



18 December 2023

Ms Peggy Cheong
Executive Director
NT WorkSafe
GPO Box 1722
DARWIN NT 0801

By email: ntworksafe@nt.gov.au

Dear Ms Cheong,

Managing psychosocial hazards at work

The Minerals Council of Australia – Northern Territory Division (MCA NT) welcomes the opportunity to provide feedback on the proposed *Code of Practice for Managing Psychosocial Hazards at Work* (the code). Australia's minerals industry is committed to eliminating fatalities, injuries and occupational illnesses and building respectful workplaces. The Minerals Council of Australia recognises this requires continuous effort and leadership.

Background

The Work Health and Safety Regulations 2011 is a uniform national approach to workplace health and safety, enabling all employers and workers across Australia to have the same expectations for safe and respectful workplaces regardless of their location, job, gender, or seniority.

On 16 November 2023, the MCA NT was invited to provide feedback on the amendments to the code, made to align with the national approach. The primary focus of this review is the addition of the 'hierarchy of controls' when identifying psychosocial hazards in the workplace. The MCA NT makes comment on these amendments below, and further recommendations for the code for consideration.

Recommendations

1. The MCA NT supports the risk management approach and the inclusion of the 'hierarchy of controls'.
2. The code be reviewed to ensure the terminology and definitions used are explained, simple and practical
3. The wording and tone in the code be carefully considered, as to not imply all work aspects will inevitably cause harm
4. For ease of understanding, consideration could be given to presenting more of the Code visually or through process workflows.

Feedback

The MCA NT agree, in principle, with the intent of the code and are supportive of the risk management approach, using the 'hierarchy of controls' to identify controls for psychosocial hazards. There are some aspects in the code that require further work to ensure that it is both easy to understand and can be practically implemented in the workplace.

Australia's minerals industry has well defined management practices for many psychosocial risk factors including shift work, remote/ isolated work, and lengthy travel. These factors are well managed and are considered normal aspects of mining work. It is important to note that these psychosocial risks do not necessarily result in psychological harm. The code should be clear that psychological hazards and harm arise where risk factors are not effectively identified or managed. The code in its current form implies an impact to psychological health from these factors is inevitable.

The code requires further clarity and examples to support industry understanding of obligations and compliance. Notifiable incidents, for example, should be taken seriously and have clear guidance for process and compliance. However, the code contains a limited amount of information on it. There is also no practical example of the application of personal protective equipment applied for a psychosocial hazard despite the reference to such.

There is terminology and definitions within the code that are unclear. There is no definition of terms used to describe the level of risk including 'acceptable', 'reasonably practicable' or 'reasonably achievable'. Clarification is required to inform workplaces on what would realistically be achievable and compliant and could objectively be assessed by the regulator. Further, guidance should be provided on how to apply the reasonably practicable test.

The code states '*you must consult with all workers, in particular workers with vulnerabilities*'. There is no definition for vulnerabilities in the code, and how this consultation would differ from the already legislated requirement for consultation. The code also states that '*workers from diverse backgrounds may be exposed to different psychological hazards .. and should be provided opportunity to participate in these consultations*'.

The list of workers from diverse backgrounds is broad reaching, yet not exhaustive. Vulnerabilities may change based on personal circumstances. It is unreasonable to expect a person conducting a business or undertaking (PCBU)'s to constantly be informed of and assess perceived vulnerabilities in the workforce. Of concern, these activities may be considered discriminatory or could provide an unintended psychological hazard. As PCBU's are already required to consult '*as far as is reasonably practicable*' in the first instance, it is suggested this section is removed, or to provide vulnerabilities as a non-exhaustive list of examples as provided in other sections.

The code contains 55 pages of text that can make absorption of key information challenging. The addition of the 'hierarchy of controls' is successfully introduced graphics to convey information and remove words. For ease of understanding, consideration could be given to presenting more of the code visually or through process workflows.

The MCA NT is available to further discuss the development of the code. We look forward to working with NT WorkSafe to ensure the safety, health and wellbeing of the mining workforce continues to be the highest priority. Should you need further information please do not hesitate to contact either myself on 08 8981 4486, or Dr Amber Jarrett, Principal Policy Adviser MCA NT on 0424886662 and Amber.Jarrett@minerals.org.au.

Yours sincerely



Cathryn Tilmouth
Executive Director, Northern Australia