

Psychosocial Hazards and Employer Duties

Fifty-four pages of national guidance, and not one mention of resilience

By the end of this module you will be able to

By the end of this lecture you will be able to ...

01

Define a psychosocial hazard, and say which parts of it the employer designs

02

State the primary duty and the officers' due diligence duty in general terms

03

Explain what the model Code of Practice actually asks for, and what it never mentions

04

State the legal status of a code of practice, and the limits of a MODEL code

05

Describe the consultation duty and why it appears 91 times in 54 pages

06

Say what this programme does and does not cover, by jurisdiction

Start with a count you can check yourself

Safe Work Australia, model Code of Practice: Managing psychosocial hazards at work (2022), 54 pages, counted 28/09/2026

- FIFTY-FOUR PAGES OF NATIONAL GUIDANCE ON MANAGING PSYCHOSOCIAL HAZARDS, AND THE WORDS 'RESILIENCE', 'MINDFULNESS', 'WELLNESS', 'SELF-CARE' AND 'STRESS MANAGEMENT' APPEAR ZERO TIMES BETWEEN THEM. What appears instead is 'psychosocial hazard' 134 times, 'consult' 91 times and 'reasonably practicable' 59 times. The regulator is not asking you to make your workforce tougher. It is asking you to change the work - and to consult the people who do it while you decide how.

The twelve counts

Term	Occurrences in 54 pages
psychosocial hazard	134
consult	91
reasonably practicable	59
training	48
eliminate	40
minimise	40
work design	9
resilience	0
mindfulness	0
wellness	0
self-care	0
stress management	0

And what a code of practice actually is

The Code's own words on its status

- AND THE CODE'S OWN WORDS ON ITS STATUS: 'Codes of practice are ADMISSIBLE IN COURT PROCEEDINGS under the WHS Act and WHS Regulations. Courts may regard a code of practice as EVIDENCE OF WHAT IS KNOWN about a hazard, risk, risk assessment or risk control and may RELY ON THE CODE in determining what is reasonably practicable.' It is a MODEL code: it has legal effect in a jurisdiction only as that jurisdiction adopts it. This programme covers Victoria and New South Wales in detail, names Queensland, and STATES NOTHING ABOUT THE OTHER SIX.

PART 2

What a psychosocial hazard is

Victoria's definition, and read the five limbs

Occupational Health and Safety (Psychological Health) Regulations 2025 (Vic), reg 4

- VICTORIA'S DEFINITION, VERBATIM, AND IT IS WORTH READING SLOWLY. A psychosocial hazard means 'any factor or factors in (a) THE WORK DESIGN; or (b) THE SYSTEMS OF WORK; or (c) THE MANAGEMENT OF WORK; or (d) THE CARRYING OUT OF THE WORK; or (e) PERSONAL OR WORK-RELATED INTERACTIONS - that may arise in the working environment and may cause an employee to experience one or more negative psychological responses that create a risk to the employee's health or safety'. FOUR OF THE FIVE LIMBS ARE THINGS THE EMPLOYER DESIGNS. Only the fifth is about how people treat each other.

Three consequences of that definition

It is a hazard, not a mood

A psychosocial hazard is a FACTOR IN THE WORK. It is identified, assessed, controlled and reviewed exactly as a chemical or a ladder is. Nothing in the definition is about how robust the person is.

Four of the five limbs are employer decisions

Work design, systems of work, management of work and the carrying out of work are all designed by somebody. Only the fifth - personal and work-related interactions - is about how people treat each other, and even that is shaped by workload, supervision and accountability.

Which locates the duty precisely

The primary duty sits with the employer or PCBU, and officers - directors and people who make or participate in decisions affecting a substantial part of the business - carry a DUE DILIGENCE duty of their own. You cannot delegate either to a wellbeing committee.

PART 3

Consultation

Ninety-one mentions is not decoration

OBA teaching.

- 'Consult' appears 91 times in the 54-page model Code - more often than 'training' (48), 'eliminate' (40) or 'minimise' (40).
- Consultation is a DUTY in its own right, and in Victoria the notes to regulations 14 and 15 point to the Act's consultation duty and require the involvement of the health and safety representative, if there is one.
- It is also the best hazard identification method you have. The people doing the work already know where the demand is, and they have usually told somebody.
- AND IT IS THE EASIEST DUTY TO FAIL IN A WAY A REGULATOR CAN SEE. 'We surveyed them' is not consultation about a control decision. Consultation happens BEFORE the decision, and you should be able to show when, with whom, and what changed as a result.
- Change consultation is also one of the six measured job resources - and it is BELOW AVERAGE in this industry. It is a duty, a data source and a control at the same time.

What this programme covers, and what it does not

Say this to your board before you rely on it

- VICTORIA and NEW SOUTH WALES are covered in detail. QUEENSLAND's Code of Practice is NAMED and nothing is stated from it - it was not retrieved for this build.
- WESTERN AUSTRALIA, SOUTH AUSTRALIA, TASMANIA, THE ACT, THE NORTHERN TERRITORY AND THE COMMONWEALTH ARE NOT COVERED AT ALL. This programme states nothing about any of them.
- AND IT IS NOT LEGAL ADVICE. It explains duties in general terms. Modules 02 and 11 should be read alongside your own legal advice on your own jurisdiction.

BEFORE YOU MOVE ON

What to carry out of Module 01

- Resilience, mindfulness, wellness, self-care and stress management: ZERO mentions in 54 pages.
- Psychosocial hazard 134, consult 91, reasonably practicable 59.
- A psychosocial hazard is a factor in the work - four of the five limbs are things you design.
- Codes of practice are admissible in court and evidence of what is known.
- And consultation is a duty, a data source and a control at once.

Module 02: what your own state actually requires.