Managing Psychological Safety and Workplace Behaviour

22 July 2026

Presented by Sapphire Parsons, Senior Associate

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What we'll discuss today

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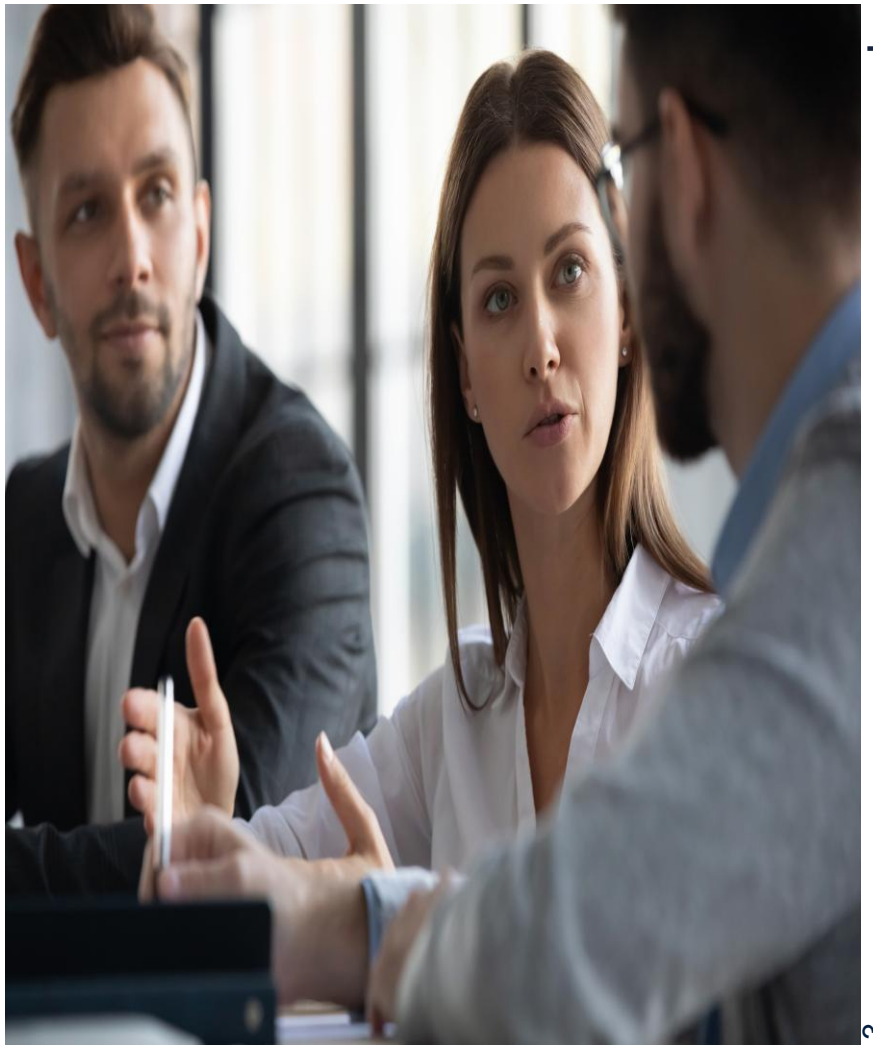
What we'll discuss today

1. What are psychosocial hazards,
2. Officer obligations,
3. Key considerations for compliance.



Starting with my “why”

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A brief background:

- **My work now:** Psychosocial risk management, safety, discrimination, employment and industrial relations advisory
- **Guest lecturing:** Guest Lecturer –Psychosocial Risk Management – Queensland University of Technology
- **Alumni:** 2023 –Bond University Giving Day Ambassador
- **Awards:** 2023 Winner –Lawyers Weekly 30 Under 30 Award –Workplace, Health & Safety
- 2022 Winner –Lawyers Weekly Women in Law Awards –Rising Star of the Year Award
- 2022 Finalist –Lawyers Weekly Women in Law Awards –Innovator of the Year
- 2022 Finalist –Lawyers Weekly Women in Law Awards –Women in Law Excellence Award
- 2022 Finalist –Lawyers Weekly 30 Under 30 Award – Workplace, Health & Safety
- **Publications:** Lawyers Weekly, HR Leader

Psychological safety as a compliance priority

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Psychological safety as a compliance priority

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08 Apr

Residential care provider fined $300,000 in relation to risk of workplace sexual violence

08 Apr 2024

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On 11 March 2024, the District Court of NSW convicted and fined a residential care provider $300,000 for breaching its work, health and safety obligations and as a result of exposing workers to a risk of violence, including inappropriate sexual behaviour, in the workplace.

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Boss at Hudsons Coffee chain cafes preyed upon teenage girls working in his Melbourne cafes for six years - as victims bravely detail his sick sexual harassment and abuse

- Mark Edward Whitelock owned two Hudsons Coffee franchises
- Whitelock sexually harassed teenage girls at both outlets

Victorian court fined close to $380,000 over employee's death

By Tara Cosoleto • AAP | 3:04pm Oct 19, 2023

Risks of non-compliance

SAFETY RISKS.

COMMERCIAL RISKS.

FINANCIAL RISKS.

What are psychosocial hazards?

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What are psychosocial hazards?

Psychosocial hazards are any factor or factors in:

- The work design,
- The systems of work,
- The management of work,
- The carrying out of the work,
- Personal or work-related interactions –

That may arise in the working environment and that may cause an employee to experience one or more negative psychological responses that create a risk to their health or safety.

Source: *Occupational Health and Safety (Psychological Health) Regulations 2025* (Vic), r 4.

What are psychosocial hazards cont'd?

Source: Compliance Code Psychological Health (Edition 1, 2025)

Common psychological hazards

Low job control	Gendered violence	Sexual harassment	Poor support
Poor organisational change management	Poor organisational justice	Low recognition and reward	Low role clarity
Poor workplace relationships	Poor environmental conditions	Remote and isolated work	Low job demands
Exposure to trauma	Violence and aggression, including family violence	Bullying	High job demands

Source: *Deloitte's Regulatory Impact Statement for the Occupational Health and Safety (Psychological Health) Regulations Amendment 2022, WorkSafe Victoria, January 2022* (link).

Current legal obligations

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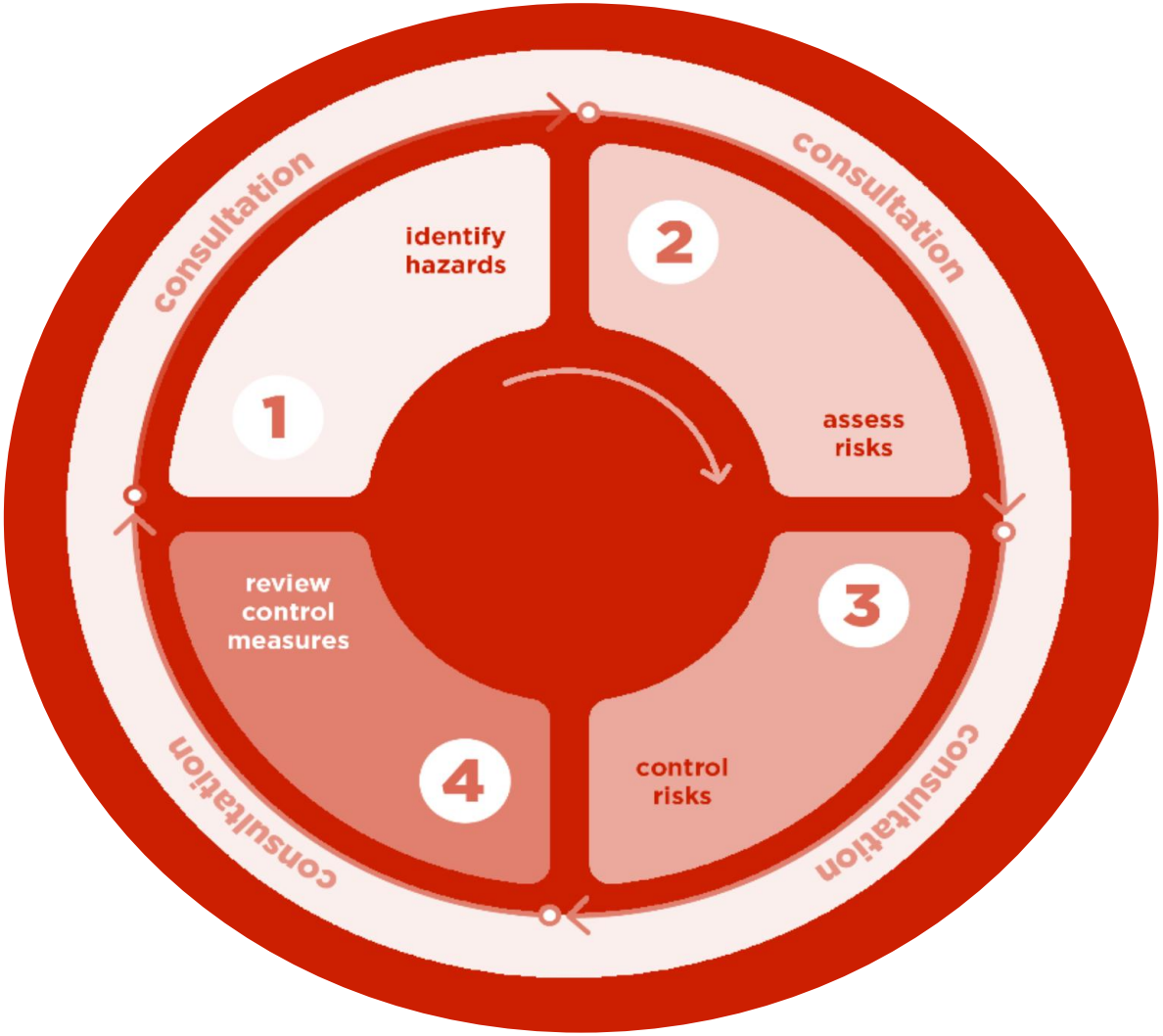
Current legal obligations



Source: *Safe Work Australia, Managing Psychological Hazards at Work, Code of Practice – July 2022.*

Current legal obligations

Duty	Obligations
Company	Provide and maintain for employees a working environment without risks to health (e.g., through maintaining plant & systems of work, maintaining safe working conditions, providing adequate facilities, providing appropriate information, instruction, training and supervision).
Company	Eliminate risks to health and safety so far as is reasonably practicable, and, if that's not possible, reduce the risks so far as is reasonably practicable.
Company	Monitor health and working conditions, so far as is reasonably practicable, provide information to employees (in other languages if required), and details on how to make health and safety complaints.
Officers	Take reasonable care to ensure the organisation complies with its duties under the OHS Act (i.e., can be liable in event of breach).
Company	Consult with employees who are likely to be directly affected by matters relating to health and safety.
Employees	Employees are required to take reasonable care for their own health and safety and the health and safety of others. Employees are also required to cooperate with their employer's actions to ensure compliance with their duties.

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Legal obligations

State	Status	Laws	Codes of practice
VIC	**Current**	Occupational Health and Safety (Psychological Health) Regulations 2025	• Compliance Code Psychological Health (Edition 1, 2025)
QLD	**Current**	Work Health and Safety Act 2011 (QLD), Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022 (QLD)	• Managing the Risk of Psychosocial Hazards at Work Code of Practice 2022
NSW	**Current**	Work Health and Safety Act 2011 (NSW), Work Health and Safety Regulation 2017 (NSW)	• SafeWork NSW, Managing Psychosocial Hazards at Work, Code of Practice, May 2021
WA	**Current**	Work Health and Safety Act 2020 (WA), Work Health and Safety (General) Regulations 2022 (WA)	• WorkSafe Western Australia, Psychological Hazards in the Workplace, Code of Practice - 2022 • WorkSafe Western Australia Code of Practice – Violence and Aggression at Work - 2022 • WorkSafe Western Australia Code of Practice – Workplace Behaviour - 2022
SA	**Current**	Work Health and Safety Act 2012 (SA), Work Health and Safety Regulations 2012 (SA), Work Health and Safety (Psychosocial Risks) Amendment Regulations 2023	• Model Code of Practice: Managing psychosocial hazards at work - 2022

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What could create officer liability?

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What could create officer liability?

- Any conduct engaged in by or on behalf of the company by an employee, agent or officer acting within the actual or apparent scope of their employment or authority is also conduct engaged in by the company (s 143 of the OHS Act).

- If the company breaches the OHS Act, and the breach is attributable to an officer failing to take reasonable care, the officer is guilty of an offence (s 144 of the OHS Act).

- Consideration is had to what the officer knew about the matter, the extent of their ability to make or participate in decisions about that matter, whether the contravention is also attributable to any other person, as well as any other relevant matter (s 144 of the OHS Act).

Source: *Occupational Health and Safety Act 2004* (Vic), ss 143 and 144.

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Officer responsibilities

- Understand their own WHS legal duties,
- Understand the nature of the company's operations and the hazards and risks associated with these operations,
- Have a method to stay up to date on WHS matters of the company, including psychosocial hazards,
- Ensure the company is allocating appropriate financial and human resources,
- Ensure the company is developing the systematic health and safety management processes required to eliminate or minimise psychosocial risk so far as is reasonably practicable,
- Take active measures to ensure these processes have occurred and are effective,
- Seek out relevant knowledge and understanding to make a decision and take action.

- **Source:** Information for Senior Officers of Organisations (OHS Act, 2004)

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Identifying psychosocial hazards

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Identifying psychosocial hazards

- An employer must, so far as is reasonably practicable, identify psychosocial hazards.
- Consider the goals and processes to be used (e.g., what hazard identification and risk assessment methods will be used).
- Who will be involved (e.g., managers, workers, HSRs, external experts).
- How will confidentiality be maintained and what human, technical or financial resources will be provided to establish and implement appropriate processes.
- How controls will be selected and implemented.

Source: *Occupational Health and Safety (Psychological Health) Regulations 2025*, r 14

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Identifying psychosocial hazards

- Work environment, nature and type of work undertaken,
- Operating environment and economic pressure,
- Interactions and behaviours between people at work and within the supply chain that impact workers' and others' health and safety,
- Design and management of work: structure, governance, procurement and resourcing,
- Work demands, training, instruction and supervision,
- Job design and work tasks,
- Design and maintenance of buildings, technology and plant,
- Hazardous working environments, and
- Organisational change.

Source: Compliance Code Psychological Health (Edition 1, 2025)

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Identifying psychosocial hazards cont'd

- Work systems, including operating procedures and governance,
- Consider relevant records: psychosocial hazard and workforce culture surveys, outcomes from focus groups, incident reports,
- Complaints / investigations into alleged harmful behaviour, issues raised at HSC meetings, absenteeism, turnover data, resourcing decisions,
- External advice provided by professionals, employer associations and unions,
- Analysis of work tasks, schedules and locations, as well as duty statements and performance agreements and
- WHS and human resources systems, policies and procedures, workforce KPIs (including those specific to psychosocial hazards).

Source: Compliance Code Psychological Health (Edition 1, 2025)

Identifying psychosocial hazards cont'd

- Observe and talk to workers about work activities,
- Conduct anonymous surveys,
- Use free online and validated Australian Psychosocial Risk Assessment surveys,
- Consider situations that are generally stressful or difficult,
- Look out for frequent rushing, delays, backlogs, increased errors,
- Look out for significant change in behaviors (e.g., openly criticizing others or the company, refusing to offer help, low engagement, increased absenteeism).

Source: Compliance Code Psychological Health (Edition 1, 2025)

Assessing psychosocial hazards

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Assessing psychosocial hazards

- Seriousness (likelihood, severity, duration),
- Activities being undertaken,
- Necessary information, plant, equipment and environmental conditions,
- Mental and physical requirements to do the tasks,
- Interaction with other psychosocial hazards,
- Workers most at risk and affected,
- Organizational or work-group specific,
- Current controls (if any) and effectiveness,
- Potential more effective controls,
- The priority for action.

Source: Compliance Code Psychological Health (Edition 1, 2025)

Controlling psychosocial hazards

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Controlling psychosocial hazards

- An employer must, so far as is reasonably practicable, eliminate any risk associated with a psychosocial hazard.
- If it is not reasonably practicable to eliminate a risk associated with a psychosocial hazard, the employer must reduce the risk so far as is reasonably practicable by altering:

- The management of work, or
- The plant, or
- The systems of work, or
- The work design, or
- The workplace environment.

- The employer can use a combination of control measures.
- Information, training and instruction can only be used exclusively if no other controls are reasonably practicable and must not be the predominant control if using a combination of other controls.

Source: *Occupational Health and Safety (Psychological Health) Regulations 2025*, r 15.

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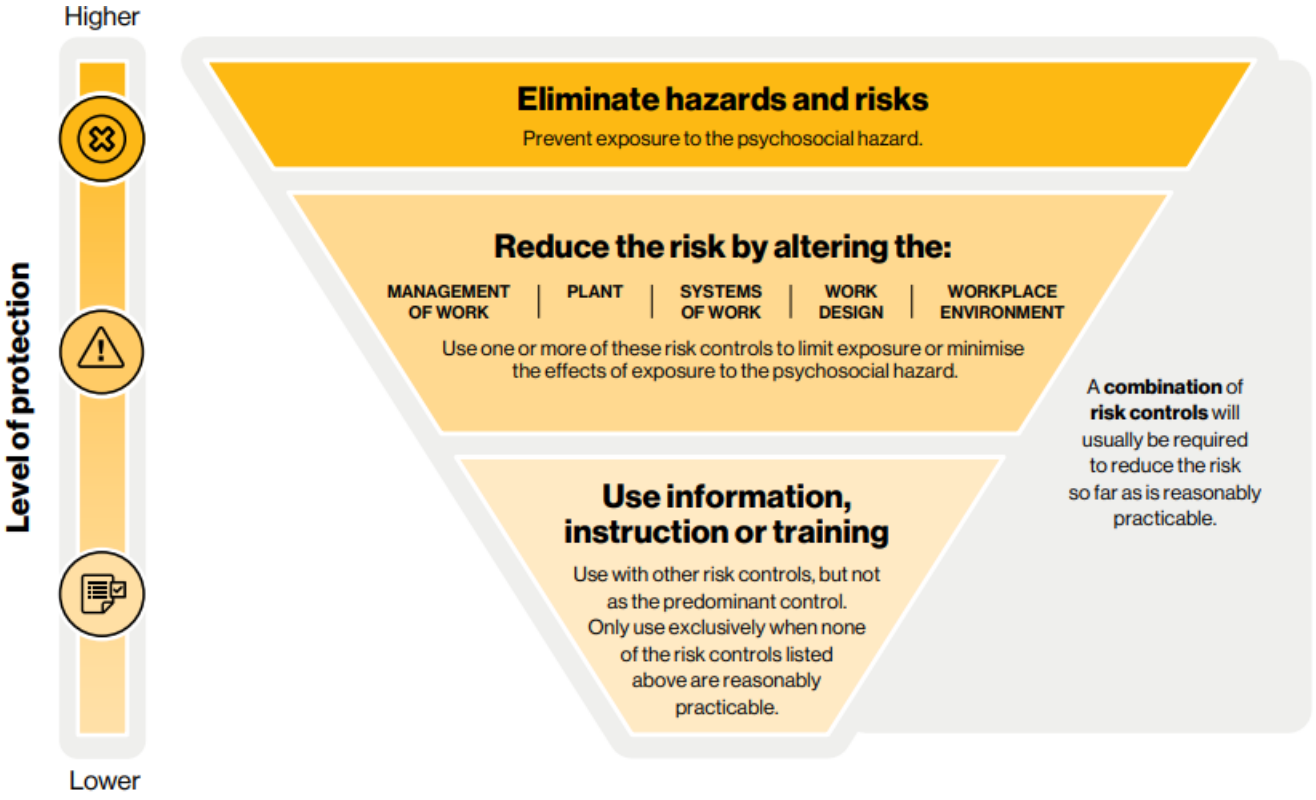
Controlling psychosocial hazards cont'd



Source: Compliance Code Psychological Health (Edition 1, 2025)

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Controlling management of work

- Governance, leadership and decision-making structures,
- Escalation structures,
- Workforce planning,
- Resource allocation and rostering,
- Reporting structures,
- Upskilling leaders in WHS and how to engage in consultation processes,
- Ensuring senior personnel are appropriately qualified,
- Demonstrating leadership commitment to managing psychosocial hazards.

Source: Compliance Code Psychological Health (Edition 1, 2025)

Controlling plant

- Replacing plant and equipment so they present less risk,
- Separating employees from plant,
- Making changes to existing plant,
- Repairing plant that regularly malfunctions or that causes frustration and work pressure,
- Replacing equipment with new models that create less noise or vibration,
- Regularly servicing and maintaining plant,
- Optimising equipment to save time,
- Applying privacy screens or filters if employees need to view traumatic or graphic material,
- Using image recognition and classification software when reviewing distressing images or videos.

Source: Compliance Code Psychological Health (Edition 1, 2025)

Controlling systems of work

- Consider staffing requirements, rostering practices, working hours, task rotation and breaks,
- Develop systems to reduce risks of violence and aggression (e.g., reducing interactions between customers & employees),
- Reduce risks associated with isolated or unpredictable work environments (e.g., ensuring appropriate levels of supervision and appropriate communications plans),
- Implement policies and procedures to reduce risks associated with organisational response to psychosocial hazards,
- Have and use appropriate PPE (e.g., gloves, hearing protection, personal alarm devices),
- Ensure policies to cover remote & isolated work, harmful behaviour (bullying, sexual harassment, aggression, violence), reporting & complaints, post-incident support, fatigue, workload, flexible work, incident management, exposure to trauma).
- Provide information, training & instruction about systems of work and leadership expectations.

Source: Compliance Code Psychological Health (Edition 1, 2025)

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Controlling work design

- Determining level of responsibility, resources, tasks, tools and equipment,
- Refining complaints processes so difficult complaints can be escalated,
- Streamlining tasks to avoid double handling or administrative complexity,
- Using automated technology for reviewing traumatic content.

Source: Compliance Code Psychological Health (Edition 1, 2025)

Controlling work environment

- Considering the layout of the workplace,
- Providing secure lockable space for employees,
- Good lighting, visibility in areas at risk of aggression or violence,
- Physical access barriers and security,
- Surveillance, cameras and duress and alarm systems,
- Providing private spaces to ensure confidentiality of sensitive conversations,
- Secure break rooms.

Source: Compliance Code Psychological Health (Edition 1, 2025)

Reviewing psychosocial hazards

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Reviewing psychosocial hazards

- An employer must review and, if necessary, revise any measures implemented to control risks associated with any psychosocial hazards:
- Before any alteration is made to any thing, process or system of work that is likely to result in changes to risks associated with psychosocial hazards,
- If new or additional information about a psychosocial hazard becomes available to the employer,
- If an employee or a person on their behalf reports a psychological injury or a psychosocial hazard to the employer, or
- After incidents occur to which Part 5 of the OHS Act apply that involve one or more psychosocial hazard (Note: This part of the OHS Act deals with reporting to WorkSafe), or
- If for any other reason, the risk control measures do not adequately control the risks associated with a psychosocial hazard, or
- After receiving a request from a health and safety representative.

Source: *Occupational Health and Safety (Psychological Health) Regulations 2025*, r 16.

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Reviewing psychosocial hazards

- Are employees reporting that risk control measures are not controlling the risk,
- Has the risk changed or is it different to what was previously assessed?
- Have employees reported or shown signs of any negative psychosocial responses,
- Have all psychosocial hazards been identified,
- Are employees and any HSRs actively involved in risk management,
- Are employees raising health and safety concerns and reporting problems promptly,
- Is reporting hazards and risks encouraged,
- Has appropriate information, training and instruction been provided to all employees,
- Are there any upcoming changes likely to result in an employee being exposed to a psychosocial hazard,
- Are there new risk control measures available that might better control the risk,
- Has the risk been eliminated or reduced as far as reasonably practicable,
- Are risk controls in place to the full extent reasonably practicable?

Source: Compliance Code Psychological Health (Edition 1, 2025)

Primary prevention of behavioural harm

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Do we understand prevention?

POSTED IN MEDIA RELEASES

World first framework launches to Change the story of violence against women and their children in Australia

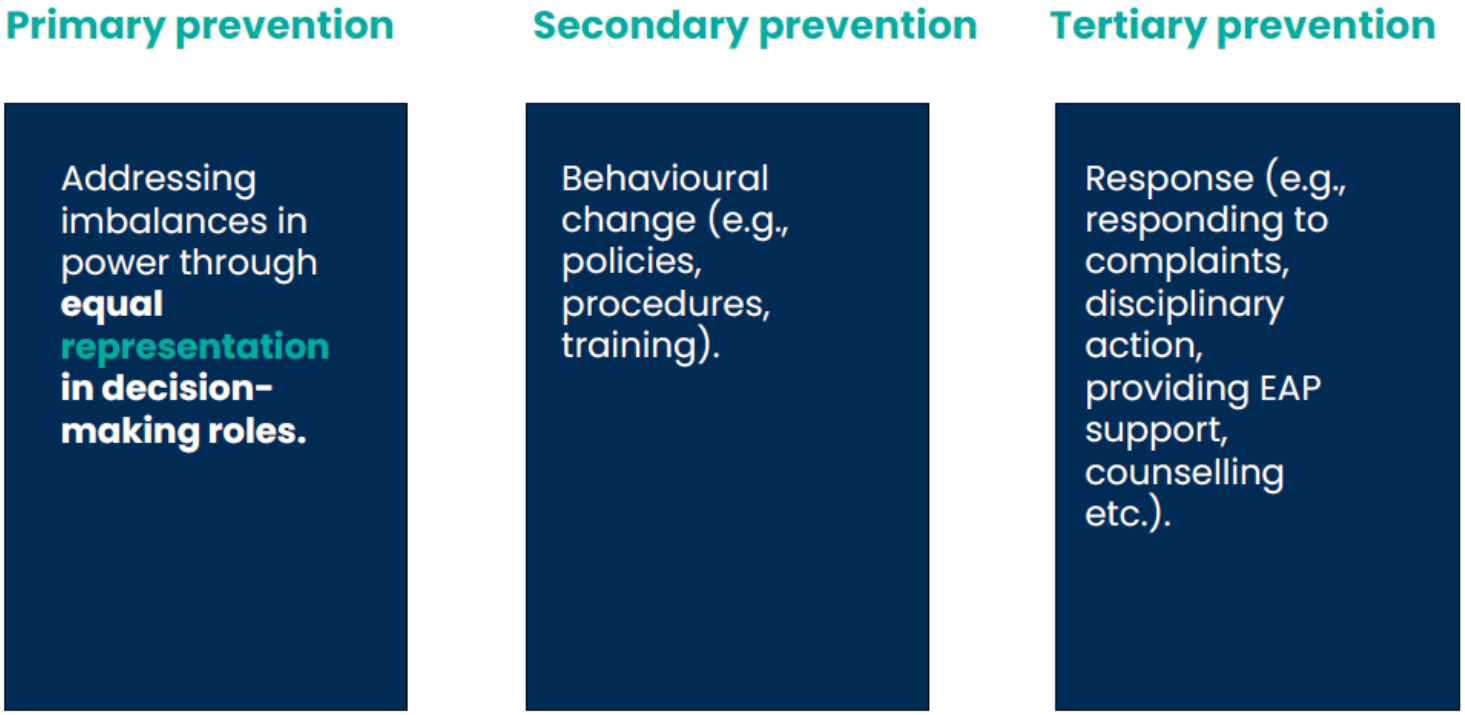
Tuesday, 10th November 2015

In a world first, Australia now has a framework for a consistent and integrated national approach to prevent violence against women and their children.

Our Watch, the Victorian Health Promotion Foundation (VicHealth) and Australia's National Research Organisation for Women's Safety (ANROWS) today launched *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*.

Source: (ANROWS, 2015).

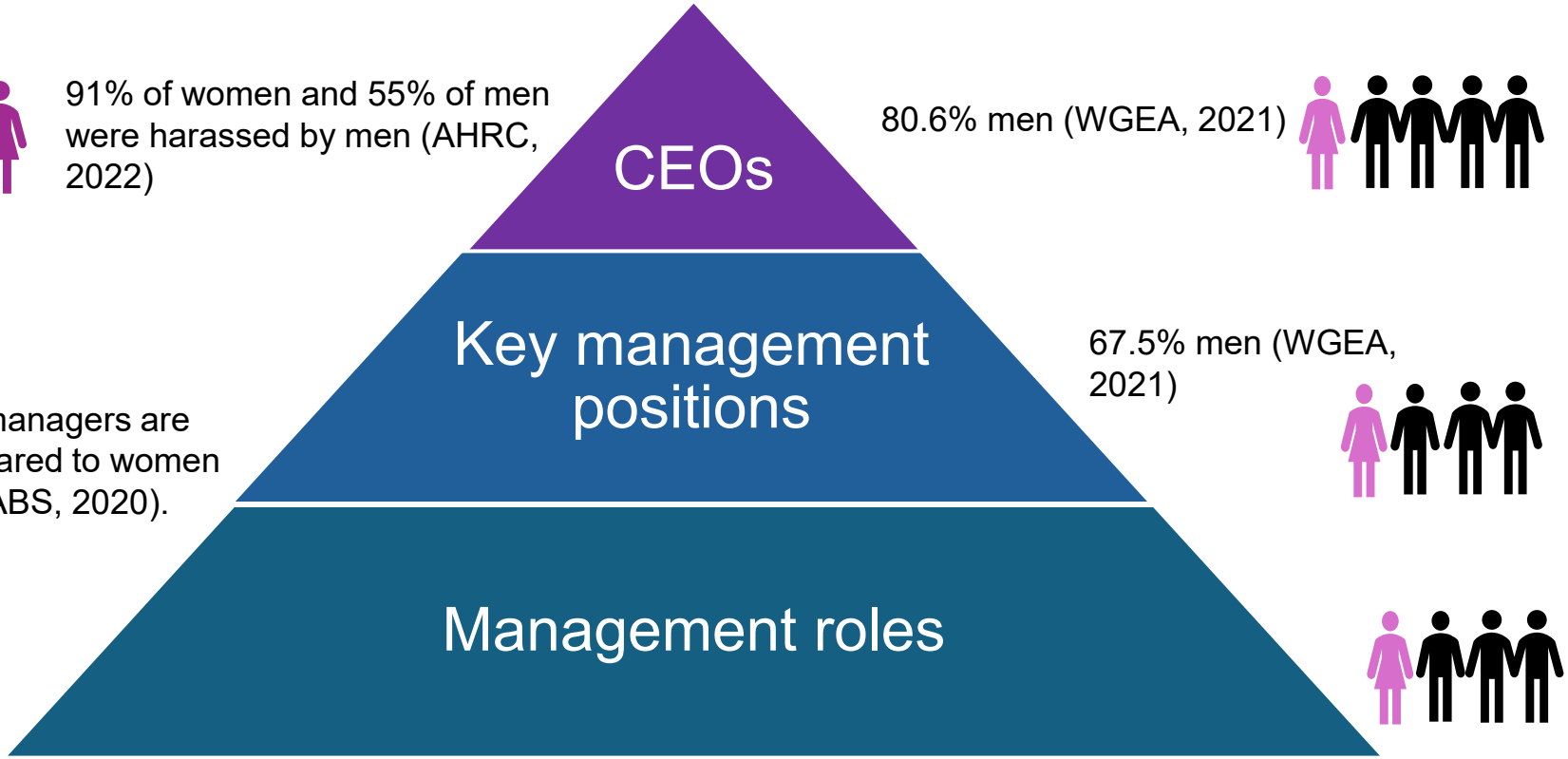
What is primary prevention?



Source: Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women and their children in Australia; Women's Legal Service Victoria (2024)

Structure of the Australian economy

91% of women and 55% of men were harassed by men (AHRC, 2022)

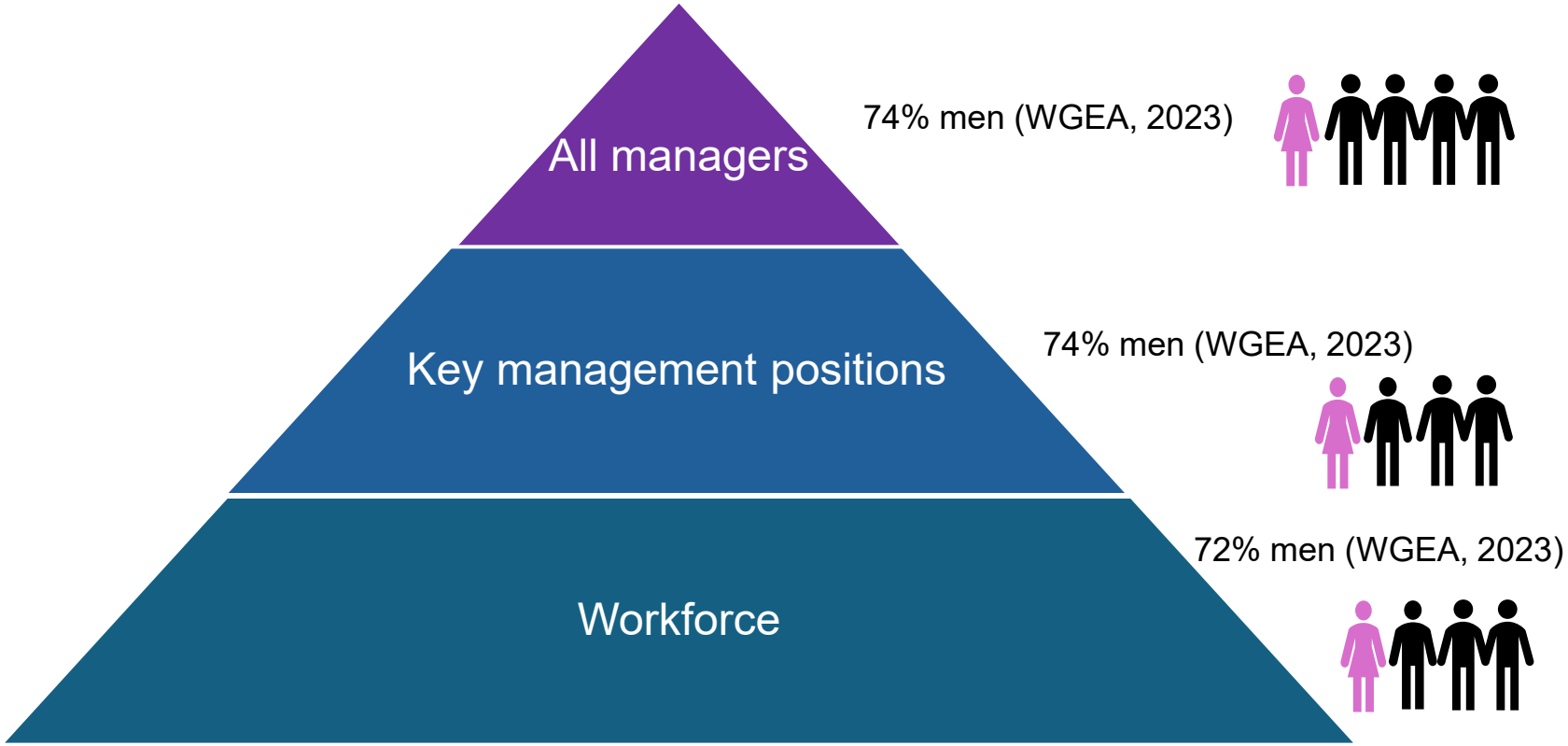


80.6% men (WGEA, 2021)

67.5% men (WGEA, 2021)

61.4% of managers are men compared to women (38.6%); (ABS, 2020).

Example: gender composition - manufacturing



The gendered nature of behavioral harm

Women are more likely than men to experience poor work-related psychological health outcomes because they are exposed to more psychosocial hazards, including work pressure, work-related bullying, harassment, and occupational violence than men (Safe Work Australia, 2024).

Women are twice as likely to experience bullying and harassment at work, both recognised forms of gendered violence, according to a 2021 report (Safe Work Australia, 2021).

Harassment and bullying are common tactics used to maintain the status quo of personal power or power distribution in workplaces, noting that 62.3% of bullying perpetrators were reported to be a supervisor, which lends itself to this hypothesis (Safe Work Australia, 2016)

Scale of the risk at a national level

2,764,082 workers experiencing sexual harassment over the past 12 months (AHRC, 2022), (ABS, 2025).

586 complaints to the Australian Human Rights Commission (AHRC, 2024).

1,876,666 workers bullied over the past 7-12 months (Safe Work Australia, 2016).

883 applications for a stop bullying order to the Fair Work Commission (FWC, 2024).

Harmful behaviour

- Violence and aggression,
- Bullying,
- Harassment including sexual harassment & gender-based harassment,
- Conflict or poor workplace relationships and interactions.

Source: *Safe Work Australia, Managing Psychological Hazards at Work, Code of Practice – July 2022*.

Risk factors for harmful behaviour

- **Poor understanding** amongst workplace leaders of the nature, drivers and impacts of harmful behaviours,
- **Low worker diversity** (e.g., the workforce is dominated by one gender, age group, race or culture),
- **Power imbalances along gendered lines** (e.g., where one gender holds most of the management and decision-making positions),
- **Other psychosocial hazards** (e.g., high job demands, low job control, low support, low role clarity, poor organisational justice),
- **Systems of work** (e.g., resource or training limitations, inappropriate work scheduling, isolation, low levels of support, poor work relationships),
- **Use of alcohol** at work activities and attendance at conferences and social events being part of work duties, including overnight travel.

Source: *Safe Work Australia, Managing Psychological Hazards at Work, Code of Practice – July 2022.*

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Who's more likely to experience harassment?

Group	Experiences of harm
Women	41% (AHRC, 2022)
LGBTIQA+	46% (AHRC, 2022)
People with disability	48% (AHRC, 2022)
Aboriginal & Torres Strait Islanders	56% (AHRC, 2022)
Refugee and migrant women	46% (ANROWS, 2024)

Who's more likely to experience bullying?

Group	Experiences of harm
Women of colour	68.4% have experienced discrimination (Women of Colour Australia, 2024)
Aboriginal and Torres Strait Islanders	60% have experienced racism (Reconciliation Australia, 2022)
People with disability	19% of people with a profound or severe disability have experienced discrimination (ABS, 2022)
Women	More likely to be bullied than men (Safe Work Australia, 2016)
LGBTIQA+ workers	More likely to be bullied (SJWOP, 2022)

Safe Work Australia Best Practice Review Consultation Summary, March 2026

Unions and other WHS advocates suggested that WHS laws should more clearly address harmful workplace behaviours, including harassment and discrimination on the basis of sex, sexuality, gender identity, race, disability or age, and to recognise the intersectional nature of harassment. They emphasised that the primary duty can be leveraged to prevent the risk of harm arising from these behaviours, and advocated for WHS duties to explicitly require duty holders to address unlawful discrimination, harassment and victimisation as workplace hazards. Similarly other stakeholders have called for moral injury[1] and morally injurious events which cause moral injury to be designated as psychosocial hazards accompanied by system-level controls such as organisational culture, as consistent with WHS risk management frameworks. As the conversations about WHS psychosocial hazards mature, submissions are raising key issues about how far the primary duty extends to preventing physical and psychosocial harm arising from poor workplace culture and harmful behaviours.

Questions?

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Employment, safety and migration

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