

HEALTH & SAFETY CONSIDERATIONS FOR MENTAL HEALTH AND WELLBEING



PSYCHOSOCIAL HAZARDS

- Part of the WHS Act and WHS Regulations requirement to assess and manage risk pertaining to psychological health and safety.
- A psychosocial hazard is a hazard that arises from or relates to the design or management of work, a work environment, plant (e.g. equipment, machinery or appliances or tools) at a workplace, or workplace interactions or behaviours that may cause harm, whether or not it may also cause physical harm. For example:
 - Poor leadership; unhealthy club or sport group culture.
 - Poor or no policies and procedures.
- Only applies to certain organisations – may not apply to your club or sporting group.

PRACTICAL ACTIONS

- Provide information on how to access mental health and wellbeing support.
- Implement and enact a [Mental Health and Wellbeing Strategy](#).
- Implement and enact a [Mental Health and Wellbeing Policy](#).
- Share mental health and wellbeing resources.
- Implement a [Mental Health Champion](#).

When it comes to managing mental health and wellbeing within your club or sporting group, there are some obligations under work health and safety and common law that is of value to understand.



WORK HEALTH & SAFETY ACT AND WORK HEALTH & SAFETY REGULATIONS

- The WHS Act and WHS Regulations requires many member organisations to take action to prevent or lessen potential risks to the health and safety of workers.
- Only applies to certain organisations – may not apply to your club or sporting group.

PRACTICAL ACTIONS

- Use any qualified and experienced experts (such as legal, human resource or workplace health and safety professionals) within your sport community.
- Implement and enact a [Mental Health and Wellbeing Policy](#).
- Implement and enact health and safety risk management process.



COMMON LAW

- At common law, we all have a duty of care to take reasonable steps to not cause foreseeable harm to another.

PRACTICAL ACTIONS

- Take reasonable due care and diligence with protecting the mental health and wellbeing of individuals.
- Provide mental health and wellbeing awareness information.
- Should issues arise in relation to common law around mental health impairment or disability, it is recommended that professional independent legal advice is taken.



DISCRIMINATION

- It unlawful to discriminate against, disadvantage in any way, harass or victimise someone on the basis of a disability or impairment.
- Specific to Western Australia, the Equal Opportunity Act 1984 (WA) (EOA) prohibits discrimination on the ground of an 'impairment'.

PRACTICAL ACTIONS

- Don't exclude a person on the grounds of mental health impairment or disability from your club or sporting group.
- If concerns arise, seek independent professional legal advice.



PRIVACY OBLIGATIONS

- Organisations are required to protect the privacy and confidentiality of an individual's personal information including health information.
- When managing mental health issues, upholding the privacy of individuals is paramount. This includes not disclosing any information about mental health concerns without their consent.
- Some exceptions to privacy apply. For example such as where disclosure is required or authorised under law.

PRACTICAL ACTIONS

- Do not use identifying factors when sharing information on a need-to-know basis.
- Always seek written permission to share information where possible.
- Be specific about what information you will be sharing, who with and why.
- Never share information with others who do not need to know.
- If someone shares private mental health information with you:
 - Clarify if they have received consent to do so; and
 - Encourage them to only share necessary and/or de-identified information.

If the WHS Act and WHS Regulations apply to your club or sporting group, there will be a responsibility, as far as is reasonably practicable, to provide safe and healthy places and systems of work, wherever they perform work. Clubs and sporting groups should seek professional legal advice to find out the requirements of their specific context.



In an Emergency Dial 000
For support call Lifeline 13 11 14
or visit [True Sport – Community Links](#) for more services.

CLUB AND COMMUNITY ETOOLKIT FOR MENTAL HEALTH AND WELLBEING

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