



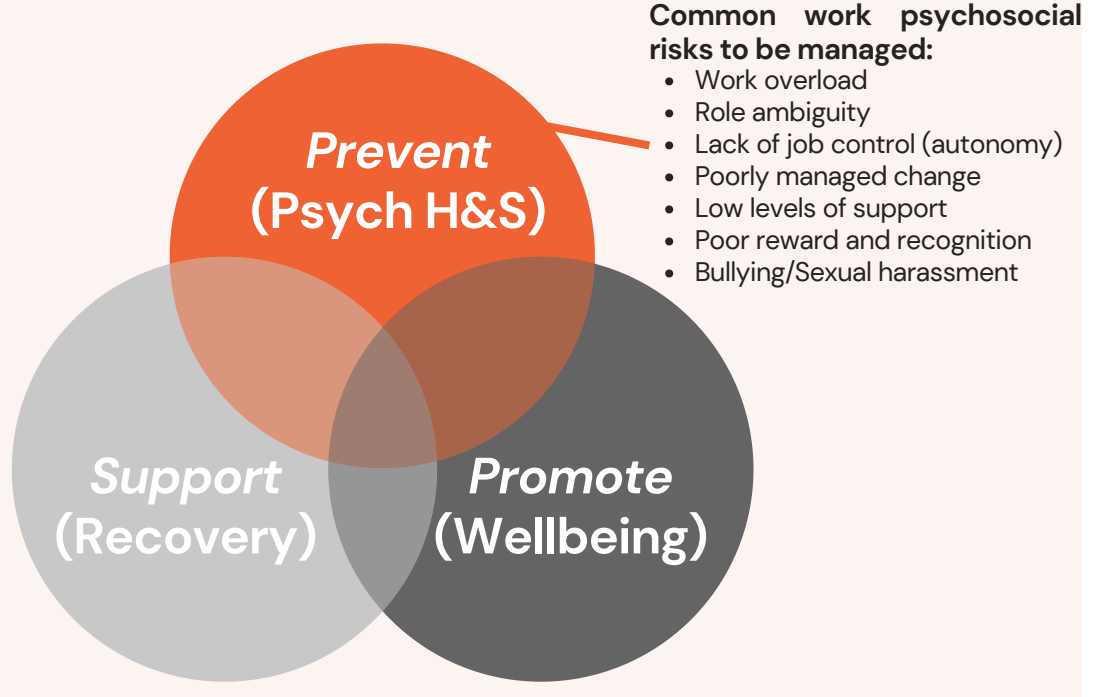
Psychological Health and Safety Capability Development Programme: Key Points from Session 1



Psychological health and safety within broader wellbeing agenda

Holistic approaches to work mental health and wellbeing require managing work psychosocial risks to prevent harm (psychological health and safety), providing opportunities for workers to promote their own wellbeing, and services that support individuals to recover when experiencing impaired mental health.

Managing psychosocial risks is a legal requirement under HSWA and PCBUs should direct most effort into this area.



The strategic why

Psychological health and safety is increasingly seen as an organisational priority for several strategic reasons



Legal: A failure to effectively manage work psychosocial risks increases prosecution risk for agencies / departments (as PCBUs). Officers risk personal prosecution if they fail to take reasonable steps to verify psychosocial risks are being managed by the PCBU.



Financial and productivity: Work-related psychological harm can lead to significant periods of lost-work time, impacting organisational performance and finances. Workers with impaired mental health often report being less productive than if their mental health was better.



Ethical: Work should not harm the people who do it. Preventing harm is an ethical responsibility on leaders and is an increasing expectation of current and potential employees as well as society generally.

Roles and responsibilities

PCBU

Ensure the lowest level of psychosocial risk reasonably practicable via risk assessments, safe systems of work / controls, monitoring, learning and improving

Officer

Take reasonable steps to understand psychosocial risks, ensure risk management is prioritised/resourced, verify systems/controls are in place/working effectively

Worker / other

Follow reasonable policies and procedures to keep themselves free from psychological harm, participate in workforce consultation to understand psychosocial risk

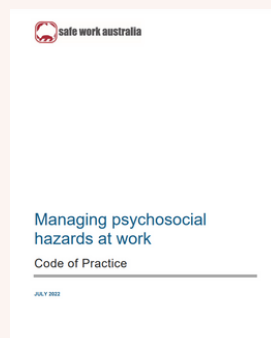
HSRs / Elected Representatives

Represent needs of workers back to management in relation to psychological health and safety risks

Future of psychological health and safety?



New Zealand's HSWA is based on Australia's Model H&S Act, which was enacted six years before our HSWA. Looking at Australia's regulatory and court actions on psychological health and safety therefore provides us with a look into the potential future of psychological health and safety in New Zealand...



Updated Regulatory framework: Management of psychosocial risks now an explicit part of Work H&S Regulations, with new Code of Practice placing specific obligations on PCBUs

Kozarov judgement:

Victoria High Court confirms some roles inherently psychologically hazardous from day one. PCBUs need to take proactive action to address work design and exposure.

LEGAL INSIGHTS

Employer's duty of psychosocial care in the workplace examined: the Kozarov decision

By Catherine Dunlop, Amber Davis, Lyndel David & Matthew D'Angelo

• 19 April 2022 • 10 min read

[Warning: This article references instances of suicide]

Employers and employment lawyers alike have anticipated the High Court's decision in Kozarov as a significant judgment on an employer's duty to employees in respect of mental health in the workplace.

Actions

Curiosity action: With consideration of the Integrated Approach model, reflect and summarise your agency's current approach to workplace mental health.

Progression action: Complete 'Readiness for PHS' (10 questions) and obtain feedback from relevant stakeholders.