



Managing Psychosocial Hazards in Community Legal Centres

Andrew Wydmanski and Muirgen O'Seighin,
February 2022



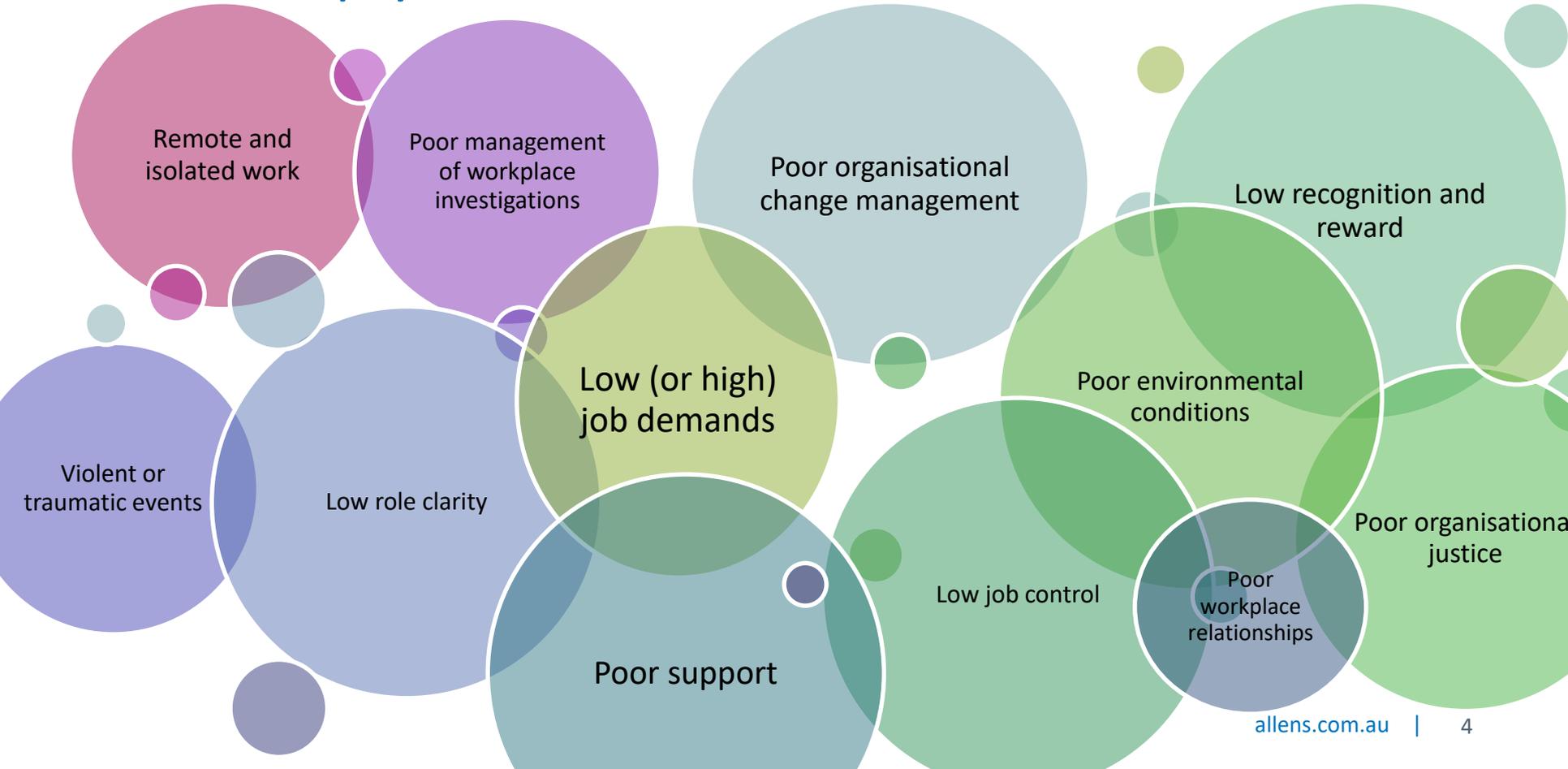
Acknowledgement of Country

Julie Nangala Robertson
Ngapa Jukurrpa (Water Dreaming)
– Pirlinyarnu 2013
acrylic on linen, 122 x 61 cm [1384/13]

The background features a large blue arrow pointing to the right, which is partially overlaid by a maroon rectangle on the left side. The text is centered within the maroon area.

What is workplace psychosocial safety and why is it important?

➤ What are psychosocial hazards?



➤ Why is it important that employers invest in workers' psychological health?

Physical, psychological and behavioural health impacts of workplace stress include:

- cardiovascular disease;
- diabetes;
- hypertension;
- depression;
- anxiety;
- burnout; and
- high alcohol consumption and dependence.

➤ Why is it important that employers invest in workers' psychological health?

Good mental health is good for business

- Increased productivity
- Positive organisational culture
- Lower attrition rates

Mental health claims are expensive

It takes longer to return to work after a psychological injury than physical injury

Employees expect and value a mentally healthy workplace

The background features a large blue arrow pointing to the right, which is partially overlaid by a maroon rectangle on the left side. The text is centered within the maroon area.

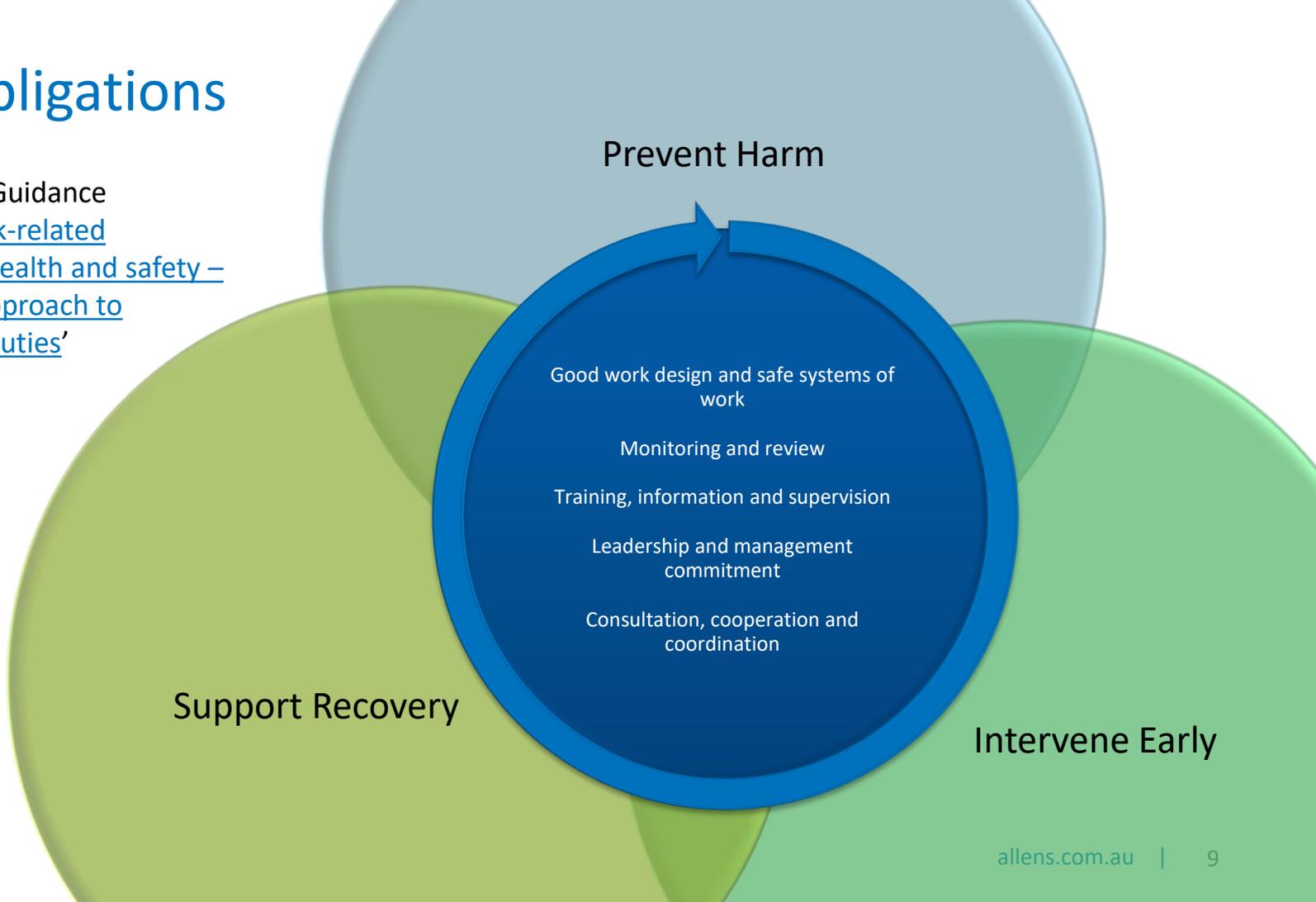
Employers' legal obligations in respect of
employees' psychological health

➤ Sources of an employer's obligations



➤ WHS obligations

- > SWA National Guidance Material: 'Work-related psychological health and safety – a systematic approach to meeting your duties'



➤ Who has duties to manage psychosocial hazards at work?

Persons conducting a business or undertaking (a *PCBU*)

Officers of the PCBU

Workers of the PCBU

Other persons at the PCBU

> [Code of Practice Managing Psychosocial Hazards at Work \(NSW\)](#)

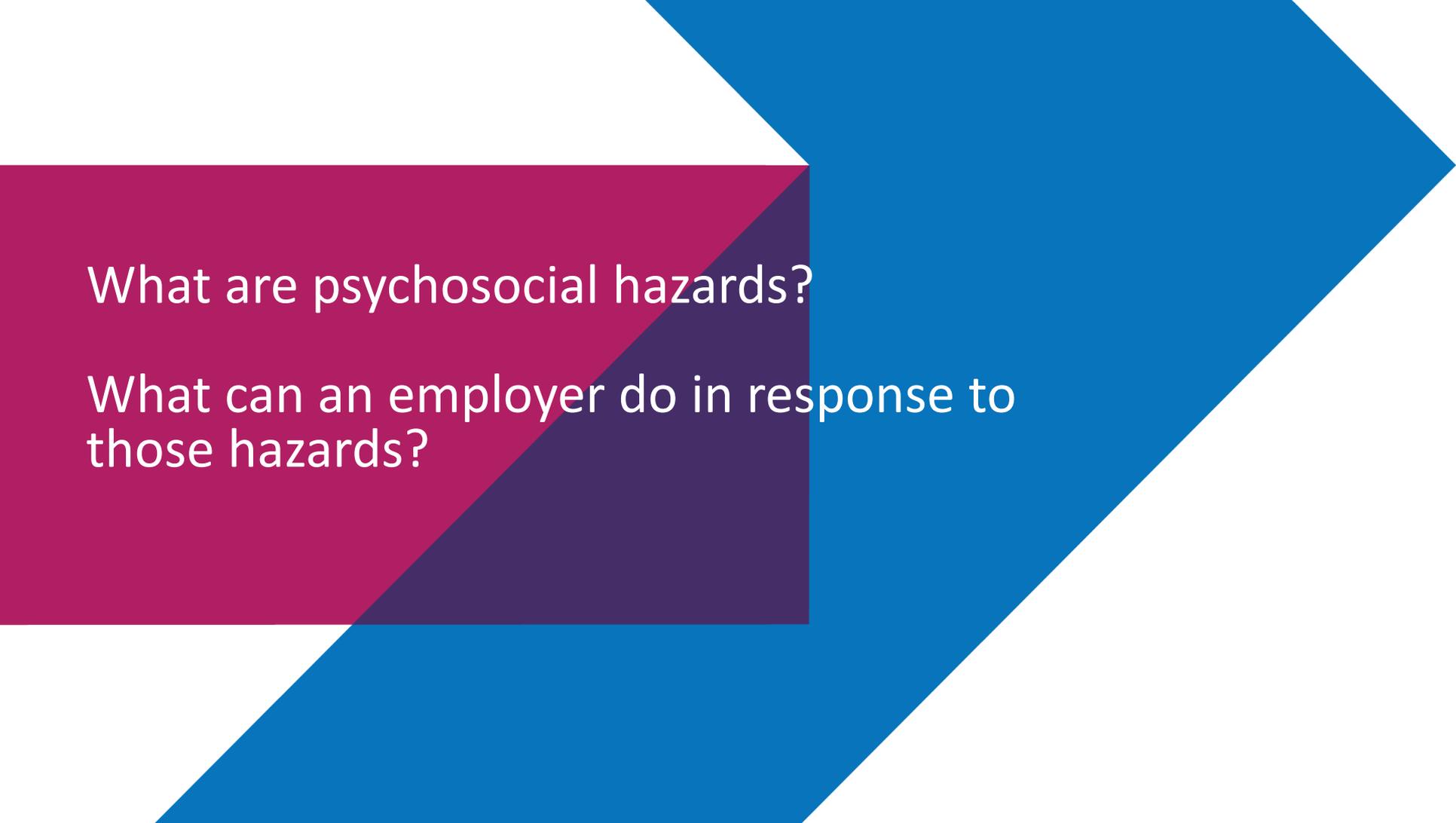
2.1 PERSONS CONDUCTING A BUSINESS OR UNDERTAKING

Primary duty of care

WHS Act 2011 s19(1) Primary duty of care to workers

WHS Act 2011 s19(2) Primary duty of care to others

A PCBU has the primary duty to ensure, so far as is reasonably practicable, the health (including psychological health) and safety of each worker who is engaged, caused to be engaged, influenced or directed by the PCBU while the worker is at work in the business or undertaking. This means that the PCBU must ensure that psychosocial hazards at work are effectively managed by first trying to eliminate psychosocial hazards, and only if that is not reasonably practicable, then by minimising the remaining risks so far as is reasonably practicable. The PCBU's duty to workers includes ensuring the health and safety of workers from harmful acts from third parties, such as clients, patients or their families, and students in educational institutions.



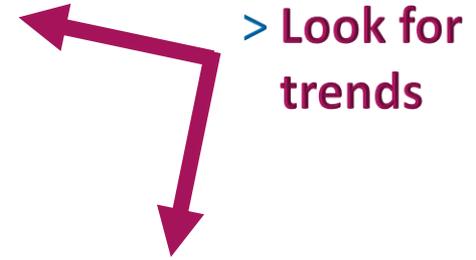
What are psychosocial hazards?

What can an employer do in response to those hazards?

➤ Step 1: Identifying the hazards

- > Conversations with workers
- > Surveys of workers, supervisors and managers
- > Inspecting the workplace
- > Noticing how people interact with each other
- > Reviewing relevant information and records – e.g.

➤ **Look for trends**



➤ Step 1: Identifying the hazards

Secondary trauma and
compassion fatigue

High or low work demands

Bullying / harassment (including
sexual harassment)

Remote / isolated work

“

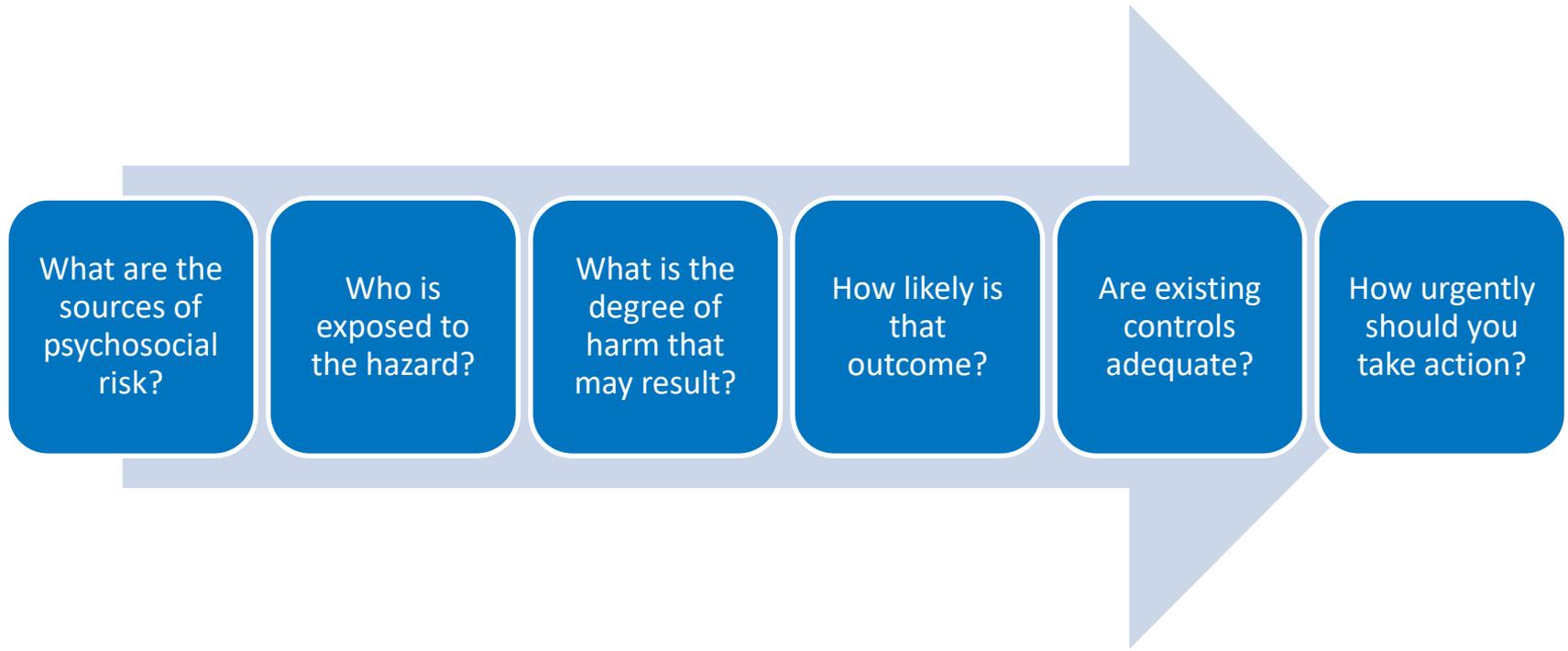
Complex trauma is particularly relevant for lawyers working on matters relating to child sexual abuse, domestic violence, refugees and victims of extended criminal activities.

”



> [Being Well in the Law: A Guide for Lawyers](#)

➤ Step 2: Assessing the risk



➤ People at Work Survey – example questions

<https://www.peopleatwork.gov.au>

Part A: Your job and workplace

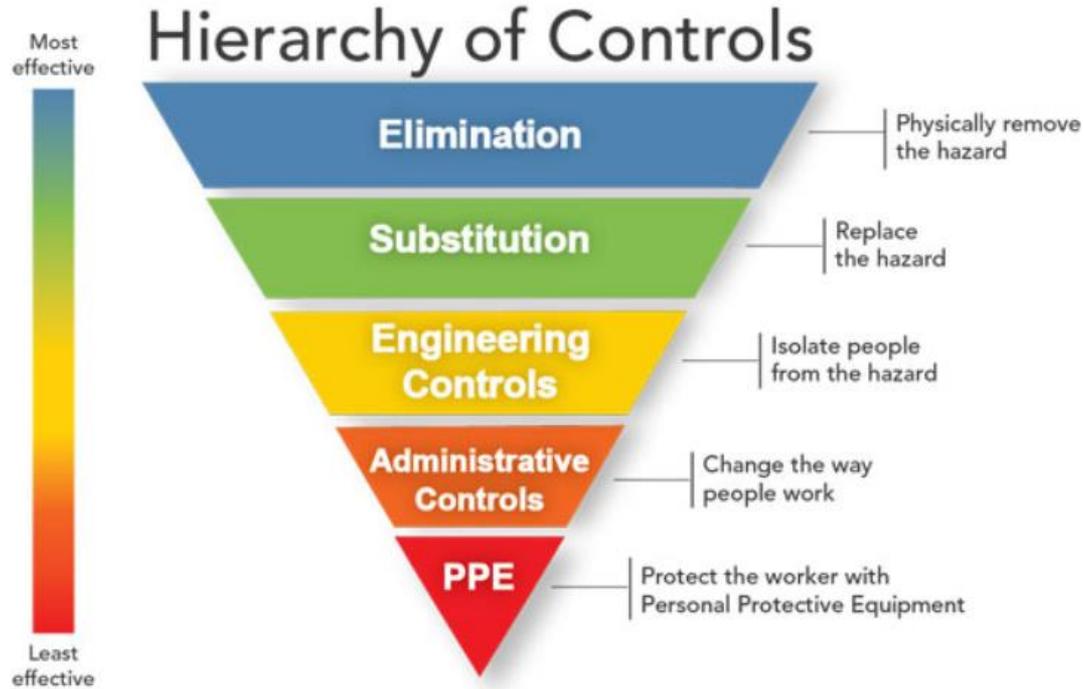
A1: The following items concern various aspects of your current job.

	never	rarely	once in a while	some of the time	fairly often	often	always
1. I have a choice in deciding what I do at work	1	2	3	4	5	6	7
2. I have some say over the way I get the job done	1	2	3	4	5	6	7
3. I have a say in my own work speed	1	2	3	4	5	6	7

A2: The following items concern the amount of time pressure you have in your current job.

	never	rarely	once in a while	some of the time	fairly often	often	always
1. I am pressured to work long hours	1	2	3	4	5	6	7
2. I have unachievable deadlines	1	2	3	4	5	6	7
3. I have unrealistic time pressures	1	2	3	4	5	6	7
4. I have to neglect some tasks because I have too much to do	1	2	3	4	5	6	7

➤ Step 3: Controlling the risks



➤ Step 4: Review hazards and control measures



➤ Responding to a report of a psychosocial hazard or incident

Investigating a psychosocial incident

- Investigations should be undertaken in a fair, timely and balanced manner
- Comprehensiveness should be proportionate to the level of risk, seriousness of actual / potential psychological harm and the number of workers affected
- Privacy and confidentiality of affected parties should be protected

Notifiable incidents must be notified to the relevant regulator

Keeping a record of the risk management process and outcomes

- A PCBU should be able to demonstrate if asked (including by a WHS Inspector) how it manages psychosocial hazard and any incidents raised by workers

> [Code of Practice Managing Psychosocial Hazards at Work \(NSW\)](#)

The background features a large, abstract shape on the right side, resembling a stylized arrow or a large 'L' shape, filled with a vibrant blue color. On the left side, there is a horizontal band of maroon color. The text 'Case study' is positioned within this maroon band. The overall design is clean and modern, using bold colors and geometric forms.

Case study

➤ Case study

- > A community legal centre provides legal advice to clients experiencing mental health difficulties.
- > Aggressive and violent behaviour is common. Sometimes it is linked to the client's clinical condition or sometimes some behaviours are due to client frustrations and/or drug and alcohol abuse.
- > Workplace culture discourages reporting of all but the most serious incidents and accepts client aggression as part of the job.
- > Workers regularly witness violent incidents.
- > High workloads and/or new policies requiring increased documentation frustrate workers by taking them away from direct client engagement.

> [Adapted from an example scenario in Code of Practice Managing Psychosocial Hazards at Work \(NSW\)](#)

The background features a large blue arrow pointing to the right, which is partially overlaid by a maroon rectangle on the left side. The maroon rectangle is split diagonally from the bottom-left corner to the top-right corner, with a dark purple section in the lower-right portion. The text 'Resources and strategies' is centered within the maroon area.

Resources and strategies

➤ How do you show you care?

- > **See each other:** use videoconferencing for more authentic communication and insight into employees' new work environments
- > **Speak honestly and often:** about the organisation's position, workloads and how everyone is coping generally
- > **Facilitate connections:** offer employees time to communicate with each other and their employer about non-work related matters
- > **Promote balance:** separation of work/home and physical wellbeing
- > **Offer flexible leave options:** to meet care responsibilities or take a break
- > **Make an EAP available or refer employees who need more support to other services:** eg, Lifeline, Beyond Blue

➤ Developing a Mental Health Strategy

> Resources:

- Beyond Blue: [Developing a Workplace Mental Health Strategy](#)

> Example Mental Health Strategy:

- [NSW Mentally Healthy Workplaces Strategy 2018 – 2022](#)

> [WorkWell \(WorkSafe Victoria\) Toolkit](#)



➤ Key takeaways

Ongoing proactive approach is best

Keep clear and open lines of communication

Not set and forget



Questions?



Andrew Wydmanski

Senior Associate

T +61 7 3334 3464

Andrew.Wydmanski@allens.com.au



Muirgen O'Seighin

Associate

T +61 7 3334 3407

Muirgen.OSeighin@allens.com.au

Allens › ‹ Linklaters

Allens is an independent partnership operating in alliance with Linklaters LLP.