



## Psychosocial Risks are now in WHS Regulation 2017

Last week we published an article called *New Psychosocial Responsibilities of PCBUs and Officers* because on the 1<sup>st</sup> of October 2022 four new clauses about psychosocial risks became part of WHS law in NSW.

The amended WHS Regulation 2017 containing the clauses about psychosocial risks has just been published.

You can download a PDF of the amended WHS Regulation 2017 from NSW Legislation <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0404>

### **Psychosocial Risks in WHS Regulation 2017**

You will find the four psychosocial clauses at pages 77-78 in the WHS Regulation 2017 – see below.

### **Division 11 Psychosocial risks**

#### **55A Meaning of “psychosocial hazard”**

A *psychosocial hazard* is a hazard that—

(a) arises from, or relates to—

- (i) the design or management of work, or
- (ii) a work environment, or
- (iii) plant at a workplace, or
- (iv) workplace interactions or behaviours, and

(b) may cause psychological harm, whether or not it may also cause physical harm.

#### **55B Meaning of “psychosocial risk”**

A *psychosocial risk* is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

## 55C Managing psychosocial risks

A person conducting a business or undertaking must manage psychosocial risks in accordance with Part 3.1 other than clause 36.

## 55D Control measures

(1) A person conducting a business or undertaking must implement control measures—

(a) to eliminate psychosocial risks so far as is reasonably practicable, and  
(b) if it is not reasonably practicable to eliminate psychosocial risks—to minimise the risks so far as is reasonably practicable.

(2) In determining the control measures to implement, the person must have regard to all relevant matters, including—

(a) the duration, frequency and severity of the exposure of workers and other persons to the psychosocial hazards, and

(b) how the psychosocial hazards may interact or combine, and

(c) the design of work, including job demands and tasks, and

(d) the systems of work, including how work is managed, organised and supported, and

(e) the design and layout, and environmental conditions, of the workplace, including the provision of—

(i) safe means of entering and exiting the workplace, and (ii) facilities for the welfare of workers, and  
(ii) facilities for the welfare of workers, and

(f) the design and layout, and environmental conditions, of workers' accommodation, and (g) the plant, substances and structures at the workplace, and

(h) workplace interactions or behaviours, and

(i) the information, training, instruction and supervision provided to workers.

(3) In this clause—

**workers' accommodation** means premises to which the Act, section 19(4) applies.

**Note**— WHS Act—section 19

(see clause 9).

12<sup>th</sup> October 2022