



Step 1: Understand

Legal Obligations

In Tasmania, employers are legally required to protect their workers' **physical and psychological safety**. Employers who fail to do this may be fined or taken to court and prosecuted under the *Work Health and Safety Act 2012*.

What are my legal responsibilities?

Employers must provide **workplaces** that are, as far as reasonably practicable, free from risks to workers' health and safety, including **psychosocial risks**.

What are psychosocial risks and hazards?

Psychosocial risks are risks to a worker's health or safety that are caused by a **psychosocial hazard** and have the potential to cause psychological harm.

Psychosocial hazards are situations or aspects of work that may cause a stress response. For example:

- too much work or pressure
- bullying or harassment
- lack of support
- seeing or dealing with upsetting or traumatic events.

What counts as a 'workplace'?

A workplace is any place where a worker goes, or is likely to be, while at work (including working from home or travelling between work locations in a work vehicle).



WORKCOVER
BOARD
Tasmania

An initiative of the WorkCover Board Tasmania, delivered by WorkSafe Tasmania

How do I know if there are psychosocial risks in my workplace?

Ways to find out:

- consult with workers
- use anonymous surveys
- observe behaviour
- review business data.

Use the resources in this **Minds Matter Toolkit** to help you identify the risks.

What must I do if I have found psychosocial risks?

You must act to eliminate that risk 'as far as is reasonably practicable'. This includes asking yourself:

- a. How likely is it that someone could be harmed?
- b. How serious might the harm be?
- c. What do you know, or should you know, about the risk and how it can be removed?
- d. What safety measures are available, and how suitable are they?

What does 'reasonably practicable' mean?

'Reasonably practicable' means doing what is realistically possible at the time to keep workers healthy and safe.

This means you must remove hazards or make the risk of harm as small as you reasonably can.

What if it is not reasonably practicable to remove the psychosocial risk?

If you can't remove the risk, you must minimise it as much as you possibly can. For example:

- change how work is done to minimise risk of harm
- provide formal support after stressful events
- provide extra training for workers and managers.

Find more examples in the **Managing psychosocial hazards at work – Code of Practice**.

Do I need to do these things by myself?

No. In fact, you are *legally required* to consult with your workers about work health and safety matters, including psychosocial risks.



Consulting means:

- sharing relevant information with workers
- giving workers the chance to express their views and concerns
- using this information to make decisions about health and safety.

What other laws do I need to know?

Under anti-discrimination law, employers must take active steps to prevent discrimination based on a person's sex, age, race or disability.

This includes:

- making adjustments for workers with a disability or mental health condition
- preventing bullying, harassment or exclusion
- supporting a workplace where everyone is treated fairly and equally.

What does the law say about workers compensation?

In Tasmania, workers who are injured at work are entitled to workers compensation, including for psychological injuries such as anxiety, depression or post-traumatic stress.

Employers must support the worker's safe return to work. This includes:

- encouraging early reporting and helping manage claims
- working with the worker on a rehabilitation and return-to-work plan
- offering different or lighter duties while they recover, where possible.

Information here is based on, and should be read along with, the *Work Health and Safety Act 2012* and other legislation. For more information go to **Employers have legal obligations**.



For more information and guidance, please see www.worksafe.tas.gov.au/mindsmatter