test results
* direct observations (e.g. workers displaying the early signs and symptoms of psychological or physical harm).

The review process is used to confirm that control measures are working as expected and checking that other hazards and risk factors have not been introduced when implementing or modifying controls. It can also identify learning opportunities for the purpose of continuous improvement.

Reviews can be used to check whether:

* the approach to systematic work health and safety management is effective
* hazards and risks are being effectively controlled
* the organisation is meeting its WHS obligations, including for due diligence
* there are opportunities for improvement.

Reviews should occur:

* before significant organisational or workplace changes occur, for example changes to the organisational structure, work location, environment, equipment and resources, employment conditions or systems of work
* where a new hazard or risk is identified
* if a serious incident, injury or illness occurs arising from the psychosocial risk, or a psychological injury occurs
* if a physical injury occurs where psychosocial risks were likely to be a contributing factor
* if the hazard changes and the PCBU is now uncertain of the risk
* if a control measure is not adequately minimising the risk
* where consultation indicates a review is necessary
* if requested by a health and safety representative
* if requested by an inspector
* at agreed review dates, such as annually
* where audit results indicate a review is necessary.

Consultation with workers and their representatives is required throughout the risk management cycle, including when reviewing control measures.

# 4. Determining control measures

When determining control measures for psychosocial hazards specific to FIFO work arrangements, PCBUs must consider the following relevant matters.

## 4.1 Duration, frequency and severity

How long (duration), how often (frequency) and how significantly (severity) workers are exposed to psychosocial hazards impacts the level of risks. Where it is not reasonably practicable to eliminate the risk of psychosocial hazards, the risk may be able to be minimised by reducing the duration, frequency or severity of exposure to psychosocial hazards.

For example, when a worker raises initial concerns about interactions, early intervention can reduce the risk of harm. Temporarily changing shift patterns to restrict contact between two workers while robust controls are implemented to address contributing risk factors will reduce the duration and frequency of exposure. Shift changes should be made with consideration of other impacts on workers, and affected workers must be consulted.

## 4.2 Interaction of psychosocial hazards

Workers may be exposed to more than one type of psychosocial hazard or risk factor at any one time. Psychosocial hazards can interact or combine with other psychosocial hazards to increase the risks, so they must not be considered in isolation. For example, the combined effect of high work demands, remote and isolated work and limited access to preferred support networks increases the likelihood and severity of harm to a worker’s health. Conversely, high work demands with the control factors of good leadership, support and reliable communication methods can mitigate the negative impact on a worker’s health.

Due to the remote and isolated nature of FIFO work, there are several characteristics that can present as psychosocial risk factors, even though they are not inherently psychosocial hazards by themselves. These include the risks associated with shared worker accommodation and facilities, roster and travel arrangements, the effects of harsh climate and extreme weather conditions and limited access to services and preferred support networks. These characteristics associated with FIFO work can interact and result in increased risks of exposure to psychosocial hazards and harm to health.

#### Travel and roster arrangements

Travel and roster arrangements can interact with psychosocial hazards to increase the risk of harm. Consideration should be made to:

* roster length and compression (hours worked, and ratio of work to leave days per roster), taking into consideration unpaid travel and recovery time, transitional periods or adjusting to the work or home environment
* limited or restricted access to services and supports that cannot be accessed remotely or outside of shift times
* personal responsibilities or commitments (e.g. to family or community) and social connections.

#### Accommodation and recreational facilities

PCBU-provided accommodation and limited recreational facilities can introduce psychosocial risks and hazards in addition to those common to most workplaces.

Fatigue can be exacerbated by unrelieved heat and humidity in the accommodation, uncomfortable beds, poor ventilation, exposure to noise, light and lack of privacy. Poor lighting around the premises and individual room security can lead to workers feeling unsafe. A lack of suitable recreation options, including meeting worker needs for quiet activities, and religious or cultural observances, as well as varied communal activities, can have a negative impact on psychosocial health.

The provision and use of shared recreational facilities increases the likelihood of workers interacting in more informal contexts (i.e. outside of their work area and work hours) than would be likely in other types of work (e.g. a tradesperson working in a metropolitan area and living at their own residence). Workers may not clearly understand that their accommodation is regarded as a workplace under the legislation, and this can result in misaligned perceptions of appropriate social boundaries, behavioural expectations and conduct when utilising the accommodation and facilities. This may contribute to incidents of inappropriate and unreasonable workplace behaviour.

#### Inappropriate and unreasonable behaviour

Inappropriate or unreasonable workplace behaviour can create a risk of harm to health and may include violence and aggression, bullying, harassment (including sexual and racial harassment), discrimination, misconduct and conflict. These behaviours could be conducted in person or with technology (e.g. electronic platforms, social media, emails, text messaging).

In FIFO work arrangements, inappropriate or unreasonable workplace behaviour can be exacerbated due to extended periods of close proximity to other workers in both the workplace and accommodation facilities, and the blending of the work environment and social activities.

#### Use of alcohol and other drugs

The availability and use of alcohol and drugs are a significant psychosocial risk factor in all FIFO work environments and the WHS legislation has specific requirements for the management of alcohol and drugs for mining operations and petroleum and geothermal energy operations.

Without careful management, the use of alcohol and other drugs can impair decision making, increase the risk of inappropriate and unreasonable workplace behaviours occurring and escalate existing conflicts between workers. The blurring of boundaries between work and home can occur in PCBU-provided accommodation and recreational facilities, with workers and management unaware that these are workplaces at all times, including before, during and after shifts. Expectations around appropriate behaviour, including use of alcohol and other drugs, needs to be communicated and reinforced through appropriate organisational policies and procedures.

#### Family and domestic violence

FIFO accommodation for couples can have a positive impact on mental health. However, FIFO work and accommodation arrangements can contribute to the potential for exposure to family and domestic violence risks. Family and domestic violence (FDV) refers to any behaviour that is violent, threatening, controlling or intimidating that occurs between people who have a current or previous intimate relationship or between family members.

FDV can become a WHS issue if the perpetrator engages in FDV behaviours at the workplace, including in PCBU-provided accommodation. There is a potential increased risk of FDV in FIFO workplaces when couples or family members work together or share PCBU-provided accommodation, or if perpetrators are able to access the site, including accommodation. Additional risks need to be considered in relation to worker exposure to FDV hazards through FIFO work arrangements as the barriers to a perpetrator’s access to an affected person’s workplace and accommodation may be reduced and affected people may have fewer opportunities to maintain separation from the perpetrator.

PCBUs can reduce the risk of FDV by offering confidential reporting methods and immediately responding to reported FDV.

As outlined in Section 1.7, physical assault or the threat of physical harm of any form is a criminal act. If a suspected criminal act has been committed the police should be contacted. In some cases of FDV, contacting the police without consulting the affected person can unintentionally put them at further risk. However, if the person is in imminent danger, it is appropriate to call the police without consultation.

## 4.3 Design of work, including job demands and tasks

Good work design considers hazards and risks as early as possible in the planning and design process, including psychosocial hazards and risks. The best and most effective way to control these is at the source, that is by substituting the current work methods with less hazardous alternatives.

For example, where a night shift dump truck operator is working a 12-hour shift carting from the pit to the waste dump, the following work design control measures may reduce the risk of work-related psychosocial hazards:

* job autonomy and control – able to make decisions within the job, such as control over timing of rest breaks
* task duration and variety – include additional tasks to reduce monotony and the amount of time performing the same task, such as spending part of the shift unloading ore, and part of the shift unloading waste
* skill utilisation – able to use skills in the job, for example training or mentoring inexperienced workers
* job recognition – receiving individual and team feedback such as recognition during toolbox meetings
* work design – consultation with affected work groups on work schedules, assessment on additional risks arising from commuting arrangements, shift lengths, design of night shift rosters.

Safe Work Australia’s *Principles of good work design: Handbook* provides further guidance on good work design.

## 4.4 Systems of work, including how work is managed, organised and supported

Where psychosocial hazards cannot be eliminated, systems of work can be used to minimise the risk.

Systems of work are organisational rules, policies, procedures and work practices used to organise, manage and carry out work. Systems of work may include:

* rostering and working hours
* task rotation and breaks to allow opportunities for rest and recovery
* standards and procedures to manage hazardous tasks
* policies and procedures to manage workplace behaviour (such as bullying or harassment) or organisational codes of conduct
* procedures for managing attempted suicides and suicides occurring within the workplace
* maintain communications with workers working alone
* establish and enforce alcohol risk management policies
* provide ongoing supervision and support for workers, especially new, young and inexperienced workers
* ensure processes and systems for reporting and responding to instances of psychosocial hazards are widely communicated and regularly reviewed
* policies and procedures to support workers at increased risk of vicarious trauma
* fitness for work assessments and fatigue management policies and procedures
* procedures to review the effectiveness of control measures after a psychosocial incident.

Safe systems of work must be developed in consultation with workers and reviewed whenever there are changes to the work activities to ensure they remain appropriate.

## 4.5 Design and layout, and environmental conditions, of the workplace

The PCBU must consider the design and layout, and environmental conditions, of the workplace when controlling psychosocial risks.

Workplace design accounting for the nature of the work and risks involved can manage the risks of psychosocial hazards.

## 4.6 Worker accommodation

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| **WHS Act s. 19(4)**Duty of care |

The risks of psychosocial hazards must be managed at worker accommodation owned, managed or controlled by the PCBU. Accommodation facilities require adequate resources to ensure that workers are not exposed to physical or psychological hazards and risks to their health and safety.

Like the working environment, the design and layout, and environmental conditions of workers’ accommodation can introduce or control the risk of psychosocial hazards including violence or harassment. For example:

* ensure worker accommodation is secure, both for the worker while they are occupying it and their possessions while they are temporarily away (e.g. while they are on shift)
* manage the risk of unauthorised access (e.g. no duplicate keys or access cards in circulation and provide chain locks for doors)
* provide safe means of entering and exiting the accommodation, including well-lit access to and from accommodation and areas worker may need to access at night, such as eateries, laundries or other common areas
* consider the layout and allocation of worker accommodation and common areas (e.g. to allow for natural surveillance)
* consider providing monitored CCTV and security patrols
* provide a means to readily access emergency assistance (e.g. via phone applications, duress or personal alarms)
* manage risks associated with shared accommodation and limit who can access accommodation
* implement strategies to prevent the misuse of alcohol and intoxication in worker accommodation.

There is an increased risk of psychosocial harm (e.g. depression and suicide) in FIFO accommodation arrangements. Controls can be implemented to reduce this risk. For example:

* accommodation villages should be designed to encourage socialisation while also considering requirements for peace, privacy and safety
* minimise sleep disturbance as far as practicable, by providing sleeping quarters located away from communal areas, with comfortable beds, soundproofing, air conditioning and blackout curtains
* those responsible for recreational activities (e.g. active lifestyle coordinators) should promote activities with a clear social element (e.g. barbecues, social sports, movie nights, quiz nights, art and craft groups, cooking classes and other educational activities)
* design administrative processes for efficiency (e.g. streamlined check in and check out) and to minimise disruptions to sleep (e.g. appropriate cleaning schedules) to reduce stress and fatigue
* ensure accommodation has adequate communication (such as wi-fi) to allow workers to contact friends, family and support services.

Where practicable, accommodation arrangements should be predictable. Accommodation arrangements that provide permanent rooms are shown to reduce the risks of psychosocial hazards and harm compared to other accommodation arrangements (e.g. motelling, changing in the middle of a roster).

## 4.7 Plant, substances and structures at the workplace

Plant (e.g. machinery, equipment, appliances and tools), structures and substances used at work can increase or control the risk of psychosocial hazards. Well-designed and maintained plant and structures can help to manage risks of psychosocial hazards. For example:

* install and maintain effective communication systems (e.g. two-way radios and emergency alert buttons)
* ensure effective communication systems for workers working alone or in remote or isolated environments
* equip vehicles with devices that allow the PCBU to locate drivers in distress (e.g. GPS tracking systems)
* design structures with sufficient space inside to allow workers to pass without physical contact (e.g. on walkways and platforms)
* conduct alarm rationalisation programs that reduce nuisance and spurious alarms and allow work to be performed more efficiently and potentially reduce high work demands.

## 4.8 Workplace interactions or behaviours

The way workers interact with each other and other people in the workplace, their behaviour and relationships can introduce psychosocial hazards.

In managing the behaviours and interaction among workers, PCBUs can:

* set, model and enforce acceptable behaviour standards for all people in the workplace
* address inappropriate or harmful behaviours early, even if workers ‘seem ok with it’ or no one raises a concern
* address bullying, aggression, other harassment, discrimination and incivility or disrespect early and appropriately. Workers are less likely to report inappropriate behaviour if other harmful behaviours are not addressed
* implement policies and strategies to address gender inequality, lack of diversity and power imbalances at the workplace
* install software that blocks explicit web content
* ensure responsible service of alcohol and monitor unauthorised alcohol brought to the workplace.

For further information about managing the risks of inappropriate and unreasonable interactions and behaviours see the *Workplace behaviour: Code of practice*.

## 4.9 Information, training and supervision provided to workers

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| **WHS Act s. 17**Management of risks**WHS Act s. 19(3)(f)**Primary duty of care**WHS General Regulations r. 39**Provision of information, training and instruction**WHS Mines Regulations r. 39**Provision of information, training and instruction**WHS PAGEO Regulations r. 38**Involvement of workers |

The PCBU must provide adequate and suitable information, training, instruction and supervision to workers (including supervisors and managers) which has regard to and includes:

* the nature of the work and tasks to be carried out by workers
* the psychosocial hazards and risks associated with the work
* the required control measures including safe systems of work and how to comply with these
* how workers should report and respond if a problem or risk arises.

Training is needed at every level – for leaders, managers, supervisors and workers to ensure that the industry is equipped to handle mental health issues within their teams and among their colleagues.

Information, training and instruction must be provided in a form that can be accessed and understood by all workers (e.g. training may need to be provided in other languages or formats). In some cases it may be appropriate to confirm that a worker has understood the training or requires further support and information.

Induction and training processes must ensure new workers receive timely training and it should be provided at appropriate intervals (e.g. refresher training).

Training may include formal training courses, in-house training or on the job training, and should be provided by a competent person with the appropriate training, qualification or experience, and the necessary skills to safely carry out the task.

Training and education are required for leadership, as well as those with management and supervisory responsibilities, to ensure that they are competent to effectively prevent and manage harm to workers from psychosocial hazards and risk factors in the workplace.

Information, training and instruction in relation to psychosocial hazards can include:

* how to implement a system of work relating to a psychosocial hazard
* expected behaviour and conduct at work including all relevant policies and procedures (e.g. for respectful workplace behaviours, conflict management, the prevention of work-related bullying, sexual harassment at work and work-related violence or aggression)
* what to do if a psychosocial hazard is identified, how to report it and how to seek help or support
* manager and supervisor training about
	+ - implementing good work design and minimising the risk of harm from psychosocial hazards, supporting workers, identifying psychosocial hazards at work, and managing conflict
		- how to respond to, manage and investigate complaints, reports or incidents involving psychosocial hazards including work-related bullying, work-related violence and aggression and sexual harassment
* ensuring information, training and instruction is provided on elimination and engineering control measures (e.g. training in new work procedures if the design of work is changed), so far as is reasonably practicable
* providing information, training and instruction as a specific control measure (e.g. conflict management training for managers).

Information, training instruction and supervision on workplace behaviours can help to build a respectful culture and influence individual behaviour. Where training and instruction is about work-related bullying, work-related violence and aggression, or sexual harassment at work, a trauma-informed approach may be applied (e.g. not using detailed or explicit examples of assault in training or asking participants to disclose personal traumatic experiences). Training should focus on prevention, early intervention and reducing stigma and may include:

* the range of inappropriate behaviours
* the nature and prevalence of inappropriate behaviours
* that certain behaviours (e.g. violence, indecent exposure, stalking, sexual assault, and obscene or threatening communication) can be criminal offences that should be reported to the police
* drivers of inappropriate behaviours, including gender inequality, and cultural and systemic drivers
* understanding diversity, including the concepts of gender, gender identity, sexuality, disability and cultural and linguistic diversity
* the impact of victimisation, including physical harm, psychological harm and economic impact
* workplace policies, including acceptable standards of behaviour, consequences for breaches of the policy and ensuring people involved in complaints will not be victimised
* communication skills and how to respond to and address inappropriate behaviour
* bystander intervention training so people know what to do if they witness inappropriate behaviour
* workers’ rights to cease unsafe work under the WHS legislation
* internal and external reporting mechanisms if inappropriate behaviours occur and the support available.

# 5. Reporting and responding to reports

There are various ways in which workers report exposure to psychosocial hazards or risk factors to their PCBU. Some psychosocial hazards may be reported through different mechanisms or processes within the organisation. In addition to being reported through hazard notifications, they may be reported as a grievance or complaint, or as a potential breach of a code of conduct or professional standards. Examples of types of reporting include:

* verbal discussions, emails and text messages
* hazard or incident report forms
* whistleblower or anonymous report lines
* formal complaints or grievances
* medical certificates
* workers’ compensation claims.

To encourage workers to report, there should be easy-to-access guidance with information about the steps to take publicised and known throughout the organisation. Relevant duty holders should create a positive workplace culture which actively supports early reporting and follow up, so psychosocial hazards and risks are managed before serious harm occurs.

It is important that workers submitting reports are supported, assured of confidentiality and protected from victimisation. Any investigations and appeals processes should be fair and afford natural justice to all parties. There should also be processes in place to minimise any distress an investigation may cause.

The person receiving the report should communicate with the individual or group of workers about how they would prefer to address it, which may be an informal or formal process. Keeping people updated about the progress of their report also helps to establish trust and encourages a reporting culture.

Consultation with health and safety representatives and affected workers is important. However, it will not always be appropriate to consult with health and safety representatives if the initiating report or subsequent investigation includes sensitive and confidential information about other workers. In this case, it is still useful to provide them with general information about the process and outcomes.

## 5.1 Nature of work health and safety investigation

The nature of your work health and safety investigation should be proportionate to the risks and suit the circumstances. When deciding the nature of an investigation consider the:

* level of risks involved
* complexity of the situation
* number of workers involved or affected.

A formal investigation may not always be the most appropriate option. For example, a suitable response to a single low-level instance of inappropriate behaviour (e.g. a one-off negative comment or joke about another worker’s performance in front of others) may be addressed through immediate informal discussions with the workers involved and changes to the relevant control measures. Immediately addressing one-off incidents contributes to a positive workplace culture.

Responding to a report of a serious workplace psychosocial incident will mean the PCBU should undertake an investigation in a fair, timely and balanced way to try to find out what happened and why, and what can be done to improve the controls, so the incident does not occur again.

This process is typically more comprehensive than those used as part of the normal hazard identification and risk assessment process.

The comprehensiveness of any investigation will be proportional to the level of risk, the seriousness of actual or potential psychological harm and the number of workers affected.

When investigations are undertaken, especially around allegations of serious misconduct or harmful workplace behaviours, the PCBU should ensure that the process is conducted in a fair, objective and timely manner ensuring due process for both those who raised the issue and workers who have had allegations made about them. Throughout the investigation, affected parties (including workers, managers and supervisors) should be:

* ensured their privacy and confidentiality are protected
* informed of their rights and obligations
* provided with a copy of relevant policies and procedures
* kept informed about possible outcomes, timeframes, rights of appeal and reviews
* provided with adequate and fair support.

Where there are existing systems in place to investigate, the workplace should still apply a systematic WHS risk management process to identify, assess and control underlying causes of, and risks of exposure to, affected workers. The PCBU must control the risks while investigations are being conducted, so the potential for further harm is eliminated or minimised.

## 5.2 Selecting an investigator

If a formal process is conducted, those undertaking the investigation should be competent in identifying psychosocial risk factors, hazards, contributory and causal factors, and appropriate preventative and early intervention control measures. Investigators should understand their organisational processes around investigations, and the requirements under both WHS and industrial relations legislation. As investigations into psychosocial risk factors and hazards can be complex, input from subject matter experts (e.g. organisational psychologists, organisational development consultants, human resources consultants) may be required.

It is important to find an investigator who has the confidence of all parties involved where possible. The investigator should be impartial and have the expertise and knowledge to conduct investigations in a trauma-informed way.

An external investigator may be required if a matter is complex or has a high risk, or where an impartial internal investigator is not available, for example where a matter involves a senior manager.

## 5.3 Trauma informed

While work health and safety investigations are not focused on individual actions, they should still take a person-centred and trauma-informed approach.

The concept of a trauma-informed approach means that workplace systems recognise and acknowledge that workplace responses or investigations of reports about psychosocial hazards can escalate or de-escalate distress in those with a history of trauma. In practical terms this means PCBUs integrate knowledge about trauma into investigation procedures and practices. This can include principles of:

* **safety**, both physical and emotional (e.g. does the investigation process consider the emotional safety and wellbeing of affected individuals or is the process likely to distress someone with a history of trauma).
* **Trust** (e.g. is the process sensitive to people’s needs, empowering to affected individuals, offering some flexibility and opportunity for choice where reasonably practicable, and are workers supported to make informed choices, given timely information about the process and their rights).
* **equity and respect** (e.g. does the process ensure interpersonal respect, dignity, acknowledge diversity in all its forms and is it inclusive).
* **hope** (e.g. does the process assume optimism and the possibility of recovery and resolution).

## 5.4 Confidentiality

It is important that workplaces develop supportive environments where workers feel safe to raise psychosocial hazards and risks and disclose incidents, including as part of an investigation.

The PCBU has reporting requirements under the WHS laws (and sometimes as part of the worker’s employment contract), and workers should be made aware of how their personal information will be managed and protected when making a report.

Throughout the investigation process, all affected parties, including witnesses, must be made aware of confidentiality requirements (and limitations) to allow for procedural fairness and protect all parties’ privacy rights.

Confidentiality clauses and non-disclosure clauses in settlement agreements must not be used in a way that prevents identification and management of workplace risks to health and safety.

## 5.5 Providing feedback on general investigation outcomes

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| **WHS Act s. 47**Duty to consult workers |

Upon conclusion of an investigation into the incident, it is important to provide all involved parties with the general outcome. This outcome may advise the involved workers of the investigation’s closure and any general actions undertaken by the organisation as a result. Where a report of a psychosocial hazard has been resolved, it is recommended to follow up on the parties involved, to offer support and to find out whether the subsequent actions taken to control the hazard have been effective.

The *Workplace behaviour: Code of practice* provides information on reporting and responding to reports of inappropriate and unreasonable behaviour.

The *Violence and aggression at work: Code of practice* provides information on responding to incidents of violence and aggression, including investigation and recovery.

# Appendix 1: Glossary

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| **Term**  | **Description**  |
| Competent person | A person who has acquired through training, qualification or experience, the knowledge and skills to carry out the task. The definition of ‘competent person’ in the WHS Regulations prescribes specific requirements for some types of work |
| Construction project | A project involving construction work where five or more people are, or are likely to be, working at the same time at a construction site. |
| Construction site | A workplace where construction work is being carried out. |
| Control measure | In relation to a risk to health and safety, a measure to eliminate or minimise the risk |
| Duty holder | Any person who owes a work health and safety duty under the WHS Act including a person conducting a business or undertaking, a designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream), officer, WHS service provider or a worker |
| Hazard | A situation or thing that has the potential to harm a person. Hazards at work may include noisy machinery, a moving forklift, chemicals, electricity, working at heights, a repetitive job, bullying and violence at the workplace |
| Health and safety committee | A consultative body established under the WHS Act. The committee’s functions include facilitating cooperation between workers and the person conducting a business or undertaking to ensure workers’ health and safety at work, and assisting to develop work health and safety standards, rules and procedures for the workplace |
| Health and safety representative  | A worker who has been elected by their work group under the WHS Act to represent them on health and safety matters |
| May | ‘May’ indicates an optional course of action |
| Mine operator | A person (including a partnership, syndicate or other association of persons) who: * in relation to a mine where only exploration operations are being carried out, has overall control and supervision of the exploration operations at the mine and the exploration manager appointed for those operations
* otherwise is the proprietor, lessee, tenement holder or occupier of a mine and who has overall control and supervision of the mine and mining operations at the mine
 |
| Must | ‘Must’ indicates a legal requirement exists that must be complied with |
| Person conducting a business or undertaking (PCBU) | A PCBU is an umbrella concept, which intends to capture all types of working arrangements or relationships. A PCBU includes a:* company
* unincorporated body or association
* WHS service provider
* sole trader or self-employed person.

Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU.A volunteer association (defined under the WHS Act) or elected members of a local authority will not be a PCBU.A reference to a PCBU in the WHS Mines Regulations is deemed to be a reference to a mine operator where it is relevant.A reference to a PCBU in the WHS PAGEO Regulations is deemed to be a reference to the operator of a facility where it is relevant. |
| Principal contractor | The principal contractor is the PCBU with management or control of the construction project.The principal contractor may be:* a PCBU who commissions a construction project, or
* another PCBU who is engaged and authorised to have management or control of the workplace (by the PCBU who commissions a construction project).

A construction project has only one principal contractor at any specific time. |
| Psychosocial hazards | Hazards that may cause psychological harm and can arise from or relate to:* the design or management of work
* the work environment
* plant at the workplace, or
* workplace interactions or behaviours.
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| Psychosocial risk  | A risk to the health or safety of a worker or other person arising from a psychosocial hazard |
| Regulator | WorkSafe Commissioner |
| Risk | The possibility harm (death, injury or illness) might occur when exposed to a hazard – how likely the harm is to happen, and how severe the harm could be |
| Should | ‘Should’ indicates a recommended course of action |
| WHS | Work health and safety |
| WHS Act | *Work Health and Safety Act 2020* |
| WHS General Regulations | Work Health and Safety (General) Regulations 2022 |
| WHS Mines Regulations  | Work Health and Safety (Mines) Regulations 2022 |
| WHS PAGEO Regulations  | Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 |
| WHS Regulations | For the purposes of this code, a reference to the WHS Regulations includes a reference to the WHS General Regulations, WHS Mines Regulations and the WHS PAGEO Regulations |
| Work group | A group of workers established to facilitate the representation of workers by one or more health and safety representative. A work group may be all workers at a workplace but it may also be appropriate to split a workplace into multiple work groups where workers share similar work conditions or are exposed to similar risks and hazards. For example, all workers on night shift. |
| Worker | Any person who carries out work for a person conducting a business or undertaking, including work as an employee, contractor or subcontractor (or their employee), self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' or a volunteer. |
| Workplace | Any place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. This may include offices, mine sites, petroleum operations, accommodation villages, construction sites, vehicles, ships, aircraft or other mobile structures on land or water. |

# Appendix 2: Relevant legislation

*Australian Human Rights Commission Act 1986* (Commonwealth)

*Corruption, Crime and Misconduct Act 2003*

*Criminal Code Act Compilation Act 1913*

*Disability Discrimination Act 1992* (Commonwealth)

*Equal Opportunity Act 1984*

*Fair Work Act 2009* (Commonwealth)

*Industrial Relations Act 1979*

*Minimum Conditions of Employment Act 1993*

*Public Interest Disclosure Act 2003*

*Public Sector Management Act 1994* (WA)

*Racial Discrimination Act 1975* (Commonwealth*)*

*Sex Discrimination Act 1984* (Commonwealth)

*Work Health and Safety Act 2020*

Work Health and Safety (General) Regulations 2022

Work Health and Safety (Mines) Regulations 2022

Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022

# Appendix 3: References and further information

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