

Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, the Honourable Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing, provide this human rights certificate with respect to the *Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022* (WHS Amendment Regulation) made under the *Work Health and Safety Act 2011* (WHS Act).

In my opinion, the WHS Amendment Regulation is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The WHS Amendment Regulation gives effect to the model WHS Regulations for psychosocial risks in Queensland.

The WHS Amendment Regulation introduces requirements for persons conducting a business or undertaking to manage psychosocial risks arising from psychosocial hazards at work. This includes requirements to:

- identify psychosocial hazards
- implement control measures in accordance with the hierarchy of controls
- have regard to certain matters when determining control measures for psychosocial hazards including consideration of the duration, frequency and severity of exposure to psychosocial hazards and how psychosocial hazards may interact or combine to increase risk, and
- maintain and review control measures.

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The right of workers to be free from psychosocial hazards at work are not explicitly identified as human rights under the HR Act. However, the human right to equal and effective protection against discrimination (section 15, HR Act) and the right not to be arbitrarily deprived of life (section 16, HR Act) are consistent with the general principles of the WHS Amendment Regulation.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The introduction of the WHS Amendment Regulation does not limit human rights under the HR Act. Therefore, it is not necessary to consider section 13 of the HR Act.

Conclusion

I consider that the *Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022* is compatible with the HR Act, as it does not limit human rights.

GRACE GRACE MP
MINISTER FOR EDUCATION
MINISTER FOR INDUSTRIAL RELATIONS AND
MINISTER FOR RACING

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