

BULLETIN

Duty to Manage Health and Safety Risk – Psychological Hazards

A Person Conducting a Business or Undertaking's Primary Duty of Care

Section 19 of the [Work Health and Safety \(National Uniform Legislation\) Act](#) (WHS Act) imposes a primary duty on a person conducting a business or undertaking (PCBU) to ensure, so far as reasonably practicable, that workers and other persons at the workplace are not exposed to health and safety risks arising from the business or undertaking.

The WHS Act defines health as both physical and psychological health. This means the duty to ensure, as far as reasonably practicable, health and safety extends to ensuring the emotional and mental health of workers.

To do this, a PCBU must first identify the hazards that may expose a worker to health and safety risks arising from their business. This Information Bulletin will assist a business to identify the types psychological hazards that may exist in their workplace and how they may be managed. The hazards in this bulletin are not exhaustive and other hazards may exist.

What are Psychological Hazards

The following are some of the psychological hazards that a PCBU may identify in their workplace:

- occupational stress,
- workplace harassment,
- occupational violence,
- fatigue, and
- drug and alcohol use

If a PCBU identifies any of these (or other) psychological hazards in their workplace, they have an obligation under section 19 of the WHS Act to manage the risks as far as reasonably practicable. A failure to manage the risks may result in a complaint from a worker which would be treated by the Regulator as a request for Regulator response to a WHS issue.

What is a work-caused psychological illness?

A worker has a work-caused psychological illness if he/she:

- (a) has a diagnosed mental disorder; and
- (b) work was a significant contributing factor to that disorder.

Who makes a psychological illness diagnosis?

Clinical diagnoses should only be made by an appropriately qualified health professional, such as a psychiatrist or psychologist.

What are some examples of psychological illness?

The following are some common examples of clinical diagnoses of psychological illnesses:

- post traumatic stress disorder (PTSD),
- major depressive disorder, and
- adjustment disorder with anxiety

What are Occupational Stress Hazards

Occupational stress hazards can broadly be divided into three basic categories:

1. Position related:
 - Work environments where there is a high level of physical, emotional, or cognitive demand
 - Sustained tight timeframes and high output
 - Working alone or in isolation
 - Role ambiguity
 - Insufficient feedback
2. Organisational related
 - Work environment, such as high exposure to noise, light, poor ergonomics, overcrowding
 - Insufficient communication and consultation
 - Unsatisfactory work equipment
 - Lack of management and peer support
 - Lack of training
 - Discriminatory practices
 - Inadequate staffing levels
3. Change –induced
 - Unfamiliar with new job
 - Unfulfilled expectations of change such as a transfer or promotion
 - Changes in technology and work systems
 - Changes in procedures and work layout
 - New supervisors, peers and subordinates

More information on how to manage the risk arising from the hazard of occupational stress and how NT WorkSafe may get involved can be found in the **Information Bulletin on Occupational Stress**

What is Workplace Harassment?

The WHS Act does not provide a definition of workplace harassment, however it is generally accepted that in terms of work health and safety, workplace harassment means:

“the generally repeated treatment of a person(s) that involves inappropriate or unreasonable behaviour and creates a risk to safety and health.”

This definition is intended to cover a wide range of behaviours that can have an adverse impact on the workplace health and safety of workers and other persons. Harassing behaviours can range from subtle intimidation to more obvious aggressive tactics. Some of the more common types of harassing behaviours include:

- Abusing a person loudly, usually when others are present;

- Repeated threats of dismissal or other severe punishment for no reason;
- Constant ridicule and being put down;
- Leaving offensive messages on email or the telephone;
- Sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways;
- Humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management or other workers;
- Spreading gossip or false malicious rumors about a person with an intent to cause the person harm;
- Unnecessary withdrawal of duties;
- Repeated and unnecessary phone calls or other forms of communications;
- Isolation from colleagues.

What is not workplace harassment?

Based on the definition above, the following situations are not considered to be workplace harassment.

Single Incidents – a single incident of harassing type behaviour is not considered to be workplace harassment.

Managerial Actions – reasonable management actions, for example performance management processes, disciplinary actions or a decision not to provide a promotion in connection with a worker's employment are not workplace harassment provided these actions are taken in a reasonable way.

Discrimination and Sexual Harassment – acts of unlawful discrimination or sexual harassment are not covered by the advisory standard. Workplace harassment does not include acts of *unlawful discrimination* or *sexual harassment*. These complaints should be addressed to the [Anti Discrimination Commission NT](#) (ADCNT).

More information on how to manage the risk arising from the hazard of workplace harassment and how NT WorkSafe may get involved can be found in the Bulletin [Workplace Harassment – Information for Workers](#).

What are Occupational Violence Hazards

Occupational violence is generally defined to be any incident where a worker is physically attacked or threatened in the workplace or during workplace activities.

Within this definition:

Threat – means a statement (verbal) or behaviour that causes a reasonable person to believe they are in danger of being physically attacked.

Physical Attack – means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where that application creates a risk to health and safety.

Occupational violence should not be considered as simply part of the job.

The term occupational violence applies to all forms of physical attacks on workers, including but not limited to:

- Striking, kicking, scratching, biting, spitting or any other type of direct physical contact;
- Throwing objects;
- Attacking with knives, guns, clubs or any other type of weapon;
- Pushing, shoving, tripping, grabbing.

Behaviours described above will constitute occupational violence without consideration of the attacker's intent. The definition, therefore, covers situations where a worker is attacked by a person who may not be able to form intent, but who is capable of violence. For example, a nurse physically attacked by a patient with an acquired brain injury it is unclear whether the patient made a conscious decision to physically attack the nurse.

Drug and Alcohol Use

A risk management approach must be taken towards the misuse of drugs and alcohol by workers which can lead to health and safety risks in the workplace. From a health and safety perspective, it is important that a PCBU's policy in relation to drug and alcohol use addresses the potential for serious accidents, death or injury, as opposed to where the worker's efficiency may be reduced but safety consequences are not really an issue, in which case the issue should be dealt with as a performance issue.

A drug and alcohol policy may include employee assistance programs that allow workers to seek assistance for drug and alcohol problems, however a PCBU would also need to ensure it has a procedure for identifying and dealing with cases of alcohol or drug abuse by workers, and for reasons of consistency and fairness, ensure those are observed.

The role of the PCBU is to have the processes in place to identify the problem and encourage and arrange for access to support services for workers. It is also important that PCBU's ensure that supervisors are provided with sufficient training to enable them to identify workers who may be in need of training and how to support them in line with the developed policy and procedure.

For further information please contact NT WorkSafe on 1800 019 115 or go to www.worksafe.nt.gov.au