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Psychosocial Factors at Work (PFW) tackled by the law: How could the European Union and Australian systems inspire each other?



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Nota Bene: Various terms are used, often interchangeably, such as psychosocial factors (PFW), psychosocial hazards, psychosocial risks (PSR), psychosocial risk factors, work and organisational characteristics, job characteristics, job demands and resources, job strain, effort-reward imbalance, and occupational stressors.

 EUROPEAN UNION (EU) Political and economical Union of 27 Member States	 AUSTRALIA Federal State, 6 Federated States + 2 Territories
EU OSH Strategy 2021-2027 addresses PFW / PSR Framework Directive 391/89 EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	Australian OSH Strategy 2023-2033 addresses PFW/PSR Federal level: - Health and safety Act (WHS model) - Health and safety Regulations (WHS model) - Fair Work Act (2009)
No law or regulation addresses especially PFW/PSR. Framework Directive 391/89 EEC: - Principle 13: “Whereas the improvement of workers’ safety, hygiene and health at work is an objective which should not be subordinated to purely economic considerations.” - Art. 5§1: “The employer shall have a duty to ensure the safety and health of workers <u>in every aspect related to the work.</u> ” - Framework agreement on work-related stress (2004) - Framework agreement on harassment and violence at work (2007).	WHS is a State, not a Federal, government responsibility. Aiming harmonizing the system across the country, Federal government passed the WHS Act in 2011. Each State can use it as a model for its own laws: - Health and safety Act (model): “ <u>health</u> means <u>physical</u> and <u>psychological</u> health.”; Hazards and Risks include “psychological hazards” - Health and safety Regulations (model): Division 11 especially dedicated to Meaning, managing PSR/PSW, and control measures + Fair Work Act: Provides fairness at work and prevent discrimination against employees
Member States’ legislation (mention, definition, or specific obligations on PSW/PSR; <i>source: ETUI</i>): - Legislation on PFW/PSR in 19 countries; - Legislation on work-related stress in 14 countries; - Legislation on workplace bullying in 17 countries. <div style="text-align: center;">↓</div> <p>Need of harmonizing legislation to get PFW/PSR legal recognition in each EU countries</p>	In 2012, laws reflecting the Federal legislation were passed by New South Wales, Queensland, South Australia, Tasmania, Australian Capital Territory and Northern Territory. Victoria and Western Australia retain their own systems but they share the same basic general principles. <div style="text-align: center;">↓</div> <p>Each State addresses legally PFW/PSR in one way or another; lack of effectiveness?</p>

Strong fundamental principles applicable to PFW/PSR (right to dignity, physical and mental integrity, right to health)
 Need of a daughter directive on PFW/PSR, in charge of the member States to implement it regarding their own system

Put the emphasis on fundamental rights applicable to the workplace
 Get at a minimum a PFW/PSR legal definition in each WHS Act at State level

Role of the **ILO Convention 190** on violence and harassment at work which recognizes PFW/PSR and is ratified by some EU countries, and Australia.