Submission for the Mental Health Productivity Commission

Seeking, gaining or maintaining employment, and Mental health in the workplace.

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Introduction

Unions NSW welcomes the opportunity to make a submission to Australian Government Productivity Commission Issues Paper on The Social and Economic Benefits of Improving Mental Health.

Unions NSW supports the submissions of our affiliate unions.

Unions NSW is the peak body for NSW Unions. Unions NSW represents approximately 60 affiliated unions comprising over 600 000 members. These unions represent a diverse range of workers from both blue and white- collar industries.

Unions NSW would like to comment broadly on the objectives of this inquiry. Australian workers face enormous pressures in life. Wages have stagnated and have not kept up with the cost of living. Unions NSW maintains that Australian workers are working harder than ever before for less, yet the suggestion by this inquiry is that this is not sufficient. Large numbers of workers are in insecure work, trying to make ends meet taking gig-type poorly paid, often dangerous, work. Even those working in professions find they are working long hours for less.

The cost of living in Sydney has left many workers under enormous financial stress, unable to find affordable housing, leaving many to spend hours commuting to and from work each day. Unions NSW is concerned that despite this, the Productivity Commission has launched this inquiry to assess how productivity can be improved.

The stressors described above are often the very cause of mental ill health. Fear of job loss, insecure work, pressure to work longer for less, underpayment of legal wages, failure by the safety Regulator to ensure workplace health and safety. Fear of homelessness for many workers is a frightening reality.

Unions NSW believes that a health and safety approach should be used to combat some of the stressors described. Yet the Regulator In NSW is woefully under resourced to deal with this issue. We will make further comment on this in the questions relating to WHS laws.

Therefore we argue that the key to good mental health in the workplace and in general, is good work design and safe systems of work. Good work can mean different things to different people, however wages and salaries that allow for a reasonable, hopefully good quality of life, would be a very good place to start. Secure employment that acknowledges workers have families and commitments outside of the workplace. Industrial laws must ensure that workers are not punished for attending to these commitments when needed. Safe workplaces are vital. Unions NSW regularly hears of workers taking short cuts and risks, cutting corners to 'get the job done'. Threats of loss of work, or demotion, is common practice from employers. Often these risks could be fatal. This is completely

unacceptable.

Within white collar jobs professional destabilization is common, with tertiary trained workers micro-managed, bullied, yelled at and belittled in order to increase workloads and push workers to work longer hours.

This type of treatment is also very common in the retail and hospitality sector, once again to force workers to work longer often for no payment at all.

Unions NSW will address the questions provided however we suggest that unless the issues broadly discussed are seriously addressed, poor mental health will remain a very serious concern for our society.

Mentally healthy workplaces

- **What types of workplace interventions do you recommend this inquiry explore as options to facilitate more mentally healthy workplaces? What are some of the advantages and disadvantages of the interventions; how would these be distributed between employers, workers and the wider community; and what evidence exists to support your views?**

Unions NSW would strongly support an increase in resourcing SafeWork NSW. The current number of field based inspectors is completely inadequate to regulate the approximately 700 000 NSW businesses across the State. It is our understanding that currently SafeWork NSW employs approximately 310-320 inspectors. Of this we understand as many as 100 may not be field based, reducing the number of inspectors to just over 200. We also understand that currently approximately 80 staffing vacancies exist.

This is completely insufficient to deal with the complexities of issues and the number of businesses. Like many organisations SafeWork NSW must triage incidents across the State, and it is our understanding that serious incidents, such as fatalities, will be investigated first. Unions NSW does not object to this however our concerns are that issues affecting mental health will not be appropriately resourced with enough trained staff to ensure incidents are investigated in a timely manner.

We hold the view that the key to safer workplaces lies in the hands of a well - resourced, well-trained Regulator.

Clearly PCBUs hold significant duties under the legislation and without sufficient policing Unions NSW believes that many PCBU's do not meet their legislative requirements.

- **Are employers pursuing the potential gains from increased investment in workplace mental health which have been identified in past studies? If so, which employers are doing this and how? If not, why are the potential gains not being pursued by employers?**

Unions NSW is not able to comment on this.

- **What are some practical ways that workplaces could be more flexible for carers of people with a mental illness? What examples are there of best practice and innovation by employers?**

Flexibilty for workers to care for their friends and families is essential. Workplaces who do not allow workers this flexibility are common in our experience and this leads to stress and anxiety among the workforce. While most employers should be able to accommodate flexibility given today's technology, many don't. Some industries are particularly inflexible. Education is one.

Unfortunately children all attend school from approximately 9am to 3pm daily. For teachers there is absolutely no flexibility as they must be face to face with their students each day. Furthermore should they need time off, they must be replaced, so there is a cost incurred by the PCBU. To deter workers from taking time off when needed, workers are often reminded by their employer of the cost incurred and the inconvenience to the school. Teachers are often expected to prepare work for substitute teachers even when they are very ill.

Parents regularly complain if their children do not have consistency in their schooling, and this usually means the same teacher in front of the class every day of the school year. Teachers struggle just to attend to their basic needs each day, time to go to the bathroom and eat are monitored and brief.

Governments need to consider ways in which education can allow it's highly trained staff the flexibility they need, to care for themselves and others. Mental health issues are a problem in this industry and this lack of autonomy, lack of flexibility and the subtle bullying that occurs to keep teachers in front of their class instead of caring for their family or themselves, has led to a mental health crises in this industry.

- **How can workplace interventions be adapted to increase their likelihood of having a net benefit for small businesses?**

No comment

- **What role do industry associations, professional groups, governments and other parties currently play in supporting small businesses and other employers to make their workplaces mentally healthy? What more should they do?**

Industry associations provide industrial advice to their members. They are best placed to offer advice as to how to best allow for the flexibility workers need to

ensure best mental health, by ensuring good work design, safe systems of work and by adhering to the relevant WHS legislation.

Unfortunately it is our experience that industry associations often adopt a black and white approach to worker flexibility. They advise their members that they do not have to accommodate the needs of the worker on reasonable business grounds.

Industry groups provide advice by simply imparting the relevant industrial law to their members. These laws are woefully inadequate to accommodate the needs of workers.

Unions NSW believes that worker mental health improves where workplaces are understanding of workers and offer flexibility. Where they do not, mental health issues arise, often due to the stress of having to juggle work commitments and commitments outside of the workplace. Industry groups should be encouraged to use the power they have over workers wisely, by working with their members to assist them to provide flexibility where needed. This will ultimately lead to mentally healthier workplaces with greater levels of productivity.

- **What differences between sectors or industries should the Commission take account of in considering the scope for employers to make their workplaces more mentally healthy?**

Unions NSW holds great concerns for workers in low paid, insecure and gig type work. These workers have no bargaining power and suffer high levels of anxiety due to the insecure nature of their work. Workers who struggle to keep up with the cost of living due to low wages also suffer high levels of anxiety due to constant financial stress.

As mentioned in our introduction, good work is secure work which provides a living wage and recognises worker needs to care for family and themselves.

Safety issues often rank high amongst the concerns of these workers, however given their insecurity and lack of bargaining power, they put up with unsafe workplaces and conduct unsafe work.

An example of this is delivery riders. Their work requires them to move through traffic quickly, often on flimsy bikes, to deliver meals, sometimes across dangerously long distances. In some cases up to 10 km.

Despite the myth that gig work is flexible '21st century' work, the reality is it is far from this. It is low paid, usually under the legal Award rates, often unskilled, and in the case of delivery riders, provides for very little flexibility due to the way the apps work. The more riders deliver, the more work they receive. Taking safety risks to get the work performed quickly is the norm.

These workers are often at risk workers. SafeWork NSW has identified categories of workers who are more at risk of injury, accident and illness than others. Young workers, CALD workers, Migrant workers, Labour Hire workers.

Delivery riders are often international students who are young. They are extremely vulnerable and their work makes them take risks that they know are life threatening. These workers' mental health is a major concern for Unions NSW.

- **Are existing workers' compensation schemes adequate to deal with mental health problems in the workplace? How could workers' compensation arrangements, including insurance premiums, be made more reflective of the mental-health risk profile of workplaces?**

In NSW the current workers compensation scheme is completely inadequate in dealing with many workplace injuries, both physical and psychological. Given it is a system based on adversarial principles, where there is an immediate assumption the worker is attempting to commit fraud, it is often unable to achieve it's objectives. Workers often do not recover from their workplace injuries and do not return to work. In 2012 the Government made harsh and draconian amendments to the legislation have caused a great degree of harm and has possibly led to worker deaths and self-harm.

The system is particularly damaging to those with mental health injuries. In fact it has been so damaging to NSW workers, we have seen workers with physical injuries develop serious mental health injuries as a direct result of the scheme and the handling of injured workers by insurers.

Unions NSW continues to oppose ss39 & 59A.

The scheme does not need to punish injured workers with a long-term injury by removing their weekly income and not providing the necessary ongoing medical treatment required for these workers to live with some quality of life.

The report issued April 2018 below by the Centre for Future Work at The Australia Institute, *Restoring Security and Respect: Rebuilding NSW's Workers Compensation System* by Dr Ian Watson and Dr Jim Stanford, illustrates how the scheme can afford to restore dignity to injured workers by removing ss 39 & 59A and ensuring injured workers do not fall into poverty, as is currently the case.

https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/2759/attachments/original/1524578852/Unions_NSW_WC_Report_FINAL.pdf?1524578852

- **What overseas practices for supporting mental health in workplaces should be considered for Australia? Why? Is there formal evidence of the success of these practices, such as an independent evaluation?**

Unions NSW supports the Canadian Standard, commissioned by the Mental Health Commission of Canada, *Psychological health and safety in the workplace – Prevention, promotion, and guidance to staged implementation*, CAN/CSA-Z1003-13/BNQ 9700-803/2013.

The European Journal of Work and Organizational Psychology published an article in its November 2017 edition.

Psychosocial safety climate (PSC) and enacted PSC for workplace bullying and psychological health problem reduction, Maureen F Dollard, Christian Dormann. Michelle R. Tuckey & Jordi Escartin

Unions NSW recommends both these scholarly sources to the Productivity Commission.

Questions on Regulation of Workplace Health and Safety

- **What, if any, changes do you recommend to workplace health and safety laws and regulations to improve mental health in workplaces? What evidence is there that the benefits would outweigh the costs?**

Unions NSW lodged a submission in 2018 to the Marie Boland independent Review of the WHS Act. The submission is attached.

In this we make a number of suggestions that we believe would go a long way to improving the capacity of the current legislation to prevent psychological injury and illness.

Unions NSW also supports the recommendations of the Review published earlier this year, and encourage NSW to adopt the recommendations.

In the current Act s19 (3)(c) requires the PCBU to provide safe systems of work. This is not defined in the legislation but Unions NSW believes it should be. Safe systems of work include, adequate staffing, safe working hours, manageable workloads.

Our affiliates have reported that time and again SafeWork NSW will not recognise understaffing as a safety issue. This is unacceptable and must be spelt out in the legislation.

- **What workplace characteristics increase the risk of mental ill-health among employees, and how should these risks be addressed by regulators and/or employers?**

Unions NSW has discussed many of these characteristics in our introduction to this submission.

To reiterate, a mentally healthy or safe workplace must provide safe systems of work or what is also referred to as good work design.

As stated this includes adequate staffing to undertake the work safely, reasonable workloads, flexibility to care for family and a worker's own health, work-life balance, a living wage, security of employment, the freedom to speak up where there are concerns without reprisal and meaningful work.

Workplaces that do not adhere to these standards risk their worker's mental well-being. These workplaces often have high staff turnover, low staff morale, disengagement and do not encourage or allow for optimum productivity.