



Victoria Government Gazette

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PROPOSED OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (PSYCHOLOGICAL HEALTH) REGULATIONS

Notice of Preparation of Regulatory Impact Statement

Notice is given that, in accordance with section 11 of the **Subordinate Legislation Act 1994**, a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Occupational Health and Safety Amendment (Psychological Health) Regulations (proposed Regulations).

Copies of the proposed Regulations and RIS will be available for public review and comment from Thursday 17 February 2022. The closing date for submissions is close of business, Thursday 31 March 2022.

The proposed Regulations will amend the Occupational Health and Safety Regulations 2017.

The development of the proposed Regulations follows several recent reviews, which recommended strengthening workplace health and safety laws to better address workplace psychological health, including the Review of Model Work Health and Safety Laws, Respect@Work: Sexual Harassment National Inquiry Report and the Productivity Commission's Inquiry into Mental Health.

The Royal Commission into Victoria's Mental Health System's (Royal Commission) final report also highlighted the need to improve education and awareness regarding psychological health, to build safe and healthy workplaces and prevent mental injury. It emphasised the need to reduce the stigma and discrimination associated with mental health, including in the workplace. The Victorian Government accepted all recommendations of the Royal Commission, including Recommendation 16, which targets the creation of mentally healthy workplaces.

Under Victoria's occupational health and safety framework, an employer must, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to employees' health. Further, the **Occupational Health and Safety Act 2004** (OHS Act) defines health as including psychological health. Despite this general duty, the outcome of recent inquiries indicates that significant numbers of Victorian workers continue to suffer mental harm due to exposure to uncontrolled workplace psychosocial hazards.

The proposed Regulations aim to promote the importance of psychological health and safety in the workplace by clarifying requirements for employers to identify psychosocial hazards and to control the risks associated with them. They will also create requirements for employers to have prevention plans in respect of certain psychosocial hazards and for applicable employers to periodically report to WorkSafe regarding certain psychosocial complaints.

Specifically, the proposed Regulations:

- define psychosocial hazards;
- clarify the existing general duties under section 21 of the **Occupational Health and Safety Act 2004** by stipulating the following, specific duties for employers in relation to psychological health:
 - to identify psychosocial hazards in the workplace;
 - to eliminate (so far as is reasonably practicable) or reduce risks associated with psychosocial hazards in the workplace;
 - to review and, if necessary, revise control measures in certain circumstances;
 - to have written prevention plans for certain psychosocial hazards; and
- create a periodical reporting requirement for certain employers to report de-identified data to WorkSafe Victoria (WorkSafe) for certain psychosocial complaints received by the employer during the reporting period.

SPECIAL

The RIS, which has been prepared by Deloitte Access Economics, considers the costs and benefits of the proposed Regulations.

The RIS discusses possible alternatives to the proposed Regulations. It concludes that the proposed Regulations, which include the reporting requirements for reportable psychosocial complaints and the full package of reforms, are the best means of achieving the objective of eliminating (so far as is reasonably practicable) the risk of adverse psychological health impacts (including physical effects of psychological harm) arising from exposure to psychosocial hazards in the workplace.

The proposed Regulations will apply to all Victorian workplaces, though the prevention plan and reporting requirements will only apply to the applicable subset of employers.

Public comment is invited on the proposed Regulations and RIS. WorkSafe should receive all comments by no later than the close of business on Thursday 31 March 2022. Submissions may be lodged electronically using an online form, by email or post.

Please note, all submissions will be treated as public documents and will appear online unless clearly identified as being confidential.

Electronic copies of the proposed Regulations and RIS can be obtained from the Victorian Government's engage website, engage.vic.gov.au/proposed-psychological-health-regulations, from the WorkSafe Advisory Service on 1800 136 089 (toll-free) or by emailing legislation@worksafe.vic.gov.au.

INGRID STITT MP
Minister for Workplace Safety

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