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Joint National Secretariat

Business Regulation Benchmarking – Stage 2
Productivity Commission
GPO Box 1428
Canberra city
ACT 2601

22 February 2010

Dear Sir/Madam,

The Community and Public Sector Union, State Public Services Federation Group, of (“SPSF Group”) principally represents the industrial interests of employees of state governments and authorities as well as non-academic staff in Australian universities (but excluding police, hospital workers and teachers).

We wish to make comment on the Draft Research Report dated January 2010 titled Performance Benchmarking of Australian Business Regulation: Occupational Health and Safety.

We refer specifically to Chapter 11 Psychosocial hazards and express our concurrence that these hazards at work are not given the same attention in OHS legislation or regulation as physical hazards.

The health consequences of undue stress arising from bullying, harassment, work overload and occupational violence is a major component of the work performed by the dedicated OHS professionals assisting members in SPSF Group Branches.

In discussion with these staff an approximation was made as to the breakdown of psychosocial hazards that result in psychological injury.

It is considered that around 50% to 60% of all individual cases arise from bullying or harassment. Excessive workload is estimated to take up 10% to 20% of cases handled. Occupational violence is thought to range between 10% and 15% of cases and “environmental hazards” (noise, space, ventilation etc.) around 10% of all matters dealt with.

Not all these matters result in claims for workers’ compensation and many are dealt with by the normal dispute settlement processes in place. In NSW, the state union has prosecuted employers successfully where the regulator has failed to act.

In one Branch a workers’ compensation officer who assists members with claims estimates that a bit more than 50% of her workload involves cases of psychological injury in the public sector.

There are specific “hotspots” where these psychosocial hazards are more prevalent than elsewhere; specifically in child protection, corrective services, probation & parole/community corrections, public housing and the sheriffs’ office.

While all jurisdictions have produced “guidelines” on dealing with these hazards there is a paucity of robust regulation at the higher end of the hierarchy in the form of subordinate regulation; only two codes in the jurisdictions are targeted at bullying and harassment.

It appears that considerable work is underway by Safe Work Australia on drafting new model “regulations” to operate from 1 January 2012 that deal with the major physical hazards currently dealt with by regulation in the nine OHS jurisdictions.

It is the view of the CPSU SPSF Group that the psychosocial hazards identified above as major issues of concern should be dealt with in the form of regulation and supported comprehensively by code.

The basis of this position is threefold –

- to eliminate or reduce a major source of preventable harm and suffering
- to reduce costs to the individual, employer and public revenue

- to elevate the psychosocial hazards in the minds of all concerned in OHS and more closely focus on non physical hazards in the workplace.

We do not propose to restate the evidence of considerable financial costs associated with psychosocial hazards in the workplace other than to observe that however calculated, the greater burden lies on the injured worker and his or her family.

The views expressed by certain regulators to the Productivity Commission that they have sufficient resources to meet their proper responsibilities is not shared by members employed by the OHS regulators, including OHS inspectors, we have consulted. In summary their responses include comment that -

- investigation of psychological issues is more time consuming than other activities
- there is a lack of capacity and not enough staff focused on the issues
- prosecution policy fails to aim for precedents for issues like fatigue, stress and bullying, focusing instead on catastrophic incidents
- workers' compensation data is sufficient to demonstrate that issues like violence, bullying, fatigue and job stress are not being dealt with effectively

We submit that there is a sound basis for greater resource allocation to assist workers, employers and regulators (including inspectors) to eliminate or reduce the incidence of psychosocial hazards.

There is a shortfall of necessary regulation and resources to deal with psychosocial hazards at work.

Yours faithfully

David Perkins for
David Carey
Federal Secretary
CPSU SPSF Group