

Modernising Work Health and Safety Laws in Western Australia

Submission by the Society for Industrial and Occupational Psychology Australia

Confidentiality

This document has been modified to remove personal information not specifically authorised for publication or that is not in the public domain. This includes some contact and personal details, and metadata. Electronic signatures have also been removed.

This process may have resulted in minor changes to the appearance of the submission but has not modified the substantive content. If you believe there have been changes to content of the document please email WHSreform@dmirs.wa.gov.au or call the WorkSafe Contact Centre on 1300 307 877.

Accessibility

This is a third party document and DMIRS has conducted a basic review to ensure the majority of the substantive content is accessible. There may be elements of this submission that are not fully accessible (for example, scanned or hand-written elements). If you are having difficulties accessing the document please email WHSreform@dmirs.wa.gov.au or call the WorkSafe Contact Centre on 1300 307 877.

SUBMISSION

Questions for you to consider:

1. What is the likely cost to implement a specific proposal?
2. What is the benefit to workplace participants?
3. Is a specific recommendation likely to be effective in achieving safer workplaces?
4. Are there any unintended consequences of a proposal?
5. If a new requirement is proposed, what are the costs and benefits?

Recommendation number in the Consultation Paper and/or section number in the model WHS Bill.	Comment (including costs and benefits)
General Comment	<p>SIOPA appreciates the opportunity to comment on the proposed amendments to the model Work Health and Safety Bill for adoption in Western Australia. The modernisation of work health and safety laws under a single Act is likely to assist individuals, organisations and service providers in adopting the law.</p> <p>It is acknowledged that under the Model Work Health and Safety Bill (2016), a person conducting a business or undertaking must protect workers from psychological risks as well as physical risks. There is little else mentioned regarding psychological health, risks or hazards in the Bill. Whilst this is likely sufficient at this level, SIOPA recommends that supporting documentation, including codes of practice, should elaborate and provide detailed examples regarding the prevention and minimisation of risks to psychological health.</p>
Recommendation 8 – Duty of care for providers of WHS advice, services or products	<p>Many of the services Organisational Psychologists provide to individuals, teams and organisations aim to improve employee performance and productivity, with a large focus placed on their psychological health and wellbeing.</p> <p>As the Model Work Health and Safety Bill (2016) defines health as “physical and <i>psychological</i></p>

	<p>health” and identifies hazards and risks relating to the use of or exposure to any physical, biological, chemical or <i>psychological</i> hazard, most Organisational Psychology services could be considered a relevant service under the WHS law, whether that be as a consultant, training provider, or providing other services to business.</p> <p>All Organisational Psychologists are already registered with the Psychology Board of Australia, one of the 14 National Boards managed by the Australian Health Practitioner Regulation Agency. All health practitioners registered to practise are included on the national register of practitioners. The core role of the Psychology Board is to protect the public. They ensure that only practitioners who have acquired the skills and qualifications to provide safe care and psychological services to the Australian community are registered to practise on an annual basis.</p> <p>SIOPA acknowledges that not all service providers will be held to the same standards and support the inclusion of a new duty of care on the providers of workplace health and safety advice, services or products. As is specified in the proposed amendments, it is recommended that clear definitions for “relevant service” and “service provider” are required to ensure success and that the scope of the duty does not extend beyond the nature or the services provided. Practitioners and service providers need not be restricted to the extent they are not able to deliver effective services to their clients.</p>
<p>Recommendation 16 – Right to cease unsafe work to include hazards posed to other persons</p>	<p>SIOPA supports the inclusion of the common law right for a worker to cease unsafe work where there is a risk posed to another person by the work. The inclusive language increases employee responsibility in that they not only need to minimise risk to the self, but also others.</p>
<p>Recommendation 27 - Requirement to notify Regulator of compliance with improvement notice</p>	<p>SIOPA supports the inclusion of a requirement for the person issued an improvement notice to notify the regulator of their compliance. In the context of employee psychological health and wellbeing, it is</p>

	<p>important for the person who is issued with the notice to respond appropriately within the period specified. Should it not be sufficient or appropriate and the Regulator not be informed in time, there is potential for situations to deteriorate further. Therefore, a system that places minimal burden on both the duty holder and Regulator is ideal.</p>
<p>Recommendation 30 – Enforceable undertakings not permitted for Category 2 offences involving a fatality</p>	<p>SIOPA supports the recommendation that Western Australia adopt the Queensland approach to prohibiting enforceable undertakings for Category 2 offences that involve a fatality. Further, SIOPA is in agreeance that there is a need for clear expectations around when an enforceable undertaking will be accepted and that the acceptance of enforceable undertakings should be mindful of community expectations.</p>

END OF SUBMISSION