

The role of Workplace Health and Safety Queensland in work-related psychosocial hazard complaints

About the Managing the risk of psychosocial hazards at work Code of Practice 2022

The Managing the risk of psychosocial hazards at work Code of Practice 2022 (the Code) is a practical guide on how to prevent harm from psychosocial hazards at work, including psychological and physical harm. The Code commences on 1 April 2023.

The Code is an approved code of practice under the Work Health and Safety Act 2011 (WHS Act). It provides information for persons conducting a business or undertaking (PCBU) on how psychosocial hazards and risks can be controlled or managed and can be used to help decide what's reasonably practicable to reduce risk. PCBUs must comply with the Code or provide an equivalent or higher standard of work health and safety.

You can read more about the Code here: <https://www.worksafe.qld.gov.au/laws-and-compliance/codes-of-practice/managing-the-risk-of-psychosocial-hazards-at-work-code-of-practice-2022>

What are psychosocial hazards?

A psychosocial hazard is a hazard that arises from, or relates to, the design or management of work, a work environment, plant at a workplace or workplace interactions and behaviours and may cause psychological harm, whether or not the hazard may also cause physical harm.

Psychosocial hazards and their effects are not always obvious. Some psychosocial hazards, when present at low levels over a long period of time, can accumulate to significantly affect psychological health. Other psychosocial hazards may cause harm more immediately, such as a single stressful event. In many circumstances, psychosocial hazards will interact and combine to create the risk of harm.

Common psychosocial hazards that arise from or are related to work include:

<ul style="list-style-type: none">• High and/or low job demands• Low job control• Poor Support• Low role clarity• Poor organisational change management• Violence and aggression• Bullying• Remote and isolated work	<ul style="list-style-type: none">• Low reward and recognition• Poor organisational justice• Poor workplace relationships, including interpersonal conflict• Poor environmental conditions• Traumatic events• Harassment, including sexual harassment
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What is Workplace Health and Safety Queensland's role when an issue is raised

Workplace Health and Safety Queensland (WHSQ) can assist with situations that fall within the scope of the WHS Act.

This includes determining whether an employer or PCBU is:

- consulting with workers about work health and safety
- providing and maintaining a work environment that is without risks to health and safety
- providing and maintaining safe systems of work
- monitoring the health and safety of workers and the conditions at the workplace to ensure that work-related illnesses and injuries are prevented
- providing appropriate information, instruction, training or supervision to workers and others at the workplace to allow work to be carried out safely
- implementing a process to identify and manage psychosocial hazards at work.

What is out of scope for WHSQ?

There are some things that fall outside the scope of the WHS Act. These include:

- mediation between the workplace parties involved (the [Dispute Resolution Centre](#) can provide this service)
- providing legal advice ([Legal Aid Queensland](#) provide services that may be of assistance here)
- providing counselling (although we can connect you to suitable mental health services such as Lifeline, 13 11 14)
- ordering the employer or business (or other PCBU) to discipline a person alleged to be a source of harmful work behaviour, or to terminate their employment
- taking sides
- issuing an order to stop bullying behaviour or stop sexual harassment - the [Fair Work Commission](#) have powers to issue these orders if required
- other services that fall outside the scope of the WHS Act – see the heading 'Other services' for other agencies that may be able to help.

Before raising/lodging a complaint

WHSQ will consider whether the complaint involves a workplace psychosocial hazard (refer to the Managing the risk of psychosocial hazards at work Code of Practice 2022 - Table 1 for common psychosocial hazards)

Consider what steps have you already taken, prior to lodging with WHSQ.

For example, have you:

1. talked to someone about what you are experiencing and what you can do about it, e.g. your supervisor, manager, Health and Safety Representative (HSR) or union representative?
2. checked if your work has internal reporting procedures to give your employer an opportunity to respond?
3. reported the hazard as early as possible using workplace reporting procedures and/or to your supervisor, manager, HSR or union representative?
4. considered if WHSQ is the appropriate agency for your situation? Information about other agencies that can assist is at the end of this document.
5. sought written consent if you are not the person subject to the behaviours or hazards/risk? If the complainant's written consent is not provided, WHSQ may not be able to take action on your request.
6. considered whether you can provide specific examples, that can be supported by evidence, that you think is significant in contributing to your situation?

When describing the evidence available it is important to include specific behaviours, dates, location and witnesses. Items could include diary entries, emails, text messages, work health and safety notifications, grievances, digital recordings, incidents/complaints form, staff roster and policies.

If you are struggling to understand what this evidence may look like, you can refer to [the Managing the risk of psychosocial hazards at work Code of Practice 2022](#) or telephone a WHSQ Advisor on 1300 362 125.

If your employer has not been made aware of your concerns, this may limit the action WHSQ can take.

How do I lodge a complaint about a work-related psychosocial hazard?

WHSQ respond to complaints that fall within the scope of the WHS Act. If you have considered the above points, and believe your situation falls within the scope of the Code, you should call WHSQ on 1300 362 128.

WHSQ will email you the psychosocial hazards complaint form to complete. If you want to continue with a complaint, you should return the psychosocial hazards complaint form to WHSQ by email.

What role does WHSQ play when investigating a psychosocial hazard/risk complaint?

WHSQ will decide on the most appropriate action by assessing the information provided and the circumstances of the request. WHSQ will also consider the Compliance Monitoring and Enforcement Policy and may also contact the complainant for more information.

If the complaint is found to meet the definitions of psychosocial hazards, WHSQ will contact the PCBU to which the issue relates (or the place from which the relevant person generally conducts their business or undertaking) by one of the following methods:

- Letter
- Phone call
- Visit by an inspector

WHSQ will respond to a complainant's request in a timely manner from receipt of the request, which may include contacting the complainant and/or the PCBU. WHSQ will undertake an assessment against the complaint and will seek further information from the complainant as necessary.

What if I want to remain anonymous?

When there has been a request from a complainant to keep their identity anonymous, WHSQ will take every possible care not to disclose any information that may identify them. However, a person's identity may be disclosed, for example, through a right to information (RTI) request or if the matter is progressed to the Office of the Work Health and Safety Prosecutor (OWHSP) for prosecution action.

If a complainant chooses to remain anonymous this will limit WHSQ's ability to address the specific nature of their complaint and the complainant will not receive feedback on any action taken by WHSQ.

What happens when an inspector visits?

WHSQ will be transparent with the PCBU about why contact is being made and what their obligations are under the WHS Act.

If a visit is undertaken, the inspector will make enquiries to:

- assess the extent of compliance by the workplace duty holders with their work health and safety obligations in relation to the alleged psychosocial hazard/s

- support compliance with legislation.

WHSQ's primary purpose is to assess the extent of compliance with WHS laws, not to support one person's version of events over another.

WHSQ will ensure that decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant legislation, policies and procedures.

WHSQ will not tolerate unreasonable behaviour

WHSQ take unreasonable behaviour seriously. Abuse, threats, intimidation or harassment of WHSQ staff by customers is not part of their job.

If your behaviour is unacceptable, WHSQ may set limits or conditions on your contact and provide you with a warning. If your unacceptable behaviour continues, WHSQ may cease all direct contact with you.

What if I'm not satisfied with the outcome?

Complaints about WHSQ services can be made on the WorkSafe Queensland website. WHSQ may not be in a position to continue to respond to issues that have already been closed.

The matter will be closed if WHSQ have already investigated and responded to your issues, and you have been provided with an opportunity to:

- express your concerns
- be heard
- given reasons for decisions made and a reasonable explanation as to why your request can go no further.

Any further correspondence from you about matters already dealt with will be noted, and no further action will be taken.

Information on bullying, sexual harassment, unfair dismissal and other workplace disputes

The Fair Work Commission (FWC) supports workers in Queensland who work for a private business on issues like bullying, discrimination and sexual harassment at work. They also offer free legal advice service for workers experiencing bullying or sexual harassment at work.

FWC has information about how it helps resolve bullying and sexual harassment at work here: www.fwc.gov.au/issues-we-help.

You can find information about their Workplace Advice Service and lodge a request for legal advice here: www.fwc.gov.au/apply-or-lodge/legal-help-and-representation/legal-advice-workplace-advice-service.

If you have been dismissed, or have another workplace dispute, the FWC may be able to help. You can contact them on 1300 799 675 or at www.fwc.gov.au.

Other services

Queensland Industrial Relations Commission

The Queensland Industrial Relations Commission (QIRC) helps to resolve disputes about workplace bullying for Queensland public sector employees.

You can contact the QIRC on 1300 592 987 or at qirc.registry@qirc.qld.gov.au.

Fair Work Ombudsman

The Fair Work Ombudsman help everyone in Australia follow the laws that make all workplaces equal and fair.

You can contact the Fair Work Ombudsman on 13 13 94 or www.fairwork.gov.au to find out more about workplace rights and responsibilities.

Queensland Human Rights Commission

The Queensland Human Rights Commission (QHRC) can provide information about Queensland's anti-discrimination and human rights laws.

You can contact the QHRC on 1300 130 670 or www.qhrc.qld.gov.au.

WorkCover Queensland

WorkCover Queensland provides workers' compensation insurance and information about how to make a workers' compensation claim.

You can contact WorkCover Queensland on 1300 362 128 or make an online claim here: www.worksafe.qld.gov.au/claims-and-insurance/compensation-claims/make-a-claim

The Workers' Psychological Support Service

This is a free, confidential and independent support service for workers experiencing a psychological injury.

An experienced social worker will provide support and guidance, connecting workers with the community services they may need, including housing assistance, counselling, financial advice and other services. Their website is wpss.org.au.



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