



New NSW Psychosocial Risk Laws

Technical Briefing for Management

Facilitated by Robert Migliore
Founder & Director, Actevate

Speakers



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Moderated by:
Robert Migliore
Founder & Director
Actevate

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Meet the Speakers



James Mattson
Workplace Lawyer



Kelly Hunt
Psychologist

What is changing?

From 1 July 2026, PCBU's must comply with an approved Code of Practice or demonstrate an equivalent or higher standard of safety.

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The cost of getting it wrong

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Mental health claims are on the rise.

Personal liability for officers and management.

Fines and prosecution under the WHS Act.

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Mapping: National Code (17) → NSW (15)

National Code (2024)

- 17 psychosocial hazards
- More granular: separates closely related risks.
- More precise for analysis.
- Uses distinct hazard labels

SafeWork NSW

- Consolidated list of 15 hazards.
- Combines related hazards into broader categories.
- Easier for operational use and compliance.
- Groups hazards under broader headings

Both frameworks:

Require employers to identify, assess, and control psychosocial risks

Apply the same WHS duty of care

Expect use of the hierarchy of controls

Critical takeaway

There is no difference in what employers must manage, only in how hazards are described and grouped.

If you can identify risks using the national 17, you'll meet NSW requirements, because NSW hasn't removed risks, it just groups them differently.

Key Psychosocial Hazards and How to Manage Them



Job Demands (High or Low) (NSW: part of “Role overload/underload”)

What it looks like

Constant high workload (excessive tasks, tight deadlines, long hours) or low workload (monotonous, under-stimulating tasks). Signs include employees rushing, skipping breaks, working late, or conversely feeling bored & disengaged.

How to manage

Balance workload with resources
Adjust tasks, reprioritise non-urgent work, hire or reassign staff in peak periods, and ensure realistic deadlines so effort is sustainable, not constant crisis mode.

Monitor and redesign work
Regularly review tasks and streamline processes; eliminate low-value work. Where possible, rotate or enrich monotonous roles to prevent boredom.

Encourage rest and boundaries
Ensure breaks, reasonable hours, and downtime (e.g. no after-hours email expectations). Model the “right to disconnect” so staff can recover.

Prompt: What one word describes your team’s current workload?
(E.g. balanced, hectic, light...)

Fatigue	Low Job Control	Job Insecurity	Poor Support (Low Support)	Lack of Role Clarity	Poor Organisational Change Management	Inadequate Reward & Recognition	Poor Organisational Justice	Traumatic Events or Material	Remote or Isolated Work	Intrusive Surveillance	Poor Physical Work Environment	Violence and Aggression	Bullying	Harassment (including Sexual Harassment)	Conflict or Poor Workplace Relationships
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Job Demands (High or Low)

Fatigue

Low Job Control

What it looks like

Work is tightly micromanaged – employees have no say in how or when tasks are done or face rigid procedures with no flexibility. They may feel powerless, frustrated, or disengaged.

How to manage

Increase autonomy

Wherever possible, let staff choose how to approach their tasks or when/where to do their work (e.g. flexible hours, varying work methods) as long as outcomes are met.

Flatten unnecessary approvals

Remove overly rigid bureaucracy and allow employees to make appropriate decisions. Trust people with responsibility and input on decisions that affect their roles.

Include workers in changes

When adjusting work processes or schedules, consult the team, but importantly actively employ the feedback – giving them a voice in decisions builds a sense of control and buy-in.

Prompt: Do people in your teams genuinely have a say in how they do their work?

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Prompt: Do people in your teams genuinely have a say in how they do their work?

Job Insecurity

Poor Support (Low Support)

Lack of Role Clarity

Poor Organisational Change Management

Inadequate Reward & Recognition

Poor Organisational Justice

Traumatic Events or Material

Remote or Isolated Work

Intrusive Surveillance

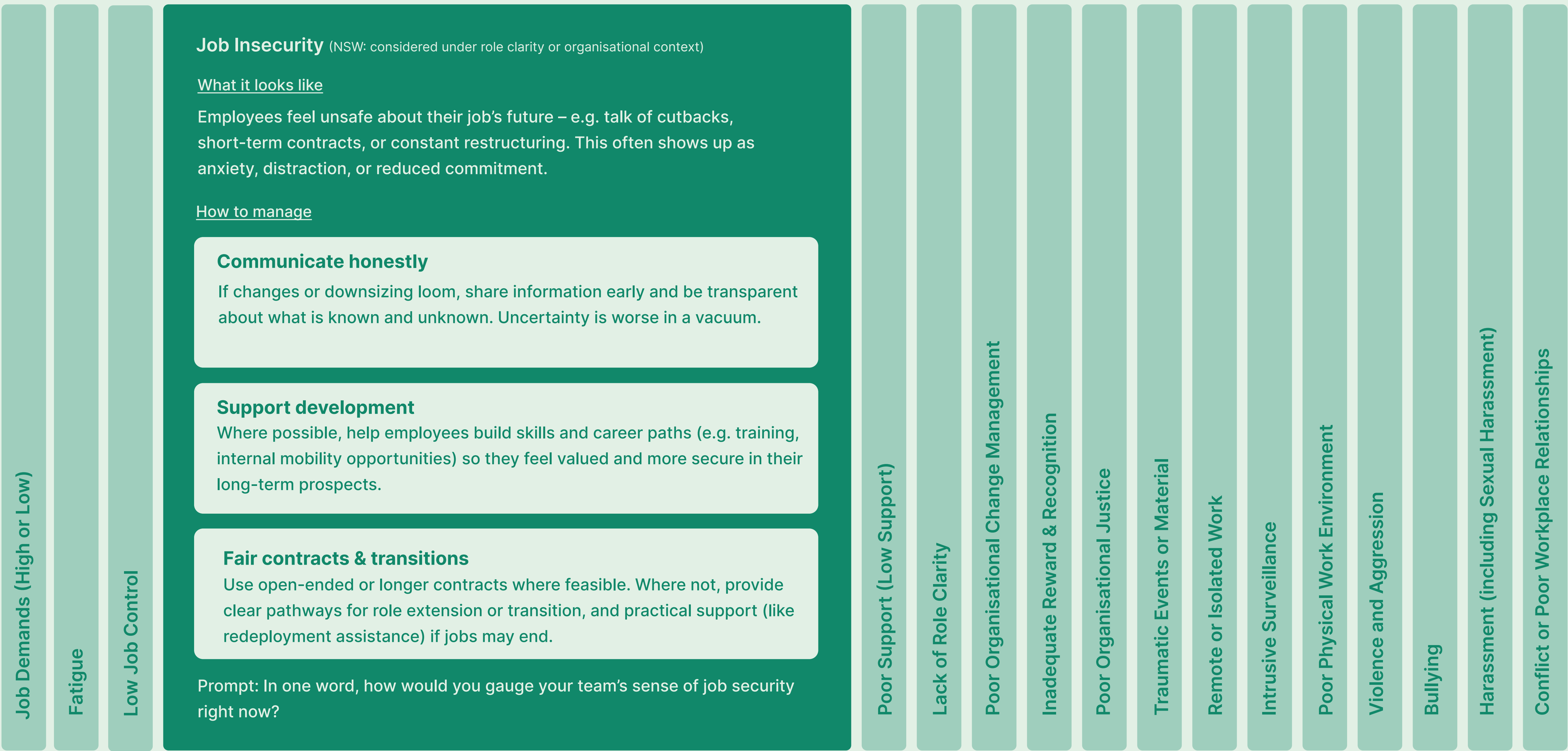
Poor Physical Work Environment

Violence and Aggression

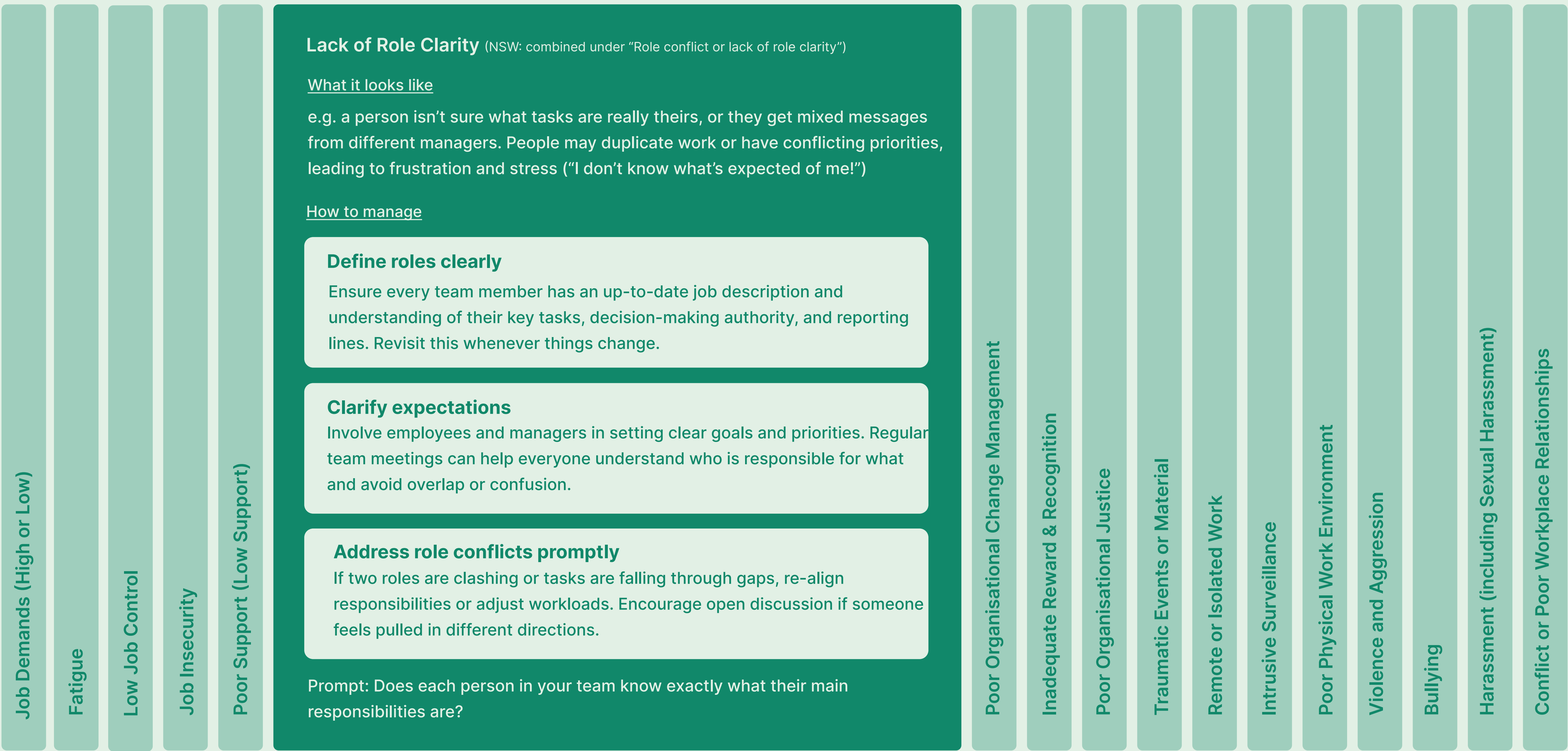
Bullying

Harassment (including Sexual Harassment)

Conflict or Poor Workplace Relationships





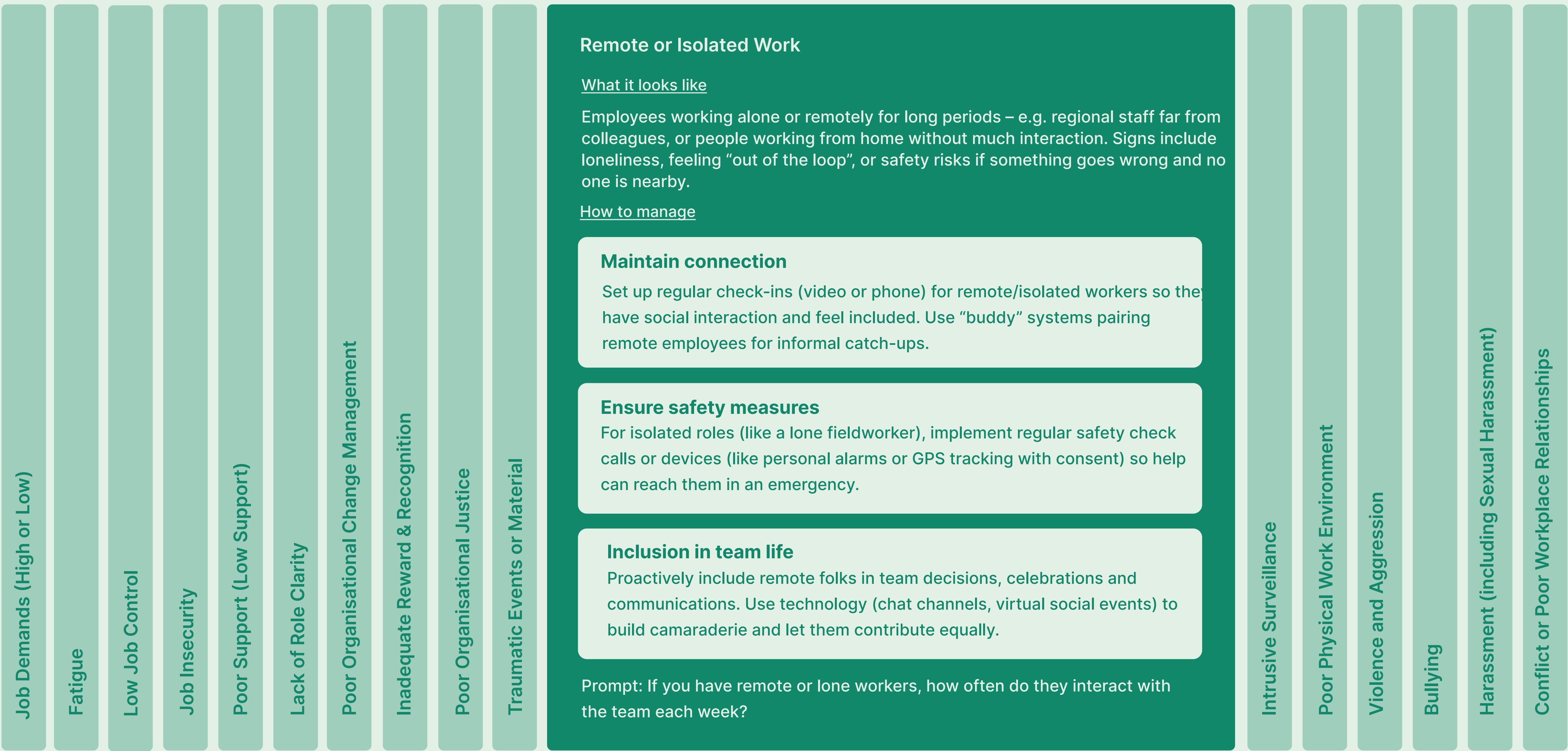


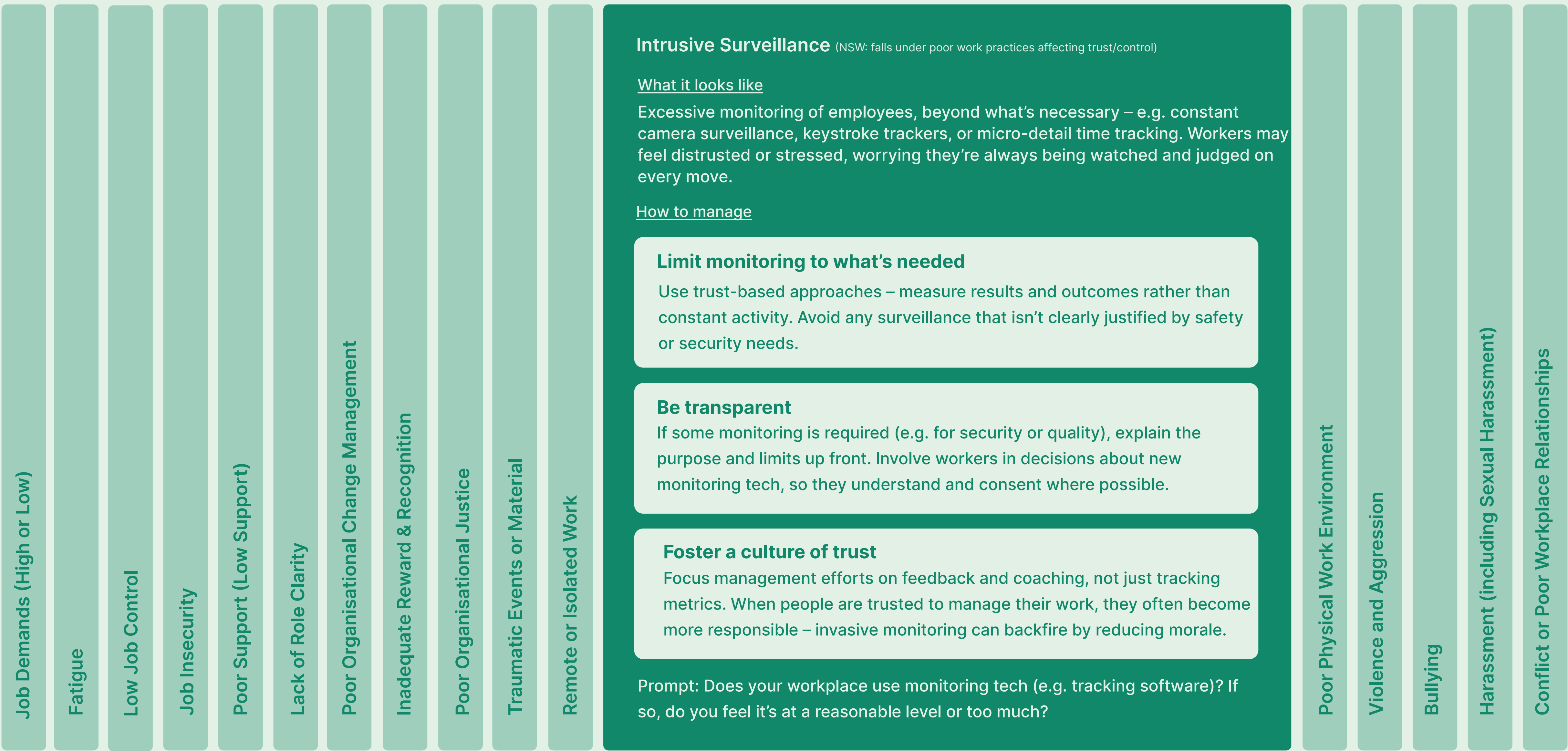


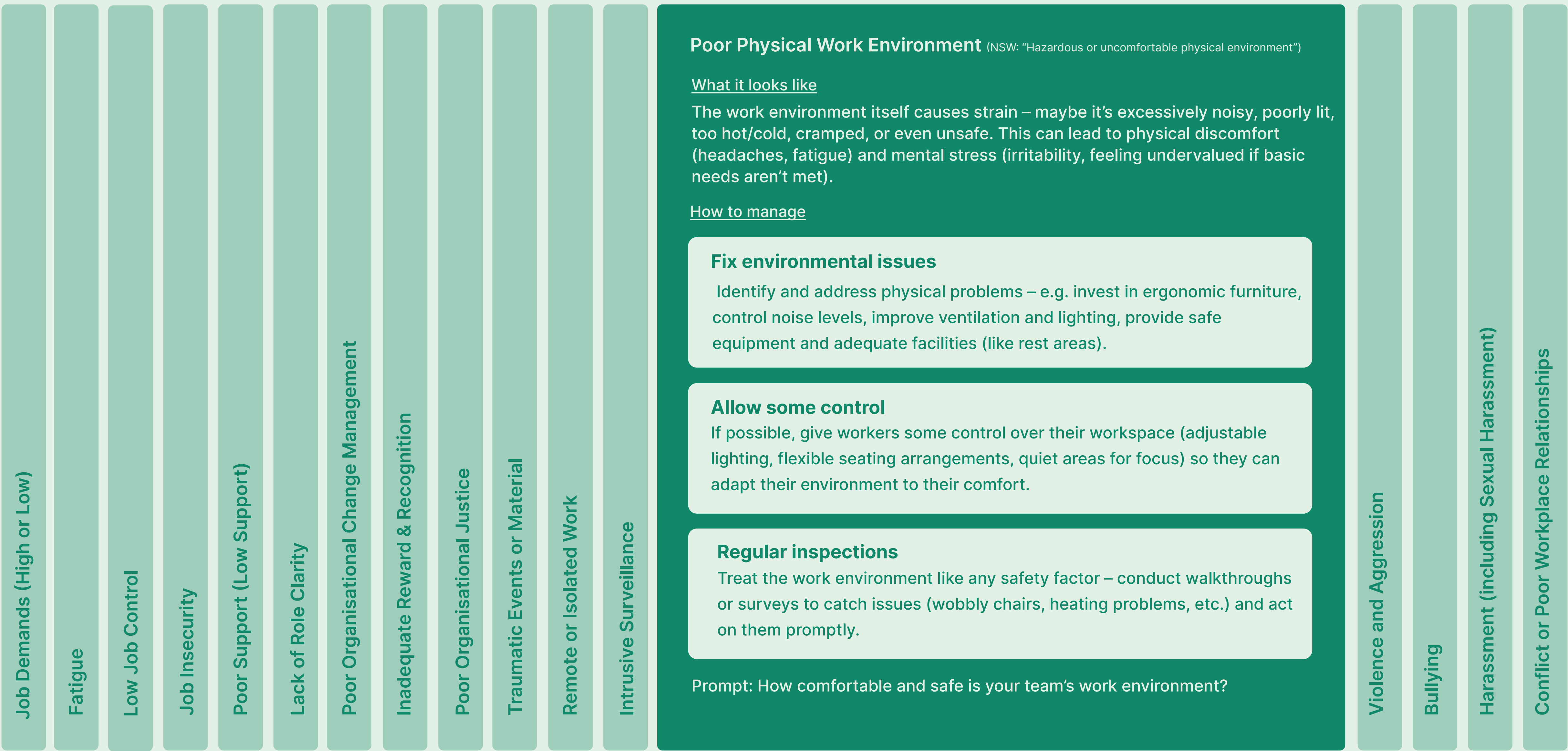


















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Conflict or Poor Workplace Relationships

What it looks like

Ongoing friction or tension among colleagues or teams. This isn’t an isolated blow-up, but a pattern of poor communication, mistrust, or unresolved disagreements. It might show up as teams that avoid collaborating, frequent gossip or complaints, or a general lack of teamwork and goodwill.

How to manage

Address issues early

Encourage an environment where concerns are raised and resolved constructively (e.g. through mediated discussions or team problem-solving sessions) rather than letting resentment fester.

Team-building and norms

Invest in team-building activities and jointly establish team norms for communication (like “we assume good intent” or “we listen fully before responding”). This sets a foundation of trust and respect.

Leadership example

Train and encourage managers to role-model positive interactions – e.g. giving balanced feedback and not shying away from tough conversations. Leaders should not ignore tensions; they should help mediate conflict and hold people accountable for respectful behaviour.

Prompt: If there’s a conflict or tension in your team, is it usually addressed or avoided?

Operationalising psychosocial hazards means:

Redesigning work (not just supporting people)

Intervening early (not waiting for complaints)

Building leader capability (not relying on HR alone)

Detailed documentation is now more important than ever

How Do You Identify Psychosocial Hazards in Practice?

Talk to your people (Consultation)

- 1:1 conversations (remember people need to feel seen)
- Team discussions / focus groups
- Pulse surveys

Look at your data (Leading indicators)

- Sick leave and absenteeism
- Staff turnover
- EAP usage trends

Observe how work is actually done

- Workload, pace, and deadlines
- How people interact (support vs conflict)
- Signs of strain (withdrawal, frustration, fatigue)

Use structured tools and frameworks

- Psychosocial surveys (such as People at Work Survey, or the Copenhagen Psychosocial Questionnaire - COPSQ or the Guarding Minds at Work resource out of Canada). Each map onto the psychological health and safety categories we're talking about here today.
- Risk assessment templates such as A.D.D.R.E.S.S. (Autonomy, Define, Demands, Recognition, Exposure, Support, and Strengths)
- Hazard checklists aligned to the 15 / 17 categories

Review the work design itself

- Is the workload realistic?
- Is there role clarity?
- Do people have control over their work?

Poor Organisational Justice



Poor organisational justice means a lack of:

- procedural justice (e.g. fair decision making processes)
- Informational fairness (e.g. keeping everyone up to date and in the loop), or
- Interpersonal fairness (e.g. treating people with dignity and respect).

Poor organisational justice may include:

- policies or procedures that are applied inconsistently or unfairly (e.g. departing from your policy without telling employee)
- bias in decision-making (e.g. conflicted or pre-determined)
- not providing adequate information about allegations or performance concerns
- not accommodating workers' reasonable needs (e.g. not making adjustment during a process or providing supports)
- failing to appropriately address issues (e.g. underperformance, misconduct, or inappropriate or harmful behaviour such as bullying), or
- not communicating outcomes in a transparent manner.

Recent prosecution: poor organisational justice



The employer is charged with a section 32 offence under Work Health and Safety Act 2011 (NSW)



Allegation is exposed worker to risk of serious harm by poor management of his grievance



Grievance relates to alleged manner of email communication of manager to others (with only one email being to the particular worker)



The risk in the case is “to the worker’s physical or psychological health as a result of poor organisational justice by failing to adequately manage grievances in the workplace”.



The alleged failures include: failure to independently investigate, failure to attempt to resolve within 20 days, failure to require mediation, failure to request an apology, failure to counsel the manager, failure to get commitment to cease behaviour

Prosecution withdrawn

01.

The organisation's efforts to find restorative options, even if not in the timeliest fashion, does not in itself indicate organisational wrongdoing or exposure to an unreasonable risk of psychological injury

02.

Delays or imperfections in grievance handling fall within the scope of reasonable administrative variability and are not indicative of organisation negligence

03.

Forcing mediation or demanding an apology risks causing harm and not resolving the grievance

04.

Poor psychological safety climate becomes harmful when it is frequent, persistent / systemic or severe

Tips

01 Develop a psychosocial master plan of hazards and “medicines”

02 Increase HR resources and combine HR and WHS teams and knowledge

03 Train and educate managers – this is where it will go wrong

04 Eliminate drift and avoidance of issues

Case Study: Kevin



54 years old

Manager / SME

Disability services organisation

15 years of service

Relevant Hazards:

- Low job control
- Bullying
- Isolation
- Low job demand
- Remote or isolated work
- Poor organisational change management
- Job insecurity
- Poor support
- Conflict or poor workplace relationships

Case Study: Kevin



→ Behaviour Changes

→ Organisational Data

Case Study: Kevin



Organisational Response

- Management training
- Review data
- Identify where the issue lies
- Address misaligned behaviours early
- Avoid relying solely on EAP
- Workplace facilitated discussion

Case Study: Kevin



Train Managers

- Recognising psychosocial risk indicators
- Early intervention
- Active listening
- How to have difficult conversations safely
- Respond to complaints
- When to escalate

Case Study: Kevin



Takeaways:

- Train managers to identify and intervene early
- Close the loop
- Seen. Heard. Valued.

Q&A

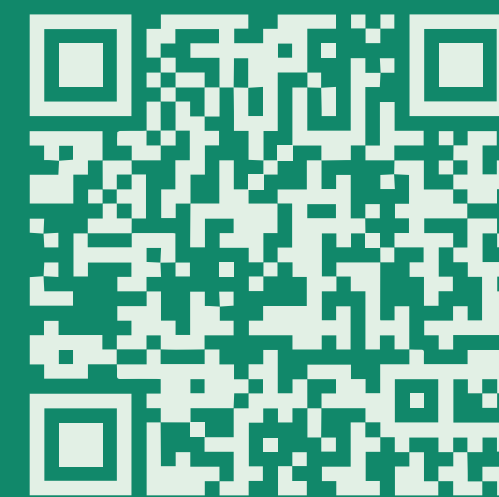
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