

Managing Psychosocial Hazards at Work – Code of Practice

Creating safer environments for everyone.

Chris Lehmann & Georgia Holmes
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Master Electricians Australia (MEA) is the trade association representing electrical contractors recognised by industry, government and the community as the electrical industry's leading business partner, knowledge source and advocate. Our website is www.masterelectricians.com.au

MEA supports the intent behind the NT Government's proposed *Code of Practice: Managing Psychosocial Hazards at Work* (COP). While we note the COP applies to all industries, as representatives of licenced electrical contractors, we are focusing our response on SMEs in the construction sector and more specifically the electrical industry.

Psychosocial safety is equally important as physical safety, not only for the individual worker, but also for colleagues, inspectors, clients/customers, etc.; where a worker is suffering the effects of psychosocial hazards, the worker has the potential to perform their duties erroneously. We note for construction trade enterprises in particular, the imposition of control hierarchy is unlikely to create significant implications on their daily operations as this should already be a regular daily process performed in morning toolboxes and start cards. It is best practice for supervisors to perform regular assessments for fatigue.

While this is a positive step forward for NT businesses, we do recognise some potential roadblocks towards effective operation of COP. Construction trades traditionally have a masculine culture, where it can be perceived as weak to vocalise psychosocial concerns. We believe effective long-term operation for a COP can be achieved when assisted by educational programs to create systemic and societal change regarding attitudes and culture within construction and engineering trades.

Hierarchy of Controls

Notwithstanding the issues identified later in this submission, MEA supports implementing and mandating hierarchy of controls measures. This should be a relatively simple integration as measures are already in place for morning toolbox meetings, SWMS and start cards, we believe it provides a 'tried and tested' framework for managing workplace risks. As it is already being utilised in the workplace for physical risks as well as fatigue and weather impact (i.e. heat exhaustion), psychosocial risk could be integrated into the daily risk procedures.

Potential Issues to Consider

Culture

The electrical contracting industry is a predominantly male dominated career with a 'masculine' stereotype. The imposition of COP, while commendable, is not necessarily going to swiftly resolve this in male dominated industries where raising psychosocial concerns such as being fatigued or offended may be perceived as weak and emasculating. Without knowing the level of strict liability attached to the PCBUs responsibility, it is important the COP recognises industry culture and ensure PCBUs are being evaluated on efforts to identify, assess, control and review psychosocial hazards, and ensuring mentally safe working environments are being led by leadership example.

In light of our recognition that COP can only be as effective as industry culture, we believe the COP will become successfully entrenched in concert with community education programs and inclusion in VET in Schools programs to facilitate early exposure to positive cultural acceptance around psychosocial risk factors.

MEA would like to highlight the fact that SMEs face a greater relative compliance burden than larger and more well resourced businesses, and believe that there should be concessions made for SMEs in penalties and enforcement in this area to reflect this.

Abusing the Code

While we support safe, respectful and inclusive working environments for all employers in every industry, we are concerned the COP may be open to abuse. We want to ensure the COP is being used to genuinely enhance and improve psychosocial hazards, and not become a tool for leverage in a workplace dispute where the individual knows it must legally be responded to.

MEA are also concerned that employers/ PCBU will potentially be held responsible for psychosocial hazards that stem from the private circumstance of the individual employee, and cannot be controlled by the PCBU, or are deliberately hidden from them; i.e. substance abuse, relationship problems.

Consulting with All Workers

In some instances it may not be practical to consult, co-operate and co-ordinate (CCC) with all workers as per s 47 of the WH&S Act. Some contracts have thousands of employees ranging from short fixed-term contracts, labour-hire, contractors through to full-time permanent employees. Depending on the psychosocial risk, it may not be feasible or proportionate to discuss the hazard with every worker in the business. While company surveys are an easy way to reach out to all workers, some risks may require more personable approaches. Furthermore, not everyone responds to surveys, leading to potentially skewed results. The practical application of a COP may involve a mixture of consultation and implementing best practice, based on evidenced research.

Conclusion

MEA applauds the NT Government's efforts to address psychosocial hazards at work. We support the proposed COP and believe, in principle it could be a simple integration into the daily management operations of the construction and engineering trades given that hierarchy of controls is already a daily routine in the morning toolbox meetings, risk assessments and SWMS.

We have identified some practical issues that are likely to be presented with implementing the COP including STEM trades traditional 'masculine' culture in a predominately male dominated industry. We foresee that the COP alone is unlikely to encourage this workforce into highlighting psychosocial hazards at risk of being perceived as weak. MEA argues broad based community education on the issues will over time lead to a more psychosocially inclusive work environment, where the culture is comfortable to vocalise psychosocial risks. These generational, systemic and societal changes are likely to be embedded long-term, enhancing the COP's effectiveness in construction and engineering trades.

MEA further raises concern that only a portion of employees are likely to utilise the COP, thereby omitting the psychosocial concerns of many. Similarly, we note that the COP is at risk of being taken advantage of as a mechanism to gain advantage in an employment dispute, where individuals know PCBU's legally must respond. We urge the Government to add a mechanism, ensuring the COP is not abused but provides effective safe spaces as it is intended to. We would also further ask the government to be cognisant of the implementation burden for SMEs and that they are not held to the same enforcement standard as larger businesses that have the resources to implement sophisticated systems.

MEA would also like to highlight, that whilst there are examples of Job characteristics, design and management (Appendix A), the types of conduct that constitute harmful behaviours (Appendix B), and an example of a Risk Register (Appendix C), there is no definitive Risk Assessment framework provided for guidance, as there is in the assessment of physical risk. We believe that in the absence of this there is considerable uncertainty for the employer on how to ensure compliance. We believe it is incumbent on the government to help provide the tools to properly assess and address risk if there is going to be an enforcement regime.

As a whole, MEA applaud the NT Government's recognition and action towards workplace psychosocial hazards and supports the implementation of a meaningful COP. MEA looks forward to seeing the implementation of the COP and are happy to assist with any further consultation and planning that takes place.