
NSW Resources

Resources Regulator



Compliance priority report

Psychosocial awareness – small mines

January 2024 to June 2024

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Executive summary

A crucial part of the Resources Regulator’s incident prevention strategy for mines and petroleum sites involves:

- targeted assessments and planned inspection programs – focusing on assessing an operation’s control of critical risks by evaluating the effectiveness of control measures in the mine’s safety management system.
- priority programs – proactively assessing a topic that is an emerging risk throughout the industry, which is determined primarily from incident data as well as evolving industry trends. Although these topics may also be contained within the Regulator’s planned inspection programs, the aim of compliance priority programs is to gather further information and knowledge about how the industry is managing and controlling a specific issue.

The Regulator is taking steps to address psychosocial hazards and sexual harassment within the NSW mining industry.

This initiative is part of the ongoing commitment to ensuring the safety and well-being of all workers in the sector.

Under the work health and safety (WHS) legislation, any incident resulting in a notifiable injury or illness, including those stemming from psychosocial or physical harm, sexual harassment or assault, must be reported to the Regulator.

Psychosocial hazards extend beyond bullying and harassment and may include sexual assault, physical assault or psychological abuse.

Whether a single event or repeated occurrence, psychosocial hazards are defined as any threatening, violent, forced, coercive, or exploitative behaviour or act where the victim has not consented or was unable to give consent.

Mine operators and workers are reminded that psychosocial or physical harassment and sexual assault represents an extreme form of unacceptable workplace behaviour.

The compliance priority psychosocial awareness targeted small mines during the first 6 months of 2024. This report will provide information on assessment findings and recommendations for small mine operators.

In summary, of the 85 small mine site assessments (mine types included 79 construction material sites, 4 industrial mineral sites, 1 metalliferous mine site and 1 mineral sand site) there were 107 compliance notices issued during the assessment program. 63 of the compliance notices related specifically to psychosocial awareness issues at 60 small mine sites.

Explanatory notes on the assessment system are listed in Appendix A.

WHS Regulation 2017 - Psychosocial risks

WHS Regulation 2017 Division 11 - Psychosocial risks

55A Meaning of “psychosocial hazard”

A *psychosocial hazard* is a hazard that —

- (a) arises from, or relates to —
 - (i) the design or management of work, or
 - (ii) a work environment, or
 - (iii) plant at a workplace, or
 - (iv) workplace interactions or behaviours, and
- (b) may cause psychological harm, whether or not it may also cause physical harm.

55B Meaning of “psychosocial risk”

A *psychosocial risk* is a risk to the health or safety of a worker or other person arising from a psychosocial hazard.

55C Managing psychosocial risks

A person conducting a business or undertaking must manage psychosocial risks in accordance with Part 3.1 other than clause 36.

55D Control measures

- (1) A person conducting a business or undertaking must implement control measures —
 - (a) to eliminate psychosocial risks so far as is reasonably practicable, and
 - (b) if it is not reasonably practicable to eliminate psychosocial risks — to minimise the risks so far as is reasonably practicable.
- (2) In determining the control measures to implement, the person must have regard to all relevant matters, including —
 - (a) the duration, frequency and severity of the exposure of workers and other persons to the psychosocial hazards, and
 - (b) how the psychosocial hazards may interact or combine, and
 - (c) the design of work, including job demands and tasks, and
 - (d) the systems of work, including how work is managed, organised and supported, and
 - (e) the design and layout, and environmental conditions, of the workplace, including the provision of —
 - (i) safe means of entering and exiting the workplace, and
 - (ii) facilities for the welfare of workers, and
 - (f) the design and layout, and environmental conditions, of workers’ accommodation, and
 - (g) the plant, substances and structures at the workplace, and
 - (h) workplace interactions or behaviours, and

- (i) the information, training, instruction and supervision provided to workers.
- (3) In this clause –

workers’ accommodation means premises to which the Act, section 19(4) applies

Assessment criteria for all assessments

Assessment criteria were identified by the Regulator to review mine operator compliance with the requirements of the regulations.

A tabulation of the assessment criteria for ‘psychosocial awareness’ at small mines is provided in Table 1.

Table 1. Criteria for psychosocial awareness at small mines

Criteria number	Criteria
1	Is the mine aware of the changes to the Work Health and Safety Regulation 2017 that relate to psychosocial risks?
2	What has the mine done in relation to the changes?
3	Has the mine conducted a risk assessment of identified psychosocial risks?
4	What training has the mine undertaken in regard to psychosocial risk? (e.g. bully/harassment training, mental health first aiders, other education)
5	Does the mine have an Employee Assistance Program (EAP) provider available?
6	Does the mine promote the use of EAP following incidents and other issues?
7	How do workers report psychosocial incidents and issues?
8	Has the mine got a process to deal with the outcomes of psychosocial risk/complaints? (e.g. investigation by corporate/third party etc)

Assessment findings for small mines

Overall, the assessment findings for small mines were:

- 85 assessments conducted at small mine sites, the small mine types were:
 - 79 construction material sites
 - 4 industrial mineral sites
 - 1 metalliferous mine site
 - 1 mineral sand site
- 680 individual assessment findings
- 107 compliance notices were issued in total during the assessment program

- 63 of the compliance notices issued to 60 small mine sites related to psychosocial awareness issues

Figure 1 provides a summary assessment of the overall results by criteria.

Figure 1. Summary assessment findings of overall results by criteria for small mine sites

1	Is the mine aware of the changes to the Work Health and Safety Regulation 2017 that relate to Psychosocial risks?	86%
2	What has the mine done in relation to the changes?	57%
3	Has the mine conducted a Risk assessment of identified Psychosocial risks?	46%
4	What training has the mine undertaken in regard to psychosocial risk? (eg Bully/harassment training, Mental health first aiders, other education)	65%
5	Does the mine have an Employee Assistance Program (EAP) provider available?	66%
6	Does the mine promote the use of EAP following incidents and other issues?	68%
7	How do workers report Psychosocial incidents and issues?	71%
8	Has the mine got a process to deal with the outcomes of psychosocial risk/complaints? (eg investigation by corporate/third party etc)	64%
Grand Total		65%

- Green (=100%)
- Yellow (>= 80% and <100%)
- Orange (>= 65% and <80%)
- Red (<65%)

In summary the overall assessment findings by criteria were assessed in total as 65%.

The lowest assessment finding was 46% (red colour category) for criteria 03 – Has the mine conducted a risk assessment of identified psychosocial risks?

Two other criteria 2 to 08 were assessed as 57% and 64% respectively (red colour category).

The highest assessment finding was 86% (yellow colour category) for criteria 01 – Is the mine aware of changes to the Work Health and Safety Regulation 2017 that relate to psychosocial risks?

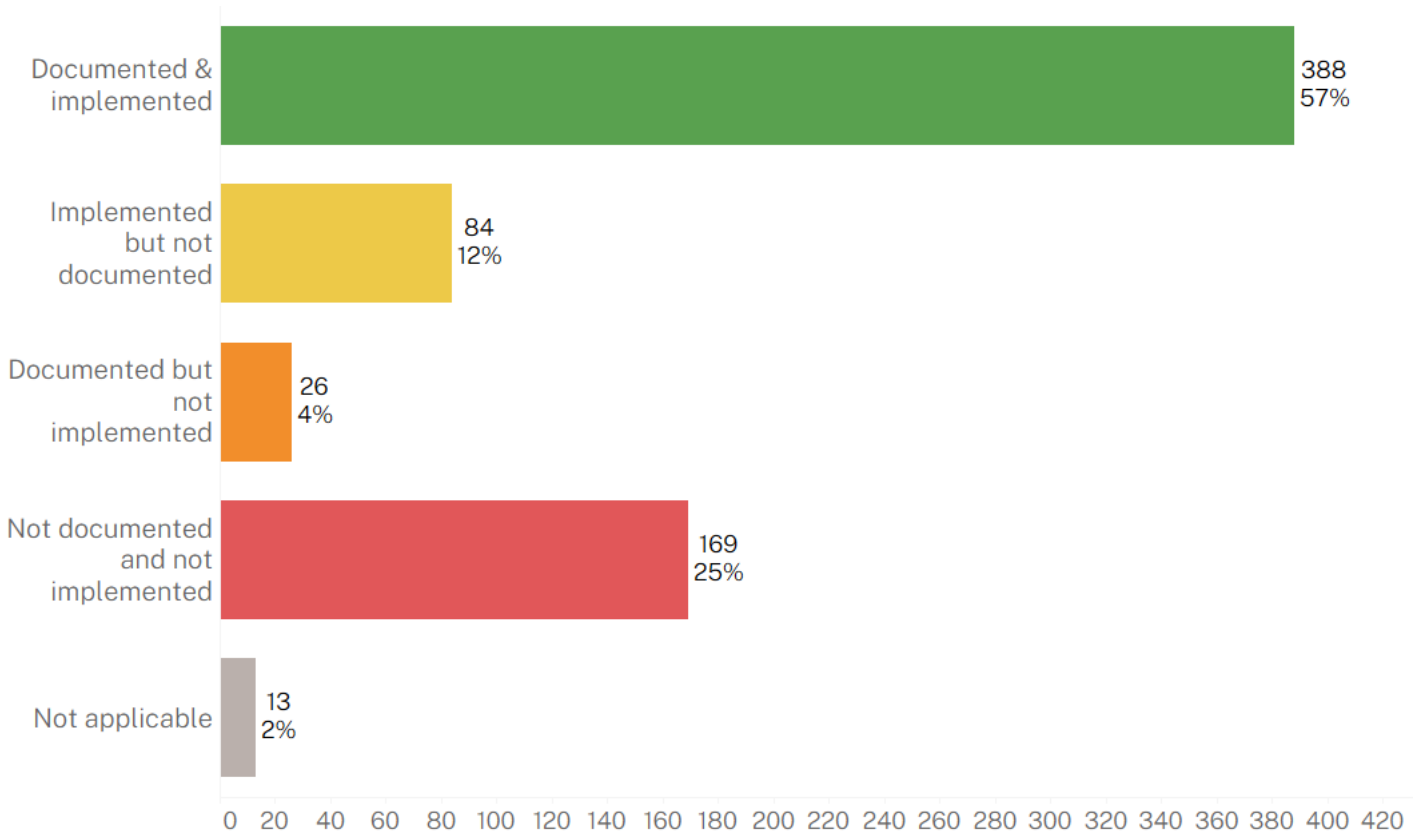
Assessment overall ratings for small mines

In summary the overall assessment ratings for small mines were:

- 57% rating for documented and implemented finding,
- 12% rating for implemented but not documented finding,
- 4% rating for documented but not implemented finding,
- 25% rating for not documented and not implemented finding.

The overall assessment findings ratings for small mines is shown in Figure 2.

Figure 2. Overall assessment findings ratings for small mines



The overall assessment findings ratings by criteria for small mines is shown in Figure 3.

Figure 3. Overall assessment findings ratings by criteria for small mines



Notices issued to small mines

In total there were 85 assessments conducted at small mines.

During the entire program 107 compliance notices were issued at small mine sites. However, not all of the compliance notices issued were related to the topic of psychosocial awareness at the site.

In summary, of the compliance notices that were issued in relation to psychosocial awareness there were 63 compliance notices issued to 60 of the 85 mines assessed.

- 52 x section 191 improvement notices
- 11 x section 23 cause for concern notices

The compliance notices issued in relation to psychosocial issues at the 60 small mines assessed were reviewed and Table 2 lists the notices issued by type and number.

Table 2: Notices issued related to psychosocial awareness at small mines

NOTICE TYPE	TOTAL ISSUED	NUMBER OF SITES
s.191 improvement notice	52	52
s.23 notice of concern	11	11
Total	63	60
Note: some small mines were issued multiple notices		

Recommendations for small mines

Based on the findings outlined in this report, and with respect to the numbers and types of compliance notices issued during the assessment of psychosocial awareness at small mines it is recommended that the following information should be reviewed by operators of small mines:

- Small mine operators must ensure psychosocial risks at the site are adequately assessed and documented management systems are in place for:
 - training workers and supervisors with psychosocial awareness topics
 - confidential reporting processes for workers and contractors at site
 - confidential investigation processes including use of external investigation services
 - confidential reporting processes for psychosocial complaints
 - timely reporting of psychosocial complaints to the Regulator
 - provision of employee assistance programs.

Further information

For more information on safety assessment programs, the findings outlined in this report, or other mine safety information, please contact the Regulator.

CONTACT TYPE	CONTACT DETAILS
Email	cau@regional.nsw.gov.au
Incident reporting	To report an incident or injury call 1300 814 609 or log in to the Regulator Portal
Website	www.resourcesregulator.nsw.gov.au
Address	NSW Resources Regulator 516 High Street Maitland NSW 2320

Appendix A – Assessment criteria rating

Each assessed criteria is rated from one to 4 based on evidence supporting the expected control supports identified at the mine site.

Evidence supporting expected control supports

Expected control supports	Rating	Evidence supporting rating / comments				
	<table border="1"> <tr> <td>4</td> <td>3</td> </tr> <tr> <td>2</td> <td>1</td> </tr> </table>	4	3	2	1	
4	3					
2	1					

Assessment findings results are calculated based on the total points allocated to the assessed ratings as a percentage of the maximum possible points for each criteria group, and any findings rated as ‘Not applicable’ were excluded from the calculation.

Criteria assessed ratings and points

Assessed as	Rating	Points
Documented & implemented Compliant	4	4
Implemented but not documented Improvement needed	3	2
Documented but not implemented Significant improvement needed	2	1
Not documented and not implemented Non compliant	1	0
Not applicable (N/A)		

Findings results (points) with colours assigned as follows:

- Green (=100%)
- Yellow (>= 80% and <100%)
- Orange (>= 65% and <80%)
- Red (<65%)
- Not applicable