



## New Psychosocial Responsibilities for PCBUs and Officers

On the 1st of October 2022 four new clauses about psychosocial risks became part of WHS law in NSW and were added in to the NSW WHS Regulation 2017.

So, we now have clear meanings for *psychosocial hazard* and *psychosocial risk*, how to manage psychosocial risks and the appropriate control measures that persons conducting a business or undertaking are required to implement to manage those risks.

The new clauses can be found in “Division 11 Psychosocial risks” in the WHS Regulation 2017 and those clauses are:

- Clause 55A Meaning of “*psychosocial hazard*”,
- Clause 55B Meaning of “*psychosocial risk*”,
- Clause 55C Managing psychosocial risks, and
- Clause 55D Control Measures

In May 2021 SafeWork NSW published the Code of Practice: *Managing psychosocial hazards at work*, which specifically deals with the management of psychosocial hazards. It has examples of hazards and specific actions one can take to assess and manage psychosocial risks, should they arise, using familiar WHS risk management principles. It provides excellent practical guidance on managing psychosocial hazards. But it is not law.

The four new clauses that are now in the WHS Regulation 2017 are part of WHS law in NSW and so they **must** be followed. PCBUs and their Officers in particular need to be sure that they have a WHS risk management system that ensures these clauses are complied with and effectively implemented.

For example, the new clause 55C Managing psychosocial risks requires that; “*A person conducting a business or undertaking must manage psychosocial risks in accordance with Part 3.1 other than clause 36.*” (Part 3.1 is the part in the WHS Regulation 2017 that deals with *Managing Risks to Health and Safety* and has clauses 32 to 38 in it)

PCBUs could therefore expect that their Officers will be most interested in ensuring that the workplace is keeping up with these requirements and learning about any new amendments to the law. Supervisors and managers also must be kept abreast with changes to the WHS management system.

The new clauses in the WHS Regulation are there to help PCBUs create a safe and healthy work environment where maximum productivity can occur. If you have any questions about this feel free to contact your Courtenell WHS Services Consultant.

6<sup>th</sup> October 2022