

2022 review of the workers compensation scheme

Post-hearing responses - 8 September 2022

Mr Angus Skinner, Research Manager, Police Association of NSW

Questions On Notice

The CHAIR: The last two years has been very difficult for so many workers because of COVID. It's changed the way we work for many, as well as placed additional pressure on people's jobs during lockdown that they might not have those jobs in the future. Do you have any evidence, anecdotal or otherwise, from your members about the additional stressors on their jobs that came over the last two years or even how, potentially, working from home has completely changed things?

ANGUS SKINNER: We don't need anecdotal evidence for emergency services. There certainly has been a formal study into that. The exact name of the report escapes me at the moment, but I can provide that on notice if it's of use.

The CHAIR: That would be great.

The citation for that report is:

Roberts R, Dwivedi A, Bamberry L, Neher A, Jenkins S, Sutton C, Frost M, O'Meara P, Wong, A. (2021) The mental health, wellbeing and work impacts of COVID-19 on first responders and frontline workers in Australia. Charles Sturt University, Bathurst, NSW.

Supplementary Questions

Question 1

1. What role are you aware of does SafeWork NSW currently play when investigating and dealing with a suicide at a workplace, or where there is a strong suspicion that the death was a result of workplace stress?

The PANSW has not had any interaction with SafeWork NSW in relation to recent suicides by police officers, and therefore is not directly aware of any role SafeWork have played in investigating those deaths or any work-related factors involved in those deaths.

NSWPF or SafeWork NSW may be able to provide more information regarding whether SafeWork NSW have had any such involvement.

Question 2

2. How many investigations are you aware of that SafeWork NSW has undertaken into suicides in workplaces where your organisation has coverage of?

a. To your knowledge, how have the findings from any investigations been incorporated into public policy, practices, procedures and guidelines?

The PANSW has not had any direct involvement in any such investigations recently, nor are we aware of any findings from any investigations been incorporated into public policy, practices, procedures and guidelines.

Question 3

3. Is data available as to how many suicides there have been in the last five years in workplaces that you have coverage of, directly attributed to workplace issues such as overwork, bullying and harassment?

a. List by calendar year if possible?

The National Coronial Information System provides a Fact Sheet : *Intentional self-harm deaths of emergency services personnel in Australia*. That provides the total number of suicides amongst emergency services personnel, although attributing those suicides to a specific factor as requested by the Committee. The last data set it provided was for 2001-2016.

Such a direct attribution of a suicide to a specific cause as requested is difficult to determine and therefore we are not aware of such complete data being regularly available. As Barron identified, when examining a suicide, it is not clear the extent to which one specific risk factor contributed to that suicide. That study did however identify organisational stressors and poor workplace relationships as risk factors.¹

The beyondblue study *Answering the Call* identifies risk factors for suicidal thoughts and behaviours, and the analysis provided by Chapters 3, 6 and 10 demonstrates organisational risk factors like those in the Committee's question, as risk factors in psychological harm and suicidal thoughts and behaviours.

We submit that the absence of a direct attribution of risk factors such as overwork, bullying and harassment should not be seen by the Committee as diminishing the seriousness or urgency of addressing these risk factors; there is clear evidence provided in our Submission and the submissions of other stakeholders, that these factors cause immense psychological harm (which in itself is a cause for urgency and prioritisation) and that that harm increases the risk of severe consequences all the way up to self-harm.

Question 4

4. Is there any data on which workplaces or areas that your organisation has coverage of that has the highest levels of workplace psychological claims?

a. If so, has the data been utilised to influence the development of public policy, practices, procedures and guidelines?

b. If not, who should be collecting and analysing the data?

Data regarding injury claims, time off work, medical discharges and claim costs do identify segments of the NSWPF that are over-represented on these indicators (for example, years of service, or certain geographical areas).

Those insights do inform discussions regarding targeted interventions between the NSWPF, PANSW, and the insurer, although as evidenced by the continuing trends of psychological injury, those efforts have been insufficient to date to improve injury rates, recovery and return to work.

¹ Stephen Barron (2010) Police officer suicide within the New South Wales Police Force from 1999 to 2008, *Police Practice and Research*, 11:4, 371-382

The PANSW is supportive of further analysis being made available through academic institutions and SIRA.

Question 5

5. How should SafeWork NSW continue to implement, regulate, police and report on the observance of the Code of Practice?

The NSWPF's WHS documents identify to their managers that a common mistake is to focus on operational risks, and not consider psychosocial risks.

It is positive that NSWPF are seeking to improve their capacity to use WHS principles to address psychosocial risks.

SafeWork NSW should be examining workplace practice in occupations like police and other emergency services, to assess whether the Code of Practice is being implemented.

As evidenced by the NSWPF documents, it appears there is considerable opportunity for improvement, but the PANSW is not aware of SafeWork NSW making a considerable contribution to this process.

Question 6

6. What role do you think SafeWork NSW should play in workplaces where there are high levels of psychological stress and increased psychological claims?

a. Please specify how you think an effective regulator should deal with the issues including how to prevent injury in the first place and ensure that findings from injuries or deaths are translated into safer workplaces?

b. In your opinion, what needs to change for the regulator to become more effective?

Police officers suffer a high level of psychological harm as a result of their work, and the NSWPF has high levels of psychological injury.

SafeWork NSW should be continually monitoring, reporting and (if necessary) enforcing compliance with the Code of Practice in workplaces where psychological harm is prevalent to assess whether optimal WHS processes are being applied to psychosocial risks, and identifying to leaders (of the employer and union) what practical improvement must be made.

Question 7

7. What data is available in workplaces that your organisation has coverage of on secondary psychological injuries that result from dealing with the workers compensation system?

SIRA has provided evidence on this question, indicating: "Insurers do not currently provide data on diagnosed secondary psychological injury."

An approximate measure they use on this question is physical injuries with that include one or more payments for psychological services.

Numerous surveys of injured workers experience of the workers compensation system confirm the negative impacts on the mental health of large numbers of injured workers (for example, see *Answering the Call* Chapter 9², or *It's Broken* Part 3³)

Question 8

8. Should SafeWork NSW have the legal capacity to enter residential settings where there has been a workplace accident or death?

Emergency services personnel frequently have to enter residential settings to prevent or respond to harm or dangers. This does not cease to be the case merely as there is no business or undertaking.

WHS risks will be present in those settings, and injuries may occur.

If it is necessary for SafeWork to identify work related risks that contributed to an injury and therefore improvements that would address risks in the future, the PANSW would be supportive of that power being available. PANSW would not oppose a system similar to a Crime Scene Warrant under The Act to ensure only as much infringement as is necessary upon the residence of an individual.

Question 9

9. What is your experience of SafeWork NSW responses to the psychological pressures associated with essential workers dealing with COVID-19 and the recent bushfires and floods?

We are not aware of any such responses with our workforce.

Question 10

10. Following a workplace death, how should SafeWork NSW and the Police Force work together to deal with the matter?

a. Can you provide details on what you believe their respective and combined roles should entail?

When a death occurs, the NSPWF will have a crucial role to play in investigating that death, for example establishing the cause of death and investigating any potential crimes.

Any activity by SafeWork NSW should not impede or prejudice those investigations, but SafeWork NSW should be performing a crucial function that does not overlap with the NSW Police Force, and that should be to determine whether any workplace factors were involved in the death, and whether any workplace strategies would reduce risks of injury in the future.

Question 11

11. What practices and procedures need to be implemented by the NSW Police Force so that police dealing with traumatic and dangerous situations do not develop PTSD?

WHS principles are preventative principles – that is eliminating and mitigating risks before those risks result in harm and injury.

² Beyond Blue Ltd. (2018). *Answering the call national survey, National Mental Health and Wellbeing Study of Police and Emergency Services – Final report.*

³ Lefebvre, Cavanough and Buckland, (2022) *It's Broken Workers' Compensation in New South Wales Since 2012*, McKell Institute.

The NSWPF need to ensure that WHS and safety culture is at the core of “business as usual” in every police workplace, and is a priority element of the position description and performance criteria of every position in the NSWPF that has leadership and managerial responsibilities.

Within that WHS approach, psychosocial safety risks need to be a high priority focus to ensure risks that are currently causing frequent and severe harm are identified and controlled. This should be a continual process in every NSWPF workplace, involving consultation between managers, the police officers that report to them, and the union.

NSWPF policy and leadership development is improving on this front, and now considerable effort must be devoted to ensuring it is implemented in practice, and not under-prioritised due to operational demands.

The PANSW provided extensive evidence in its submission and at the hearing on this matter.