

Australian laws continue to evolve over time to reflect the changing attitudes and values of our society. Actions, attitudes, and behaviours that were once tolerated may not only be considered unprofessional in the modern workplace, but are becoming progressively unlawful. More workplace laws are moving out of the civil and into the criminal legislative frameworks. We are seeing more PCBUs and their workers being held criminally and vicariously liable for their actions and inaction that cause harm in the workplace.

The reciprocal duty of care PCBUs and workers have to each other in all WHS matters has not changed and has been in place for decades.

What's new?

Legislative changes now place explicit obligations on PCBUs to identify, manage and control psychosocial hazards in the workplace to the same degree as they would any other safety issue.

This requires PCBUs to adopt a proactive approach to risk mitigation, instead of only reacting to issues when they occur.

In response, Australian PCBUs are taking a fresh look at their workplace policies, procedures, and practices, and are investing in worker training to ensure our workplaces are safe and healthy places to be.

A person conducting a business or undertaking (PCBU) has a primary duty of care for the health and safety of workers, at work. Employers are considered PCBUs.

Workers include workers, apprentices, trainees, contractors, labour hire staff, work experience students and volunteers.

The term “at work” includes out of hours events, including conferences, networking functions, work parties and celebrations.

There is no time or place where a worker can bully or harass another worker that falls outside of the definition of “at work”.

Psychosocial Hazard Reduction Checklist

Policies and procedures are:

- Legislatively compliant, written in plain terms.
- Practical and easy to follow.
- Readily available and easily accessible.
- Strict, uncompromising, and fully enforced.
- Reviewed and updated on a regular basis.

Workplace practices ensure workers:

- Know psychosocial policies are in place.
- Receive regular training in psychosocial hazards.
- Recognise and report harmful behaviours.
- Are supported to act when issues arise.

Management practices ensure:

- Excessive workloads and unrealistic expectations are addressed and resolved.
- Insufficient resources or staffing levels are quickly addressed.
- Unreasonable overtime and long working hours are reduced and eliminated, where practical.
- Workers have the right to disconnect.
- Workers always take their rest and meal breaks.
- Workers take their annual leave entitlements every year.
- High pressured tasks and tight deadlines are limited or rotated, where possible.

Workplace relationships and culture ensures:

- Bullying, cyber-bullying, harassment, including sexual harassment, discrimination, including racial discrimination are eliminated from the workplace.
- Conflict with coworkers, supervisors, or clients is addressed and resolved.
- Communication and feedback channels are open and transparent.
- Social isolation or lack of team cohesion are addressed and resolved.
- Poor leadership and management practices are called out and addressed appropriately.

For a comprehensive checklist, refer to the [Code of Practice: Managing psychosocial hazards at work](#)

Remember, duty of care **ALWAYS** overrides confidentiality. If you see something, or know something, say or do something!