

Understanding your WHS legal obligations. Risk based psychosocial safety - steps leaders and supervisors can take to demonstrate they are working to meet their obligations.

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ABSTRACT

This paper will provide practical guidance about steps that leaders and supervisors can take to meet their legal obligations to ensure the psychosocial health and safety of workers and that the psychosocial health of others is not negatively impacted by the PCBU's operations. It will do this by addressing requirements from:

- *Work Health and Safety Act 2020 (WA) (WHS Act),*
- *Work Health and Safety (Mines) Regulations 2022 (WA) (WHS (Mines) Regulations),*
- legal cases,
- Western Australian Codes of Practice: Mentally healthy workplaces for fly-in-fly out (FIFO) workers in the resources and construction sectors; Psychosocial hazards in the workplace; Violence and aggression at work and Workplace behaviour, and
- AHRC Guidelines for complying with positive duties under the *Sex Discrimination Act 1984 (Cth).*

It will start by explaining the WHS obligations with respect to risk management and psychosocial safety contained in WHS Act and WHS (Mines) Regulations and will review legal cases, Codes of Practice and Guidelines that assist in understanding what is required to meet those duties.

It will outline groups of workers who may be at risk and barriers to workers, leaders, and supervisors to recognising and addressing risk.

It will propose a proactive process of using field leadership curious safety discussions every day as an important part of complying with the obligations. Such conversations should:

- focus not only on physical risks but be used to assist supervisors to identify where workers may be at psychosocial risk and enable proactive steps to be taken to manage those risks.
- To build good psychosocial health and mental resilience in workers.

The paper will address practical issues such as keeping sufficient records to demonstrate compliance.

The process of reporting incident and investigating them and using the learnings proactively to improve the management of psychosocial risks in a sustainable way will also be addressed.