

Investigating Psychosocial Incidents and Gendered Violence for Enhanced Mine Safety Outcomes

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ABSTRACT

The *Work Health and Safety Act 2020 (WA)* and associated *Mines Safety Regulations*, as well as other laws such as the *Sex Discrimination Act 1984 (Cth)*, have imposed new duties on every person or business conducting an undertaking (**PCBU**) in the mining sector. These laws combine to require operators and contractors to discharge positive duties and better report and manage psychosocial hazards in the workplace. For mine operators, there is a positive duty to not only identify and eliminate hazards relating to psychological harm, sexual harassment and gendered violence at work, but to also report incidents to the safety regulator that could result in serious harm, even while internal investigations are ongoing.

Traditional mines safety teams are navigating the evolving frontier of psychological and gendered safety as the duties relating to psychosocial safety and sexual harassment at work continue to expand. This paper will review the legal obligations on PCBUs to conduct internal investigations into critical psychosocial incidents and gendered violence on mines, whilst balancing the demands and sensitivities of investigations by the safety regulator and police.

There are emerging approaches to safety investigations that can aid PCBUs in managing investigations of psychosocial incidents and gendered violence, including trauma-informed investigation techniques, collaboration with psychological experts and the use of limited legal privilege. Well managed and sensitive investigations can foster trust amongst workers, result in improved incident reporting by workers and lead to enhanced safety outcomes for the resources industry whilst preserving the legal positions of involved PCBUs.

Specifically traversing the new duty to consult, cooperate and coordinate, this practical session will arm mine managers, safety professionals and human resources professionals, from mine operators and mining contractors alike, with tools and processes to bring to safety investigations, particularly on residential mine sites.