

WORK HEALTH AND SAFETY

There's a new sheriff in town!



DID YOU KNOW...

- New WHS legislation **Work Health and Safety Amendment Regulation 2022** requires every organisation with 20 or more employees to meet a minimum compliance standard.
- **Mental health conditions** are classified as **disease** in the new legislation.
- “Occupational diseases are illnesses or health conditions caused or aggravated by work conditions or practices. Some workers are more at risk than others” – SafeWork Australia (2022).
- 71% of disease claims overall under workers’ compensation are for mental health. (SafeWork Australia).
- All People Leaders have a **duty of care** – the buck stops with them.
- Mental Health is now on par with Physical Safety.
- All levels of worker **MUST** be consulted in your process – the legislation demands it.
- Only one in ten businesses have a cohesive, coordinated and proactive strategy (SafeWork Australia). 50% of businesses are merely reacting to emerging issues.

New Regulations need New Policy. New Strategy. New Actionables.



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WHAT HAS CHANGED?

● Under the legislation **Mental health** causes (defined as Psychosocial Hazards) are now a **Safety** concern, which is now treated with the same gravitas as Physical Safety. Not before time.

● The legislation has redefined the classification to improve clarity around mental health and made it more explicit. **Basically, it is anything that occurs that could cause psychological harm.**

● Those responsible in your organisation for compliance are the Employer **AND** any **Person Controlling a Business or Undertaking** (PCBU).

● **Anyone with a Duty of Care cannot contract or divest themselves of their duty or obligations.**

● The law now **PROHIBITS** you from seeking **Indemnity Insurance** to protect you or the business from prosecution. (You can insure against the cost of legal defence, but ALL fines etc must now be paid personally).

● Even the burden of proof has shifted from Prosecutors needing to show there was awareness and a deliberate non-compliance. The new test is now **merely needing to show gross negligence existed** that resulted in significant harm. It doesn't matter that you didn't know about an issue. **YOU SHOULD HAVE KNOWN.**

● Your leaders must be able to create safety. They need to know what that looks like and how to create safety. Psychological Safety and Psychosocial Health are two very different things (see below).

● You continue to have a duty of care to ensure, so far as is **reasonably practicable**, the health and safety of your people. This now specifically includes their mental health and wellbeing.

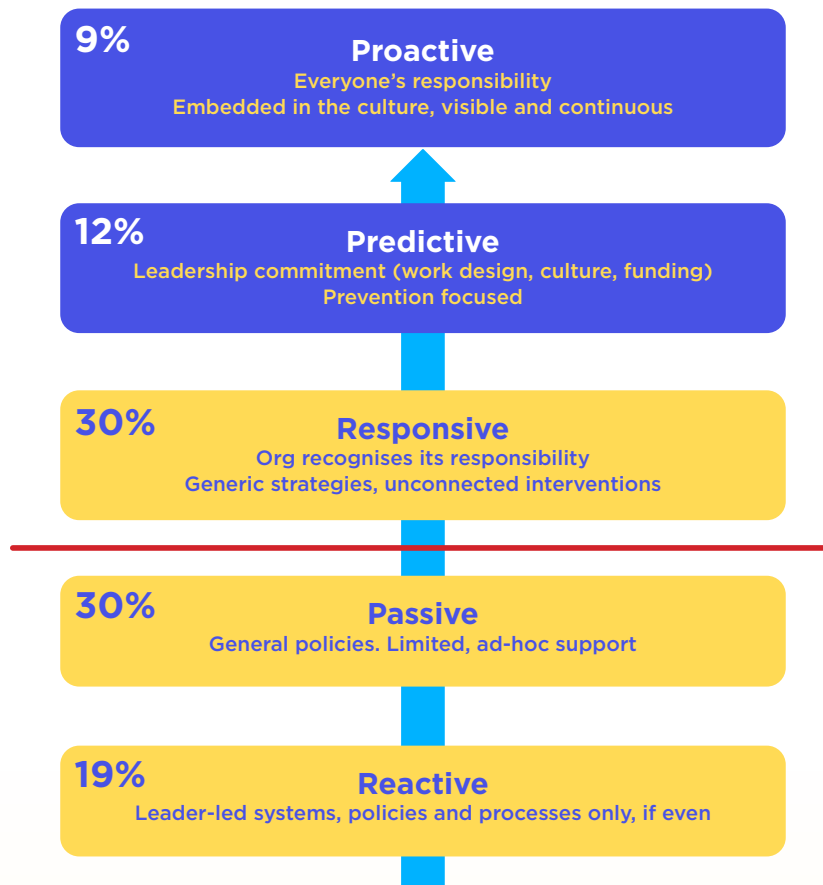
● This is a **warning bell** for PCBUs to undergo a risk identification, assessment, control and continual review of your measures in relation to psychosocial hazards.

● “Go see HR”. “Call our EAP Service”. “We have yoga classes and fruit on a Friday”. These are no longer sufficient responses to your people.

Your leaders can no longer just rely on HR functions to deal with these issues.

SafeWork Australia estimates that only one in ten businesses, of all sizes, have a coordinated and cohesive strategy in place to meet the criteria.

Are you sure you are one of those? Check again!



WHO DOES THIS AFFECT?

EVERYBODY. Your people leaders **have a duty of care**, it includes anyone who is engaged to carry out work for you, including sub-contractors.

- a.** If you direct or **influence** work carried out by a worker (a worker is defined as someone who reports to you or does work for you), you have a duty of care
- b.** You **Engage** or cause to engage a worker to carry out work (including sub-contractors)
- c.** You have management or **control** of a workplace.

Does that sound like you? Were you thinking “this is a HR responsibility”? Not anymore

WHAT'S THE DIFFERENCE BETWEEN PSYCHOLOGICAL SAFETY AND PSYCHOLOGICAL HEALTH?

Psychological Safety is usually defined as being able to speak up and participate in group without fear of consequences. It supports low personal conflict but embraces high cognitive conflict (ideas and differing views).

Psychological Health refers to the mental health of workers, primarily as it relates to

or is affected by to their work environment and expectations of the workplace and the leaders.

The two are not the same, although you can draw a line between them, especially in the sense of belonging, feeling safe, and not stigmatised.

WHAT ARE THE RISKS?

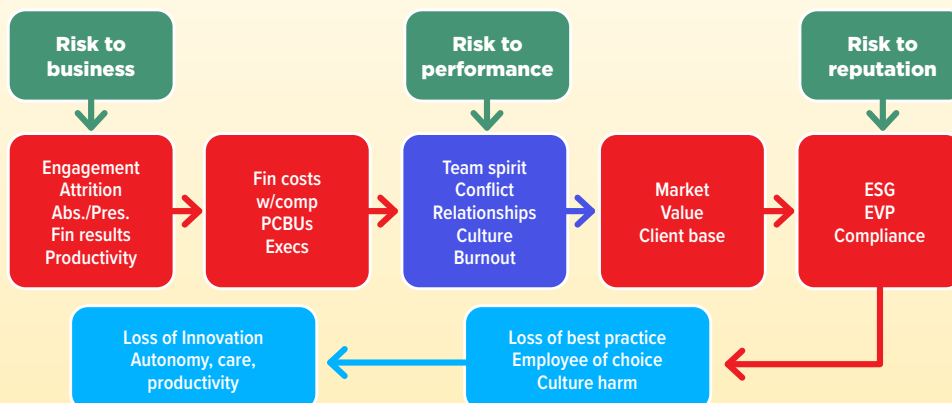
Psychosocial Hazards are all about RISK


- Risk to your people and their health,
- Risk to your business performance,
- Risk to the eligibility of your board to continue functioning,
- Risk to the business reputation
- Risk to your company's employee value proposition
- Risk to your reputation as an employer of choice
- Risk to your workers' level of engagement
- Risk to staff retention and procurement
- Risk to absenteeism
- Risk to presenteeism

Risks in hybrid work and Work From Home offer another layer of complexity

RISK IDENTIFICATION

- Non-compliance is risky. To do nothing is to be non-compliance
- Compliance is only half the story
- Sustainable performance is the goal
- Risk to hybrid and remote (WFH) workers is a new perspective and needs to be considered





WORK HEALTH AND SAFETY AMENDMENT REGULATION 2022 IS THE **MINIMUM** STANDARD.

We can do so much more for much greater benefit than just compliance.

A risk assessment of the mental health status of your workers, and the influence of working conditions (work load, design, clarity, autonomy, environment) is necessary to give you a clear picture.

But you **MUST** consult those affected - your leaders and your workers.

The Iceberg of Ignorance (Sidney Yoshida...) tells us that:

The senior leadership (exec and board level only know about **4%** of the issues. Senior managers get to hear about **9%** of problems

Team supervisors/middle management learn about **74%** in doing their job.

The frontline workers are usually aware of up to **100%** of the issues.

Given the senior leadership are at the top of the ladder, they are not currently aware of the issues facing their people (they are 'safeguarded' as the problems get 'dealt with' before them).

Don't write the policy and response strategy - **WITHOUT CONSULTATION.**

This is where I come in.

WHAT DO WE NEED TO DO?

Your leaders need to be able to recognise and respond to issues in their teams. They are now PCBUs and the buck stops with them.

These are not insurmountable hurdles but, like the **Cyber Security** issues of the last couple of years, we can no longer shrug our shoulders, point the blame at outside or other sources, and react after an event has occurred.

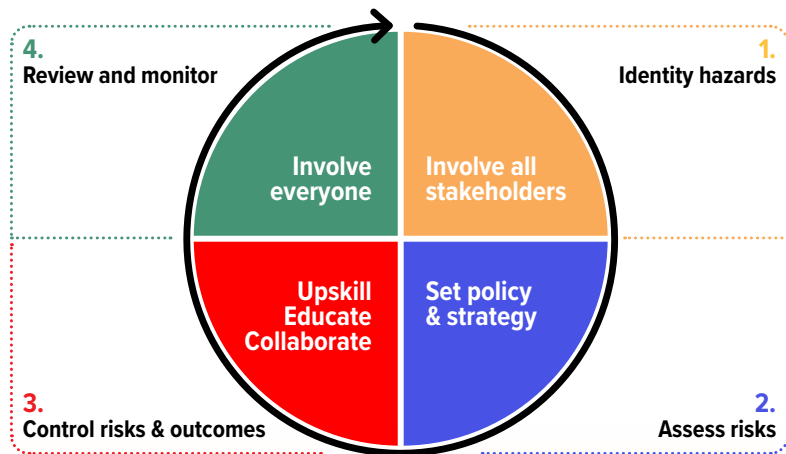
A mentally healthy workplace has the following principles and behaviours:

- mental health is everyone's responsibility and is led by business leaders
- mental health is considered in every way you do business
- everyone contributes to a culture where people feel safe and supported to talk about mental health
- mental health support is tailored for individuals and teams
- everyone can see you're finding better ways to support worker mental health.



Compliance is only half the story – sustainable performance is the goal.

● Your **minimum** response is about compliance, but compliance delivers Performance. We shift from Obligation to Opportunity.



● You **must** create a policy to respond to the Psychological Hazards outlined in the legislation. This is a legal requirement

● You will need a **strategy** to reflect your policy.

● You **must** involve and collaborate with those affected by identifying the hazards, assessing the risks, control for outcomes and continually review and monitor the process.

● You **must** make everyone in the organisation aware of the strategy. This affects everyone in your business.

● You **must** upskill your leaders to be competent in dealing with issues.

What we are finding in organisations when we meet compliance is the following occurs.

● We lift leaders and the organisation from confusion around obligations to meeting compliance. When that happens, we see our leaders increasing their ability and capacity to manifestly affect change in their teams. They develop essential skills in effective leadership to become confident and capable, with greater reputations and standing.

● Teams shift from being undervalued and missed, to feeling like they belong and they matter, deepening engagement, performance and productivity.

● When this occurs, the culture of the teams and the organisation as a whole shift from a toxic culture to one where everyone thrives, and the business is transformed.

● All of this from simply meeting our compliance with the legislation.

● The key is to motivate your people leaders to WANT to do this. They are the trigger point of making this happen, and the success or failure to be compliant lies with them.

● But, when leaders see that they can dramatically lift their teams to be more productive and engaged **simply by creating safety in the workplace**, they develop strong skills, solid reputations of being a good leader and enhance the culture at work.

COMPLIANCE	LEADERS	TEAMS	CULTURE
Compliant	Confident	Belong	Thriving
Competent	Comfortable	Be Seen	Transforming
Cognizant	Cautious	Be Heard	Turning
Confused	Conscious	Dissed	Troublesome
Clueless	Clueless	Missed	Toxic

WHAT I CAN DO TO HELP?

I am a Specialist Coach for this new area of WHS. My clinical and corporate experience positions me directly to develop your policy and strategy

PHASE 1

a two-hour or a full day collaboration and exploration (facilitating) of the legally necessary steps, including all levels of workers, in identifying the hazards and assessing the risks.

Identifying harmful Psychological Hazards in your workplace. I offer clinical insights into the precise issues you can experience (sub-clinical hazards and conditions etc), including what to look for and what it looks like.

Identifying Protective Psychosocial Factors that can lift your people to sustainable performance (belonging, psych safety, cohesion, connection, clarity, mattering)

The full day program includes your written policy document.

I then deliver a report on the outcomes and next steps.

This process meets your obligations, providing deep collaboration and clarity around how your business can be affected.

\$2.5k - two hour program

\$7.5k full day + policy doc and strategy report.

PHASE 2

Then, I can advise and lead the training on upskilling your leaders in controlling the outcomes and enhancing the culture of their teams. We plan your next steps to not only meet your legal obligations, but to raise the performance of your leaders and with new skills.

We develop their skill to be comfortable and competent in dealing with their people in a caring and compassionate way.

We protect your business and your leaders reputations. We remove risk. We transform your business into a thriving organisation with best-practice health and safety standards and a reputation as a top employer of choice.

All of which supports the progress towards sustainable performance in a thriving organisation. My program CAN WE TALK does just this.

We motivate your people leaders to embrace the idea that compliance delivers performance. Where Obligation becomes Opportunity to develop winning, engaged teams.

\$1-2k per participant, depending on final scope of work



**CAN WE
TALK?**



THE VALUE YOU WILL GAIN

These steps to ensuring compliance are not difficult, but it is hugely important to get them right.

Full participation from everyone involved will ensure the best outcome. My years of clinical group facilitation work ensure everyone gets a voice – no hogs, no logs!

PROGRAM OUTCOMES

PHASE 1

- Greater clarity of the anticipated challenges.
- Deeper consolidation of the responses to expected issues
- Psychologically safe environment for discussions
- Deeper understanding of the hidden mental health challenges
- Development of your Policy document
- Development of your Strategy Framework
- Written report on the outcomes.

PHASE 2

- Upskilling of your PCBUs and team leaders to deliver the strategy
- Increased capacity of PCBUs to engage with mental health in their teams
- Improved team cohesion and team spirit
- Reduced conflict
- Reduced burnout
- Increased productivity performance and engagement.



“Mark is a genuine mental health champion! I cannot recommend Mark enough to other organisations who care about their employees, and I look forward to learning and implemented more of what he shares in future sessions.”

“Mark was great to work with, as he took the time to understand our business and key concerns and adapted his training to suit our needs.”

“I am so pleased to endorse the work of Mark Butler - MAddBeh MGestTher CReC MPACFA(Clin) in a series of team sessions on how to identify fatigue and stressors in the workplace. One particular skill of Mark's is his ability to be aware of the dynamic within the session and adjust his presentation to dive deeper into a topic or move on where needed. Thanks for your professionalism, Mark.”

“We worked with Mark on the program, ensuring the topics we wanted to talk about were covered and engaging. From the beginning, Mark listened, took on board our comments and delivered fantastic interactive and thought-provoking virtual sessions with our people.”

“In our Employee survey results Mark's work received high praise as being one of the best initiatives we provided. Mark's knowledge is deep, passion obvious and his warm, friendly, nature makes him a perfect business partner as he understands the modern-day issues that our work groups are facing and how to re-engage and tools and techniques to thrive.”

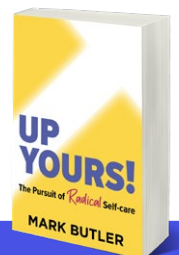
“We are so grateful for everything you do, Mark. You go above and beyond. There are not many partners like you, and we are lucky to work with you. I know the additional efforts you put in with our people. Thank you so much.”

“We have received great feedback from the training you ran for us, and already we can see people being more open in discussing mental health in our workplace and even some people seeking professional assistance with their own mental health, so for that we are very grateful.”

“Every colleague in our team tremendously enjoyed working with Mark. Hands-on, tangible advice - no hot air but scientifically substantiated. Mark coached us through this difficult period of time. I recommend getting Mark in earlier than later which will save you in the end.”



Mark is a mental health expert and strategist, clinical specialist, and best-selling author. He specialises in up-skilling individuals and organisations to deal effectively with mental health challenges and create the conditions for peak performance.



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