Actevate

New NSW Psychosocial Risk Laws

Technical Briefing for Management

Facilitated by Robert Migliore
Founder & Director, Actevate

Speakers

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Australia’s employer-preferred partner for evidence-based Return to Work, Workers Compensation, and Injury Prevention.

20+ years supporting businesses nationwide across the end-to-end employee lifecycle.

Moderated by:
Robert Migliore
Founder & Director
Actevate

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Meet the Speakers

James Mattson
Workplace Lawyer

Kelly Hunt
Psychologist

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What is changing?

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

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Regulators expect evidence that psychosocial safety is managed systematically.

Mental health claims are on the rise.

Personal liability for officers and management.

Fines and prosecution under the WHS Act.

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The cost of getting it wrong

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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

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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.

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Key Psychosocial Hazards and How to Manage Them

- **Job Demands (High or Low)** (NSW: part of "Role overload/underload")
- 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) (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

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Job Demands (High or Low)

Fatigue (NSW: addressed under “Role overload” / workload management)

What it looks like

Workers are exhausted - yawning, making mistakes, or appearing irritable or forgetful. Common causes include long overtime hours, shift work without recovery time, or intense sustained focus without breaks.

How to manage

Review rosters and hours

Implement fatigue management - ensure adequate rest between shifts, limit excessive overtime, and rotate demanding tasks to give recovery time.

Design safer schedules

Avoid back-to-back night shifts or very long shifts. Use job rotation so the same person isn’t always doing the most tiring tasks.

Promote recovery

Encourage micro-breaks (brief pauses to rest eyes or stretch), make sure team members take their leave and time off to recharge.

Prompt: on average, how many extra hours are people in your teams working each week? (type a rough number)

Low Job Control

Job Insecurity

Poor Support (Low Support)

Lack of Role Clarity

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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?

Job Insecurity

Poor Support (Low Support)

Lack of Role Clarity

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Job Demands (High or Low)

Fatigue

Low Job Control

Job Insecurity (NSW: considered under role clarity or organisational context)

What it looks like

Employees feel unsafe about their job's future – e.g. talk of cutbacks, short-term contracts, or constant restructuring. This often shows up as anxiety, distraction, or reduced commitment.

How to manage

Communicate honestly

If changes or downsizing loom, share information early and be transparent about what is known and unknown. Uncertainty is worse in a vacuum.

Support development

Where possible, help employees build skills and career paths (e.g. training, internal mobility opportunities) so they feel valued and more secure in their long-term prospects.

Fair contracts & transitions

Use open-ended or longer contracts where feasible. Where not, provide clear pathways for role extension or transition, and practical support (like redeployment assistance) if jobs may end.

Prompt: In one word, how would you gauge your team's sense of job security right now?

Poor Support (Low Support)

Lack of Role Clarity

Poor Organisational Change Management

Inadequate Reward & Recognition

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Job Demands (High or Low)

Fatigue

Low Job Control

Job Insecurity

Poor Support (Low Support)

What it looks like

People feel on their own. They might not get enough guidance or help from managers and colleagues, leading to stress and mistakes. Signs include employees hesitating to ask for help, or saying they feel unsupported or overwhelmed.

How to manage

Strengthen manager support

Train managers to do regular 1:1 check-ins that go beyond tasks – ask how the person is coping and what help they need. Encourage an “open door” policy for questions or concerns.

Peer support & teamwork

Create ways for team members to collaborate and help each other (e.g. buddy or mentoring systems, cross-training so people can cover for each other).

Clear resources

Make sure workers have the tools and training to do their jobs. Act quickly on requests for assistance – whether it’s additional manpower, better equipment, or changes in process.

Prompt: If someone on your team is struggling with their workload or a task, do they know exactly who to ask for help?

Lack of Role Clarity

Poor Organisational Change Management

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Job Demands (High or Low)

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Low Job Control

Job Insecurity

Poor Support (Low Support)

Lack of Role Clarity (NSW: combined under “Role conflict or lack of role clarity”)

What it looks like

e.g. a person isn’t sure what tasks are really theirs, or they get mixed messages from different managers. People may duplicate work or have conflicting priorities, leading to frustration and stress (“I don’t know what’s expected of me!”)

How to manage

Define roles clearly

Ensure every team member has an up-to-date job description and understanding of their key tasks, decision-making authority, and reporting lines. Revisit this whenever things change.

Clarify expectations

Involve employees and managers in setting clear goals and priorities. Regular team meetings can help everyone understand who is responsible for what and avoid overlap or confusion.

Address role conflicts promptly

If two roles are clashing or tasks are falling through gaps, re-align responsibilities or adjust workloads. Encourage open discussion if someone feels pulled in different directions.

Prompt: Does each person in your team know exactly what their main responsibilities are?

Poor Organisational Change Management

Inadequate Reward & Recognition

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Job Demands (High or Low)

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Poor Support (Low Support)

Lack of Role Clarity

Poor Organisational Change Management

What it looks like

Change (like restructures, new systems, policy changes) is handled badly e.g. sudden announcements with little warning or confusing communication. Workers are left anxious and unsure about what's happening or how it affects them.

How to manage

Plan and communicate early

Engage workers in change as early as possible. Explain the why, the what, and how roles will be supported. Provide timelines for updates and stick to them, even if the update is "we're still working on it".

Consult and listen

Create channels (like Q&A sessions, town halls, team meetings) for employees to ask questions and give input before and during change. Show that feedback is heard by acting on reasonable suggestions.

Support through change

Adjust workloads or expectations to account for the disruption. Provide training or mentoring for new processes. Identify change champions or buddies to help colleagues adapt.

Prompt: Think about the last big change in your workplace – was it communicated and managed in a way that made people feel prepared?

Inadequate Reward & Recognition

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Job Demands (High or Low)

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Job Insecurity

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Lack of Role Clarity

Poor Organisational Change Management

Inadequate Reward & Recognition (NSW: often termed "Low reward and recognition")

What it looks like

People feel undervalued – effort goes unacknowledged, there's little feedback or thanks, and opportunities for promotion or growth seem scarce or unfair. This can lead to demotivation ("Why bother? No one notices.") and resentment.

How to manage

Regular appreciation

Build recognition into routine – e.g. shout-outs in team meetings, personal thank-you messages for extra effort, or small rewards for achievements. Make it timely and specific (mention what was done well).

Fair promotion & pay systems

Ensure transparency and fairness in promotions, pay rises, and bonuses. Set clear criteria and communicate them, so people see a connection between performance and reward.

Growth opportunities

Provide non-monetary recognition like professional development, interesting project opportunities, or leadership roles in tasks. Show employees how they can progress and develop their careers.

Prompt: When was the last time someone in your team received recognition or positive feedback?

Poor Organisational Justice

Traumatic Events or Material

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Inadequate Reward & Recognition

Poor Organisational Justice (NSW: covered under "Poor procedural justice" and fairness in processes)

What it looks like

Perceived unfairness at work – perhaps rules aren't applied evenly, some people get preferential treatment, or decisions feel opaque or biased. E.g. one person's requests get approved but another's don't with no clear reason.

How to manage

Consistent processes

Apply policies and rules uniformly – for example, consistent criteria for promotions, discipline, and resource allocation. Avoid "one set of rules for some, another for others."

Transparency in decisions

Whenever possible, explain the rationale for significant decisions (like reassignments, promotions, or resource distribution) so people understand the process and see that it's based on fair criteria.

Open feedback channels

Encourage employees to speak up if they perceive something as unfair (e.g. via an anonymous suggestion box or direct to HR). Take such feedback seriously and investigate patterns that suggest fairness issues.

Prompt: How transparent are decisions (like task allocation, promotions) in your area?

Traumatic Events or Material

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Poor Organisational Change Management

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Poor Organisational Justice

Traumatic Events or Material (NSW: "Exposure to traumatic events")

What it looks like

Roles that expose workers to disturbing or traumatic situations – e.g. emergency responders dealing with accidents, or staff handling graphic content or distressing stories. Workers may exhibit signs of PTSD, anxiety, or they might want to avoid some tasks after such exposure.

How to manage

Prevent or rotate exposure

If possible, limit how often the same person faces traumatic tasks. Use job rotation or allow breaks from front-line traumatic scenarios to give mental recovery time.

Structured debriefing and support

After a traumatic incident, provide a formal debrief session and counselling support. Encourage sharing reactions and normalise the emotional impact, so people aren't left to suffer in silence.

Training and preparation

Ensure workers in high-risk roles receive training in coping strategies (like resilience or trauma management skills) and know the protocols for getting help or time off if needed.

Prompt: Do we have a process in place when staff experience something traumatic on the job?

Remote or Isolated Work

Intrusive Surveillance

Poor Physical Work Environment

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Job Insecurity

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Lack of Role Clarity

Poor Organisational Change Management

Inadequate Reward & Recognition

Poor Organisational Justice

Traumatic Events or Material

Remote or Isolated Work

What it looks like

Employees working alone or remotely for long periods – e.g. regional staff far from colleagues, or people working from home without much interaction. Signs include loneliness, feeling “out of the loop”, or safety risks if something goes wrong and no one is nearby.

How to manage

Maintain connection

Set up regular check-ins (video or phone) for remote/isolated workers so they have social interaction and feel included. Use “buddy” systems pairing remote employees for informal catch-ups.

Ensure safety measures

For isolated roles (like a lone fieldworker), implement regular safety check calls or devices (like personal alarms or GPS tracking with consent) so help can reach them in an emergency.

Inclusion in team life

Proactively include remote folks in team decisions, celebrations and communications. Use technology (chat channels, virtual social events) to build camaraderie and let them contribute equally.

Prompt: If you have remote or lone workers, how often do they interact with the team each week?

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

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Job Insecurity

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Lack of Role Clarity

Poor Organisational Change Management

Inadequate Reward & Recognition

Poor Organisational Justice

Traumatic Events or Material

Remote or Isolated Work

Intrusive Surveillance (NSW: falls under poor work practices affecting trust/control)

What it looks like

Excessive monitoring of employees, beyond what's necessary – e.g. constant camera surveillance, keystroke trackers, or micro-detail time tracking. Workers may feel distrusted or stressed, worrying they're always being watched and judged on every move.

How to manage

Limit monitoring to what's needed

Use trust-based approaches – measure results and outcomes rather than constant activity. Avoid any surveillance that isn't clearly justified by safety or security needs.

Be transparent

If some monitoring is required (e.g. for security or quality), explain the purpose and limits up front. Involve workers in decisions about new monitoring tech, so they understand and consent where possible.

Foster a culture of trust

Focus management efforts on feedback and coaching, not just tracking metrics. When people are trusted to manage their work, they often become more responsible – invasive monitoring can backfire by reducing morale.

Prompt: Does your workplace use monitoring tech (e.g. tracking software)? If so, do you feel it's at a reasonable level or too much?

Poor Physical Work Environment

Violence and Aggression

Bullying

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Conflict or Poor Workplace Relationships

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Job Demands (High or Low)

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Poor Organisational Change Management

Inadequate Reward & Recognition

Poor Organisational Justice

Traumatic Events or Material

Remote or Isolated Work

Intrusive Surveillance

Poor Physical Work Environment (NSW: "Hazardous or uncomfortable physical environment")

What it looks like

The work environment itself causes strain – maybe it's excessively noisy, poorly lit, too hot/cold, cramped, or even unsafe. This can lead to physical discomfort (headaches, fatigue) and mental stress (irritability, feeling undervalued if basic needs aren't met).

How to manage

Fix environmental issues

Identify and address physical problems – e.g. invest in ergonomic furniture, control noise levels, improve ventilation and lighting, provide safe equipment and adequate facilities (like rest areas).

Allow some control

If possible, give workers some control over their workspace (adjustable lighting, flexible seating arrangements, quiet areas for focus) so they can adapt their environment to their comfort.

Regular inspections

Treat the work environment like any safety factor – conduct walkthroughs or surveys to catch issues (wobbly chairs, heating problems, etc.) and act on them promptly.

Prompt: How comfortable and safe is your team's work environment?

Violence and Aggression

Bullying

Harassment (including Sexual Harassment)

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Violence and Aggression

What it looks like

Workers face verbal abuse, threats, or physical harm in the course of their job – for example, aggressive customers or even colleagues. This creates fear, anxiety, and often actual injury risk. Staff might be worried about certain clients or dread certain shifts.

How to manage

Zero tolerance policy – in practice

Clearly communicate that abuse or threats will not be tolerated, whether from customers or staff. Back it up with action (e.g. removing abusive customers, disciplining staff perpetrators) so employees know you mean it.

Safety measures

Implement practical safety controls – training in de-escalation techniques, physical barriers or security presence if needed (e.g. screens in reception, personal alarms for front-line staff), and plans to summon help quickly.

Incident support

Encourage reporting of all aggression incidents and have a procedure to respond (medical care, counselling, legal action if needed). Debrief and check in on affected staff afterwards, so they feel safe and heard.

Prompt: Have any of your team ever faced aggression or threats at work? If so, do they feel the situation was handled well by the organisation?

Bullying

Harassment (including Sexual Harassment)

Conflict or Poor Workplace Relationships

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Violence and Aggression

Bullying (NSW: grouped with harassment in "Bullying & harassment")

What it looks like

Repeated, unreasonable behaviour by a person (or group) towards someone at work, aimed at intimidating, humiliating, or degrading them. This could be a boss who constantly belittles an employee, or a group of co-workers systematically excluding someone. Over time it leads to low team morale.

How to manage

Set clear expectations

Establish and enforce a code of conduct for respectful behaviour. Make sure everyone knows what bullying is (and that it's unacceptable) through training and team discussions.

Proactive intervention

Train leaders to spot early signs of bullying (e.g. someone consistently teased or isolated) and address it immediately – don't wait for a formal complaint, or for your staff to leave. Early, private conversations or workplace facilitated mediation can stop behaviour before it escalates.

Safe reporting & action

Create safe channels for employees to report bullying without fear (e.g. confidential HR contact or an anonymous tool). When bullying is confirmed, take appropriate action quickly (such as disciplinary measures), and follow up to ensure the bullied employee is supported and the behaviour stops.

Prompt: Would people in your team feel safe speaking up if they felt bullied?

Harassment (including Sexual Harassment)

Conflict or Poor Workplace Relationships

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Harassment (including Sexual Harassment)

What it looks like

Offensive, belittling or unwanted behaviour, which can be a single incident or repeated, often relating to personal characteristics (like race, gender, sexuality, etc.). Sexual harassment includes unwelcome sexual advances or remarks. This behaviour creates a hostile or humiliating environment.

How to manage

Foster a respectful culture

Make respect and inclusion core values. Provide training and clear examples of what constitutes harassment (including subtle forms), so everyone understands boundaries. Leaders must model respectful behaviour consistently.

Strong, clear procedures

Have a straightforward reporting process for harassment that bypasses the usual chain of command if needed (since a supervisor might be the harasser). Ensure confidentiality and a fair, prompt investigation process.

Support and accountability

Support those who come forward (e.g. allow them to speak with a trained advisor or counsellor). Take appropriate action against harassers based on investigation findings, reinforcing that harassment has serious consequences at work.

Prompt: Does your workplace actively talk about respect and appropriate behaviour?

Conflict or Poor Workplace Relationships

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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?

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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

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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 - COPSOQ 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?

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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

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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

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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

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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

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Case Study: Kevin

→ Behaviour Changes

→ Organisational Data

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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

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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

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Case Study: Kevin

Takeaways:

→ Train managers to identify and intervene early

→ Close the loop

→ Seen. Heard. Valued.

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Q&A

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