

The National Monitoring Framework for Mentally Healthy Workplaces

Supplementary paper 1: information to support development of Indicators at the national, state and territory, industry and peak body levels.

Background

The National Monitoring Framework for Mentally Healthy Workplaces (the Monitoring Framework) aims to drive organisational and systems change through tracking lead and lag indicators across the three pillars fundamental to mentally healthy workplaces outlined in the National Workplace Initiative's Blueprint for Mentally Healthy Workplaces (protect, respond, promote).

The dynamic process of developing this Monitoring Framework has sought to identify opportunities to monitor and evaluate progress to date and to provide aspirational targets for future monitoring and evaluation. The indicators in the Monitoring Framework capture current progress at the **aggregated workplace level**. They have been selected based on a systematic and targeted desktop review of relevant existing data sources, indicators, measures and metrics to help guide collective future action and strategic direction in accordance with the pillars of the National Workplace Initiative and indicators of mentally healthy workplaces.

In line with the systems-level approach outlined in the [Blueprint for Mentally Healthy Workplaces](#), landscape mapping was also undertaken to inform thinking around potential indicators to monitor activity and progress at the **national, state and territory, industry and peak body levels**. This supplementary paper provides a summary of these findings, providing the sector with a point in time contextual snapshots of current activity, strategic initiatives and reform in these areas as at April 2023.

National, state and territory level: snapshot as at April 2023

The following landscape mapping is provided to inform thinking around future indicators to monitor activity and progress at the national and state and territory level. This snapshot aims to provide the reader with a summary of (1) legislative and regulatory standards, and (2) strategic plans and policy initiatives.

Legislative and regulatory standards

Legislation and regulations on various topics at the national, state and territory levels in Australia play a crucial role in protecting workers from psychosocial hazards in the workplace. These laws include rights and obligations that encourage the creation and maintenance of psychologically safe work environments. The topics that they cover include Work Health and Safety (WHS), workers' compensation and return to work, privacy, fair work, and discrimination. This supplementary paper outlines some key laws that protect workers in these areas.

Work Health and Safety

Psychological health can be significantly impacted by exposure to psychosocial hazards at work. In Australia, WHS laws are in place to protect workers' health and safety, including from psychosocial hazards. Psychosocial hazards are not distinctly separate from physical hazards and can cause both psychological and physical harm.

Safe Work Australia, established in 2009 under the *Safe Work Australia Act 2008* (Cth), developed the model WHS laws to provide for a balanced and nationally consistent framework to secure the health and safety of workers. To become legally binding, the Commonwealth, states and territories must separately implement the model WHS laws as their own laws. The model WHS laws have been implemented in all jurisdictions except Victoria. Safe Work Australia also develops model Codes of Practice that are practical guides to achieving the standards of health and safety required under the model WHS laws. To have legal effect, a model Code of Practice must be approved as a code of practice in a jurisdiction.

Since the model WHS laws were first developed, persons conducting a business or undertaking (PCBUs) have a primary duty of care to ensure the health and safety of workers and others, which includes psychological health. Recently, the model WHS Regulations were amended to clarify the PCBUs' duty to eliminate or minimise the risk from psychosocial hazards so far as is reasonably practicable. Safe Work Australia has also published a new model Code of Practice on *Managing psychosocial hazards at work*. This Code provides practical guidance on identifying psychosocial hazards, assessing and controlling the risks, reviewing control measures, recording the risk management process, and conducting WHS investigations. The model WHS laws, including the model WHS Act, model WHS Regulations, and model Codes of Practice can be found here: <https://www.safeworkaustralia.gov.au/law-and-regulation>

Key observations (see Table 1):

- Psychological health is protected by WHS legislation in every jurisdiction in Australia.
- All states and territories except Victoria have implemented the model WHS laws in their jurisdictions.
- Victoria is in the process of developing regulations focused on psychological health.
- The model WHS Regulations have specific provisions relating to psychosocial hazards and risks, and most jurisdictions have implemented, or are in the process of implementing, these provisions as part of their WHS regulations.
- The model Code of Practice: *Managing psychosocial hazards at work* was published by Safe Work Australia in 2022 and many jurisdictions have approved versions of this Code.

Table 1: Work Health and Safety

Jurisdiction Regulator	Legislation	Regulations	Codes of Practice
Commonwealth Comcare	<i>Work Health and Safety Act 2011</i> (Cth)	<i>Work Health and Safety Regulations 2011</i> (Cth) <i>Work Health and Safety Amendment (Managing Psychosocial Risk and Other Measures) Regulations 2022</i> (Cth) (commencement 4 January 2023 and 1 April 2023) https://www.legislation.gov.au/Details/F2023L00012 Due to the amendment regulations, psychosocial hazards/risks are now specified in sub-regulation 5(1) and regulations 55A-55D (meaning, managing, control measures) of the <i>Work Health and Safety Regulations 2011</i> (Cth). Regulation 55C does not omit the operation of regulation 36 in relation to managing psychosocial risks (unlike the model Regulations).	The amended Work Health and Safety Regulations have taken effect in the Commonwealth jurisdiction since 1 April 2023. Comcare continues to work with the Department of Employment and Workplace Relations to ensure appropriate information and guidance is available, including consideration of a Commonwealth Code of Practice. Comcare also provides information on Managing Psychosocial Hazards at Work on its website.
New South Wales SafeWork NSW	<i>Work Health and Safety Act 2011</i> (NSW)	<i>Work Health and Safety Regulation 2017</i> (NSW) <i>Work Health and Safety Amendment Regulation 2022</i> (NSW) (commencement 1 October 2022 and 1 December 2022) https://legislation.nsw.gov.au/view/pdf/asmade/sl-2022-551 Due to the amendment regulation, psychosocial hazards/risks are now specified in clause 5(1) and clauses 55A-55D (meaning, managing, control measures) of the <i>Work Health and Safety Regulation 2017</i> (NSW). Clause 55C omits the operation of clause 36 in relation to managing psychosocial risks (in keeping with the model Regulations).	Code of Practice: Managing Psychosocial Hazards at Work (commencement 28 May 2021) ³⁵
Victoria WorkSafe Victoria	<i>Occupational Health and Safety Act 2004</i> (Vic)	<i>Occupational Health and Safety Regulations 2017</i> (Vic) Psychosocial hazards/risks are not specified, but the following draft regulations have been proposed: Occupational Health and Safety Amendment (Psychological Health) Regulations (Vic) https://www.worksafe.vic.gov.au/occupational-health-and-safety-amendment-psychological-health-regulations	No specific psychological safety code listed on regulator website.
Queensland Workplace Health and Safety Queensland	<i>Work Health and Safety Act 2011</i> (Qld)	<i>Work Health and Safety Regulation 2011</i> (Qld) <i>Work Health and Safety (Psychosocial Risks) Amendment Regulation 2022</i> (commencement 1 April 2023) https://www.legislation.qld.gov.au/view/whole/html/asmade/sl-2022-0141 Due to the amendment regulation, psychosocial hazards/risks are now specified in regulations 55A-55D and Schedule 19 (Dictionary) of the <i>Work Health and Safety Regulation 2011</i> (Qld). Regulation 55C does not omit the operation of regulation 36 in relation to managing psychosocial risks (unlike the model Regulations).	Managing the Risk of Psychosocial Hazards at Work: Code of Practice 2022 (commencement 1 April 2023) ³⁶

Jurisdiction Regulator	Legislation	Regulations	Codes of Practice
South Australia SafeWork SA	<i>Work Health and Safety Act 2012</i> (SA)	<i>Work Health and Safety Regulations 2012</i> (SA) Psychosocial hazards/risks are not currently specified.	How to Manage Work Health and Safety Risks: Code of Practice (commencement 4 June 2020) ³⁷
Western Australia WorkSafe WA	<i>Work Health and Safety Act 2020</i> (WA)	<i>Work Health and Safety (General) Regulations 2022</i> (WA) (commencement 24 December 2022) https://www.legislation.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrdoc_45799.pdf Psychosocial hazards/risks are specified in regulations 5 and 55A-55D (meaning, managing, control measures). Regulation 55C omits the operation of regulation 36 in relation to managing psychosocial risks (in keeping with the model Regulations).	Code of Practice: Psychosocial Hazards in the Workplace (2022) ³⁸ Code of Practice: How to Manage Work Health and Safety Risks (2022) ³⁹
Tasmania WorkSafe Tasmania	<i>Work Health and Safety Act 2012</i> (Tas)	<i>Work Health and Safety Regulations 2022</i> (Tas) (commencement 12 December 2022) https://www.legislation.tas.gov.au/view/whole/html/inforce/current/sr-2022-109 Psychosocial hazards/risks are specified in sub-regulation 5(1) and regulations 55A-55D (meaning, managing, control measures). Regulation 55C omits the operation of regulation 36 in relation to managing psychosocial risks (in keeping with the model Regulations).	Managing Psychosocial Hazards at Work: Code of Practice (commencement 4 January 2023) ³⁴ How to Manage Work Health and Safety Risks: Code of Practice (commencement 5 December 2018) ³⁷
Northern Territory NT WorkSafe	<i>Work Health and Safety Act 2011</i> (NT)	<i>Work Health and Safety (National Uniform Legislation) Regulations 2011</i> (NT) <i>Work Health and Safety (National Uniform Legislation) Amendment Regulations 2023</i> (NT) (commencement 1 July 2023) https://legislation.nt.gov.au/Search/~/link.aspx? id=F3621B605996444A8F080F8E6103C96D& z=z Due to the amendment regulations, psychosocial hazards/risks will be specified in sub-regulation 5(1) and regulations 55A-55D (meaning, managing, control measures) of the <i>Work Health and Safety (National Uniform Legislation) Regulations 2011</i> (NT). Regulation 55C omits the operation of regulation 36 in relation to managing psychosocial risks (in keeping with the model Regulations).	Managing Psychosocial Hazards at Work: Code of Practice (to be approved in time for the commencement of the amended WHS Regulations on 1 July 2023) How to Manage Work Health and Safety Risks: Code of Practice (last updated 13 October 2022)
Australian Capital Territory WorkSafe ACT	<i>Work Health and Safety Act 2011</i> (ACT)	<i>Work Health and Safety Regulation 2011</i> (ACT) Psychosocial hazards/risks are not currently specified.	Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 (commencement 8 September 2020) ⁴⁰ No specific psychological safety Code is listed on WorkSafe ACT's website.

Workers' compensation and Return to Work

Supporting workers who have a psychological injury is crucial to reducing the impact of work-related psychological injuries in workplaces across Australia.

In Australia, an individual may be entitled to receive workers' compensation for a psychological work-related injury. However, the Commonwealth and each state and territory has its own legislative scheme in terms of workers' compensation and return to work, which may give rise to different outcomes.

Generally, a worker must meet the individual requirements of the scheme they fall under to qualify for workers' compensation, including the specific definition of the terms 'worker' and 'deemed work', and their work needs to be a significant contributing factor to their psychological injury.

Safe Work Australia, in partnership with SuperFriend, has provided the following report in relation to psychological claims: 'Taking Action: A best practice framework for the management of psychological claims in the Australian workers' compensation sector'⁴¹.

The National Return to Work Strategy 2020–2030, released in September 2019, addresses return to work in a national context⁴².

Key observations (see Table 2):

- Psychological injury is included in workers' compensation and return to work legislation in every state and territory and the Commonwealth.
- Each jurisdiction follows a different legislative scheme in relation to workers' compensation and return to work; therefore, entitlements may vary depending on jurisdiction.

Table 2: Workers' compensation and return to work

Jurisdiction Regulator	Legislation
Commonwealth Comcare	<i>Safety, Rehabilitation and Compensation Act 1988 (Cth)</i> <i>Safety, Rehabilitation and Compensation Regulations 2019 (Cth)</i>
New South Wales State Insurance Regulatory Authority; icare	<i>Workplace Injury Management and Workers Compensation Act 1998 (NSW)</i> <i>Workers Compensation Act 1987 (NSW)</i> <i>Workers Compensation Regulation 2016 (NSW)</i>
Victoria WorkSafe Victoria	<i>Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)</i> <i>Workplace Injury Rehabilitation and Compensation Regulations 2014 (Vic)</i>
Queensland WorkCover Queensland	<i>Workers' Compensation and Rehabilitation Act 2003 (Qld)</i> <i>Workers' Compensation and Rehabilitation Regulation 2014 (Qld)</i>
South Australia ReturnToWorkSA	<i>Return to Work Act 2014 (SA)</i> <i>Return to Work Regulations 2015 (SA)</i> <i>South Australian Employment Tribunal Act 2014 (SA)</i>
Western Australia WorkCover WA	<i>Workers' Compensation and Injury Management Act 1981 (WA)</i> <i>Workers' Compensation and Injury Management Regulations 1982 (WA)</i>
Tasmania WorkSafe Tasmania	<i>Workers Rehabilitation and Compensation Act 1988 (Tas)</i> <i>Workers Rehabilitation and Compensation Regulations 2021 (Tas)</i>
Northern Territory NT WorkSafe	<i>Return to Work Act 1986 (NT)</i> <i>Return to Work Regulations 1986 (NT)</i>
Australian Capital Territory WorkSafe ACT	<i>Workers Compensation Act 1951 (ACT)</i> <i>Workers Compensation Regulation 2002 (ACT)</i>

Privacy

Privacy in the workplace can play a significant role in the psychological health of workers. Privacy is affected by the handling of personal information about individuals, including the use, storage and disclosure of this information.

The *Privacy Act 1988* (Cth) imposes obligations in relation to personal information on 'APP entities' (s 15) including Australian Government agencies and private sector organisations with an annual turnover of more than \$3 million (and some other organisations). There are 13 Australian Privacy Principles in the *Privacy Act 1988* (Cth) that govern the collection, use and disclosure of personal information (including health information) and these Principles apply to any organisation or agency that the *Privacy Act 1988* (Cth) covers. For example, the Australian Privacy Principles apply to the handling of any personal information in Australian Government agency employee records. However, a private sector employer's handling of employee records is exempt from the Australian Privacy Principles in certain circumstances.

The *Privacy Act 1988* (Cth) does not specifically cover surveillance in the workplace. Generally, state and territory laws cover the installation and use of CCTV, and some states also have specific workplace surveillance laws. For example, the *Workplace Surveillance Act 2005* (NSW) applies to workplace monitoring and surveillance.

The law of defamation and an action for breach of confidence may also provide some limited protection against the dissemination of private information.

Key observations (see Table 3):

- There is one key Commonwealth law in relation to privacy, the *Privacy Act 1988* (Cth).
- There are a number of separate privacy-related laws within the states and territories that could impact workplaces.
- The *Privacy Act 1988* (Cth) does not impose obligations on all employers, and treats public and private employee records differently.
- Some states and territories have specific workplace privacy laws (relating to workplace surveillance).

Table 3: Privacy (and related concepts)

Jurisdiction	Legislation
Commonwealth	<i>Privacy Act 1988</i> (Cth)
New South Wales	<i>Workplace Surveillance Act 2005</i> (NSW) <i>Privacy and Personal Information Protection Act 1988</i> (NSW) <i>Health Records and Information Privacy Act 2002</i> (NSW) <i>Surveillance Devices Act 2007</i> (NSW)
Victoria	<i>Information Privacy Act 2000</i> (Vic) <i>Surveillance Devices (Workplace Privacy) Act 2006</i> (Vic) <i>Surveillance Devices Act 1999</i> (Vic) <i>Privacy and Data Protection Act 2014</i> (Vic) <i>Health Records Act 2001</i> (Vic)
Queensland	<i>Information Privacy Act 2009</i> (Qld)
South Australia	<i>Surveillance Devices Act 2016</i> (SA)
Western Australia	<i>Freedom of Information Act 1992</i> (WA) <i>Surveillance Devices Act 1988</i> (WA)
Tasmania	<i>Personal Information Protection Act 2004</i> (Tas) <i>Listening Devices Act 1991</i> (Tas)
Northern Territory	<i>Information Act 2002</i> (NT) <i>Surveillance Devices Act 2007</i> (NT)
Australian Capital Territory	<i>Workplace Privacy Act 2011</i> (ACT) <i>Information Privacy Act 2014</i> (ACT)

Jurisdiction	Legislation
	<i>Health Records (Privacy and Access) Act 1997 (ACT)</i>

Fair Work

A person's workplace entitlements (pay, conditions, notice of termination, leave entitlements, work arrangements, etc.) can have a significant impact on psychological health⁷.

The *Fair Work Act 2009* (Cth) imposes obligations on 'national system employers' in respect of their employees. A longstanding object of the *Fair Work Act 2009* (Cth) is to provide a balanced framework for cooperative and productive workplace relations that promotes national economic prosperity and social inclusion for all Australians (s 3).

The *Fair Work Act 2009* (Cth) has recently been amended by the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth), which has added "promote job security and gender equality" as the first object of the Act (s 346; *Fair Work Act 2009* (Cth) s 3(a)), and the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022* (Cth). Work entitlements have also been affected by the new *Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Act 2023* (Cth).

The *Fair Work Act 2009* (Cth) includes a safety net of 11 National Employment Standards that apply to employees regardless of the size of the workplace or industry (s 61). The National Employment Standards provide minimum entitlements that cannot be displaced by an individual contract, enterprise agreement or modern award.

Registered enterprise agreements and awards are legal instruments that provide pay and conditions that are intended to be suited to employees in particular enterprises, industries, and occupations. These legal instruments are made under the national workplace relations system and to a lesser extent in the states.

The *Fair Work Act 2009* (Cth) has broad scope. Generally, all employers and employees in the Australian Capital Territory and Northern Territory are covered by the Act, as are most employers and employees in New South Wales, Queensland, South Australia, Tasmania and Victoria (subject to some exceptions like the public sector), and many employers and employees in Western Australia (in corporate entities) (see **Table 4**).

The *Fair Work Act 2009* (Cth) provides fewer paid entitlements to casual workers compared to full-time or part-time permanent workers; however, casual workers are generally compensated by a casual loading. The Act only applies to a limited extent to independent contractors – providing certain protections against adverse action, coercion and abuses of freedom of association, but not employee-like entitlements (e.g. annual leave, sick leave or minimum rates of pay) – who are governed by the *Independent Contractors Act 2006* (Cth).

As the latter statute has fewer entitlements, workers who are not deemed employees, such as those in the "gig economy", can be vulnerable to financial instability (see, e.g. <https://www.fairwork.gov.au/find-help-for/independent-contractors>).

While some workers may choose to have the status of a casual employee or independent contractor, others may prefer permanent employment. An emerging area of literature suggests that work in "precarious" forms of employment, or the growing sector of "insecure labour", can affect well-being and mental health.

Psychological health is not only assisted by minimum standards, but also by standards that are appropriate to the needs and types of employees. Registered enterprise agreements and awards are legal instruments that provide pay and conditions that are intended to be suited to employees in particular enterprises, industries, and occupations. These legal instruments are made under the national workplace relations system and to a lesser extent in the states.

Key observations (see Table 4):

- *The Fair Work Act 2009* (Cth) applies in every jurisdiction (with limited application to employers and employees in Western Australia).

- Generally, the Fair Work Act applies only to employees who are a part of the national workplace relations system (national system); however, the residual employees are covered by the relevant state industrial relations systems.
- Not all entitlements in the National Employment Standards apply to casual employees and no entitlements in the *Fair Work Act 2009* (Cth) apply to independent contractors.
- Employees under the national and state systems, permanent and casual employees, and independent contractors should be compared with reference to implications for psychological health.

Table 4: Fair work

Jurisdiction	Excluded from <i>Fair Work Act 2009</i> (Cth) ¹
New South Wales	State public sector and local government employees See: <i>Industrial Relations (Commonwealth Powers) Act 2009</i> (NSW), s 6
Victoria	A small range of state government employees, such as higher-level public servants. See: <i>Fair Work (Commonwealth Powers) Act 2009</i> (Vic), s 5
Queensland	State public sector and local government employees See: <i>Fair Work (Commonwealth Powers) Act 2009</i> (Qld), s 6
South Australia	State public sector and local government employees See: <i>Fair Work (Commonwealth Powers) Act 2009</i> (SA), s 6
Western Australia	Sole traders, partners, employees of unincorporated entities and non-trading corporations, and employees of the state public sector and local government
Tasmania	State public sector employees See: <i>Industrial Relations (Commonwealth Powers) Act 2009</i> (Tas), s 6
Northern Territory	nil
Australian Capital Territory	nil

¹ The Fair Work Act also extends some entitlements to non-national system employees, for example, rights in relation to termination of employment, and rights to unpaid parental leave.

Discrimination

Discrimination generally refers to when a person or group of people are treated unfairly or less favourably than others due to their personal characteristics. Discrimination between employees involves an employer deliberately treating an employee, or a group of employees, less favourably than its other employees. In Australia, it is unlawful to discriminate on the basis of a number of protected grounds in certain areas of public life, including employment. Such grounds include, but are not limited to, race, age, sex, and disability. Discriminatory treatment may have a significant impact on an individual's mental health when it occurs within a workplace.

The states also have a number of their own anti-discrimination laws, some of which have sections relating to workplaces. However, only the Commonwealth laws are listed below.

Key observations (see Table 5):

- There are a number of Commonwealth anti-discrimination laws protecting psychosocial hazards such as harassment, sexual harassment and discrimination in workplaces across all jurisdictions in Australia.
- *The Australian Human Rights Commission Act 1986* (Cth) articulates the role and responsibilities of the Australian Human Rights Commission (and other Commissioners) and gives effect to Australia's obligations under a number of international treaties (e.g. the Convention concerning Discrimination in respect of Employment and Occupation [1974] ATS 12).
- The *Fair Work Act 2009* (Cth) prohibits an employer from taking adverse action against an employee or prospective employee for discriminatory reasons, namely race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national

extraction or social origin (s 351(1)). In particular, the *Fair Work Act 2009* (Cth) also prohibits termination of employment on these and additional grounds, namely breastfeeding, gender identity and intersex status (s 772(1)(f)).

- Psychosocial hazards such as discrimination on the grounds of sex, disability, race and age are covered by their own independent Commonwealth discrimination laws.
- States and territories additionally have their own anti-discrimination laws.

Table 5: Discrimination

Jurisdiction	Legislation
Commonwealth	<i>Age Discrimination Act 2004</i> (Cth)
Australian Human Rights Commission	<i>Disability Discrimination Act 1992</i> (Cth) <i>Racial Discrimination Act 1975</i> (Cth) <i>Sex Discrimination Act 1984</i> (Cth) <i>Australian Human Rights Commission Act 1986</i> (Cth) <i>Fair Work Act 2009</i> (Cth) Pt 3-1 General Protections (including s 351 Discrimination, as well as s 340 Protection and s 342 Meaning of Adverse Action) http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/fwa2009114/s351.html (s 351 contains broad grounds of discrimination, but they only apply if the grounds are also captured in the relevant federal or state/territory anti-discrimination legislation (s 351(2)(a)); s 340 relates to adverse action on the basis of union or non-union membership etc; s 342 explains adverse action in relation to discrimination)
New South Wales Anti-Discrimination NSW	<i>Anti-Discrimination Act 1977</i> (NSW) <i>Industrial Relations Act 1996</i> (NSW) s 210 Freedom from Victimisation http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/ira1996242/ (this provision is narrower than s 351 of the FWA above and concerns victimisation on the basis of union or non-union membership etc)
Victoria Victorian Equal Opportunity and Human Rights Commission	<i>Equal Opportunity Act 2010</i> (Vic) <i>Racial and Religious Tolerance Act 2001</i> (Vic) <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)
Queensland Queensland Human Rights Commission	<i>Anti-Discrimination Act 1991</i> (Qld) <i>Human Rights Act 2019</i> (Qld) <i>Industrial Relations Act 2016</i> (Qld) s 295 Discrimination, 291 Protection http://classic.austlii.edu.au/au/legis/qld/consol_act/ira2016242/ (s 295 is similar to s 351 of the FWA above; s 291 relates to adverse action on the basis of union or non-union membership etc)

Jurisdiction	Legislation
South Australia Office of the Commissioner for Equal Opportunity	<i>Equal Opportunity Act 1984</i> (SA)
Western Australia Equal Opportunity Commission	<i>Equal Opportunity Act 1984</i> (WA) <i>Industrial Relations Act 1979</i> (WA) ss 96C-96E (Discrimination, etc.) http://classic.austlii.edu.au/au/legis/wa/consol_act/ira1979242/ (these provisions relate to 'discrimination' on the basis of union or non-union membership etc)
Tasmania Equal Opportunity Tasmania	<i>Anti-Discrimination Act 1998</i> (Tas) <i>Industrial Relations Act 1984</i> (Tas) s 86 Prohibition on Victimisation, s 87 Freedom of Association http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/tas/consol_act/ira1984242/ (these provisions relate to adverse action on the basis of union or non-union membership etc)
Northern Territory Northern Territory Anti- Discrimination Commission	<i>Anti-Discrimination Act 1992</i> (NT)
Australian Capital Territory ACT Human Rights Commission	<i>Discrimination Act 1991</i> (ACT) <i>Human Rights Act 2004</i> (ACT)

Strategic initiatives (national, state and territory level)

Strategic initiatives with the goal of a systems change to create mentally healthy workplaces at a national, state or territory level across all industries were identified and assessed. These initiatives may create awareness through training, campaigns or resources, undertake research or map out a plan for how it will strengthen action towards mentally healthy workplaces together with its collaborative partners. Where available, strategic documents (blueprints, strategic plans and frameworks) have also been identified.

Key observations (see Table 6):

- Eleven initiatives were identified, of those seven were national initiatives.
- New South Wales, Victoria and the Australian Capital Territory have implemented their own strategic initiatives aimed at creating mentally healthy workplaces in their jurisdiction.
- Some initiatives are ongoing, while others appear to be a stand-alone strategy or framework that has been released.
- Initiatives are generally led by the respective regulators or undertaken in collaboration with a range of collaborative partners.

A note on methodology:

The following is a qualitative summary based on an environmental scan of relevant organisations and documents, including:

- Key aim
- Partner organisations
- Industry
- Time frame
- Activities

Inclusion criteria:

- Key aim: a systems change to create mentally healthy workplaces.
- Targeted: addresses the specific needs of workers.
- Collaborative: multiple partner organisations or an initiative by government.
- Current: initiatives without stated end dates are considered to be current. Website includes ongoing news and events.

Table 6: National, state and territory level – strategic initiatives (alphabetical order)

Strategic plan or policy initiative	Led by	Time frame	Reach	Strategic aim
Australian Work Health and Safety Strategy 2023-2033 ⁴³	Safe Work Australia	2023-2033	National All industries	Aims to outline a national vision for WHS- Safe and healthy work for all- and set the platform for delivering on key WHS improvements.
Corporate Mental Health Alliance Australia ⁴⁴	Leaders from some of Australia's largest employers established Corporate Mental Health Alliance Australia (19 founding members).	Since 2020	National All industries (Membership is open to for-profit businesses)	Aims to put mental health at the heart of the business agenda and drive improvements in the way Australian businesses respond and adapt to the rapidly evolving challenges and opportunities to create a mentally healthy workplace environment.
Heads Up	Beyond Blue and the Mentally Healthy Workplace Alliance	2014	National All industries	Aims to provide individuals and businesses with the tools to create more mentally healthy workplaces by producing resources for businesses, large and small, across all sectors, for managers, the boardroom and employees.
Healthy Workplaces Strategy Framework 2020-2025 ⁴⁵	Wellbeing SA in partnership with 9 other collaborative partners	2020-2025	South Australia All industries	Aims to create healthy workplaces through protecting and promoting the health and wellbeing of the worker.
National Return to Work Strategy 2020-2030 ⁴²	Safe Work Australia	2020-2030	National All industries	Aims to achieve positive return to work outcomes and minimise the negative economic, health and social consequences of being away from work due to work-related injury or illness.
National Workplace Initiative Blueprint for Mentally Healthy Workplaces Release 2 ⁷	Mentally Healthy Workplace Alliance (consisting of 14 collaborative partners)	2019-2023	National All industries	Aims to support organisations and business to connect with information, helping them to identify and manage work-related risks to mental health as well respond to individuals who are experiencing mental ill-health. Overall, the National Workplace Initiative aims to create positive workplaces that are good for mental health.
NSW Mentally Healthy Workplaces Strategy ⁴⁶	NSW Government	2018-2022	New South Wales All industries	Aims to improve mental health outcomes at work by providing NSW employers, leaders and workers with tools and capabilities to improve their workplace.
Recovery through Work Measurement Framework ⁴⁷	State Insurance Regulatory Authority	Since 2021	National All industries	Aims to outline a multifaceted approach to measure recovery as it relates to work for people who have been injured either on the roads or in a workplace.
Strategy for Managing Work-related Psychosocial Hazards 2021-2023 ⁴⁸	WorkSafe ACT	2021-2023	Australian Capital Territory All industries	Aims to guide the activities of WorkSafe ACT to educate, engage and enforce management of work-related psychosocial hazards in the ACT.

Strategic plan or policy initiative	Led by	Time frame	Reach	Strategic aim
Suicide Prevention: A Competency Framework ⁴⁹	Suicide Prevention Australia	Since 2021	National All industries	Aims to serve as a starting point for employers and staff to consider what they need to know to promote wellbeing and intervene effectively to reduce distress and suicidal behaviour in their workplace. There are suggestions on ways to adapt, tailor and apply the Framework to different working environments and roles.
Thrive at work - Workplace Wellbeing Initiative The Thrive at Work Framework ⁵⁰	The Future of Work Institute in partnership with 9 other collaborative partners	Since 2019	National All industries	Aims to provide an integrative approach to mental health in the workplace, through mitigating illness, preventing harm and promoting thriving.
WorkWell program Mental Health Strategy 2021-2024 ⁵¹	WorkSafe Victoria	WorkSafe Victoria	Victoria All industries	Aims to support employers to prevent mental injury and create safe and mentally healthy workplaces. By giving employers access to knowledge sharing, funding and resources, the WorkWell program aims to support systems level changes and is leading a paradigm shift that workplace mental health is broader than supporting people to cope with workplace stress or supporting workers who are distressed.

Industry and peak body level: snapshot as at April 2023

The following landscape mapping is provided to assist the development of potential future indicators to monitor activity and progress at the industry and peak body level.

The contextual snapshot that follows aims to provide the reader with a summary of current activity at this level, in terms of strategic plans and policy initiatives.

Strategic initiatives (industry and peak body level)

Industry specific initiatives that have a key aim towards creating a systems change towards mentally healthy workplaces were identified and assessed. Initiatives identified include organisations that have a vision statement, collaborative partnerships, offer industry specific mental health activities, including campaigns, training or industry specific mental health resources. Where available, strategic documents (blueprints, strategic plans and frameworks) have also been identified.

Key observations (see Table 7):

- Forty-three initiatives were identified across a wide range of industries.
- Initiatives for the public sector exist in several states and territories and the Commonwealth.
- Initiatives have a range of collaborative partners including government departments, universities, industry bodies/councils and mental health organisations.
- Most initiatives were established within the last 10 years.

A note on methodology:

The following is a qualitative summary based on an environmental scan of relevant organisations and documents, including:

- Key aim
- Partner organisations
- Industry
- Time frame
- Activities

Inclusion criteria:

- Key aim: a systems change to create mentally healthy workplaces.
- Targeted: addresses the specific needs of workers in the industry.
- Collaborative: multiple partner organisations or an initiative by government or industry/peak body.
- Current: initiatives without stated end dates are considered to be current. Website includes ongoing news and events.

Table 7: Industry and peak body level – strategic initiatives (alphabetical order)

Name Policy document	Collaborative partners	Established in	Reach	Description¹
AFL Mental Health & Wellbeing Strategy ⁵²	AFL Australia	2020	National Sports and Recreation Activities	The AFL Mental Health & Wellbeing Strategy aims to guide the planning and implementation of wellbeing initiatives, mental health promotion and prevention programs and mental healthcare within the AFL industry.
Ahead of the Game	University of Wollongong, Rugby League World Cup, Movember	2021	National Sports and Recreation Activities	Ahead of the Game is an initiative of researchers at the University of Wollongong that uses sport to teach athletes, parents and coaches how to talk about mental health.
AMWU's Collaboration Delivers Wellbeing in Manufacturing Project	Australian Manufacturing Workers Union & manufacturing companies in Victoria	2020	Victoria Manufacturing	The Collaboration Delivers Wellbeing in Manufacturing Project aims to improve the mental health and wellbeing of workers and prevent mental illness in the Victorian manufacturing workplaces.
APS Mental Health and Suicide Prevention Unit APS Mental Health Capability Framework ⁵³	Australian Public Service Commission	2021	National Public Administration	The unit, established within the Australian Public Service Commission, monitors and responds to key mental health and suicide prevention sector developments and initiatives that impact on the APS workforce.
AREEA's workforce mental health initiative Resources and Energy Industry Workforce Mental Health Framework ⁵⁴	Australian Resources & Energy Group	2021	National Electricity, Gas, Water and Waste Services	AREEA, the Australian Resources and Energy Employer Association, is an industry peak body that identified the need for a collective approach to mental health at work in the resources and energy industry.
The Arts Wellbeing Collective Work Well Guide: Creating Mentally Healthy Workplaces in the Performing Arts ⁵⁵	Arts Centre Melbourne	2017	National Arts and Entertainment Services	The Arts Wellbeing Collective brings together the expertise of mental and allied health professionals with industry insights from the Collective's members to co-design resources and services that support positive mental health for people working in the performing arts
AVA's Veterinary Thrive Initiative Veterinary Wellness Strategy ⁵⁶	Australian Veterinary Association	2021	National Veterinary Services	Thrive is an industry-led veterinary wellness initiative that aims to support veterinarians and veterinary staff to lead satisfying, prosperous and healthy careers.
Blue Hope	Queensland Police Union, Sciaccas Lawyers, Elevation Psychology, Firefly Lighting, Force Financial Services, QCS Group	2020	Queensland Public Order, Safety and Regulatory Services	Blue Hope is an independent not-for-profit that provides current and former police officers across Australia with psychology services, peer support, legal services, drop-in centres, education and support with transitions to another career.

Name Policy document	Collaborative partners	Established in	Reach	Description¹
Consult Australia Mental Health Knowledge Hub	Consult Australia	2019	National Professional, Scientific and Technical Services	Consult Australia is an industry association that is championing an industry-led response to mental health among small, medium, and large businesses in design, advisory, and engineering.
Counting on U	Deakin University in collaboration with Australian Government Treasury, Beyond Blue and multiple others	2021	National Accounting Services	Counting on U is a professional development program aimed at upskilling business advisers including accountants, bookkeepers, financial planners and business bankers or insurers to better approach and assist clients facing financial and emotional distress.
Essential Retail	National Retail Association	2021	National Retail Trade	Essential Retail aims to raise awareness about issues retail workers are currently facing regarding an increase in preventable chronic diseases and mental health issues.
#FairKitchens	Founded by Unilever Food Solutions and a number of chefs and partners	2018	Multiple countries Accommodation and Food Services	#FairKitchens is a movement fighting for a more resilient and sustainable food service and hospitality industry, calling for change by showing that a healthier culture makes for a healthier business. #FairKitchens code was developed to support the creation of a healthy kitchen culture based on open communication, passion, support and teamwork.
Hand-n-Hand Peer Support	Servier, Black Dog Institute, The Royal Australian & NZ College of Psychiatrists, AMSA, The Myer Foundation	2020	National & New Zealand Health Care and Social Assistance	Hand-n-Hand Peer Support provides free confidential peer support for health professionals in Australia and New Zealand.
Healthy Heads in Trucks & Sheds National Mental health and Wellbeing Roadmap 2021-2024 ⁵⁷	Founding partners Australia Post, Coles, Linfox, Toll, Ron Finemore Transport, Woolworths Group and Qube with support from the National Heavy Vehicle Regulator and the Federal Government	2020	National Transport, postal and warehousing	Healthy Heads in Trucks & Sheds is an initiative of major companies and leaders in transport, warehousing and logistics. It aims to promote the prevention and understanding of mental health issues that exist across the road transport and logistics industries in Australia.
Healthy Minds: mental wellbeing strategy 2022-25 ⁵⁸	Australian Government Treasury	2022	National Australian Government Treasury employees	The Treasury's Healthy minds: mental wellbeing strategy articulates the Australian Government Treasury Department's vision, priorities and plan in relation to wellbeing for their employees. The strategy aims to boost wellbeing, intervene early and support recovery.

Name Policy document	Collaborative partners	Established in	Reach	Description¹
Healthy Minds – Thriving Workplaces Thriving Workplace Strategy: An Integrated Mental Health and Wellbeing Strategy 2019-2022 ⁵⁹	ACT Public Service	2019	Australian Capital Territory Public Administration	Aims to create workplaces where mental health and wellbeing is promoted, supported and improved through good leaders, a workforce who have skills and knowledge, managers who people can trust and designing work to create mentally healthy people.
Hope Assistance Local Tradies HALT Hope Assistance Local Tradies 2023-2028 strategic Plan ⁶⁰	A number of funding partners and supporters including PHN South Eastern Melbourne, PHN Gippsland, PHN North Western Melbourne	2013	Victoria, New South Wales, Queensland, South Australia and Western Australia Electricity, Gas, Water and Waste Services	HALT facilitated the spreading of information and raising awareness of groups such as Lifeline & Beyond Blue to its program beneficiaries; HALT identifies and provides support for people at risk of suicide, especially men in trade occupations;
Hospo for Life	Altius Group	2019	National Accommodation and Food Services	Hospo for Life offers workplace wellbeing packages which are designed by a team of allied health professionals.
ifarmwell	University of South Australia, University of Adelaide, University of Adelaide, National Centre for Farmer Health, University of Melbourne and multiple funding and industry partners	2018	National Agricultural, Forestry and Fishing	ifarmwell is a free online toolkit developed with Australian farmers, specifically for Australian farmers. It aims to help equip farmers and their supporters with relevant and evidence-based strategies to cope with life's challenges, regardless of the circumstances they face.
Law Council of Australia – mental health and wellbeing portal	Law Council of Australia		National Legal Services	The Law Council of Australia's mental health and wellbeing portal is an initiative designed to provide a centralised source of information about mental health for the legal profession.
Leading the Way Leading the way: Occupational Health and Safety Framework ⁶¹	Victorian Public Service	2019	Victoria Public Administration	Leading the Way aims to improve health and safety in the public sector through a shared vision for an engaged workforce that is mentally and physically safe.
Love Your Pet Love Your Vet	Range of sponsors, partners and supporters	2018	National Veterinary Services	Love Your Pet Love Your Vet charity was founded by psychologist Dr Nadine Hamilton and aims to increase wellbeing in the veterinary industry.

Name Policy document	Collaborative partners	Established in	Reach	Description ¹
MATES in Construction Blueprint For Better Mental Health and Suicide Prevention 2018-2022 ⁶²	Three founding partners (BERT, BIRST, ReddiFund) and over 100 industry partners	2008	Construction: New South Wales, Queensland, South Australia, Western Australia, Northern Territory Energy: Queensland Mining: National	MATES in Construction is a charity established in 2008 to reduce the high level of suicide among Australian construction workers. It provides suicide prevention through community development programs on sites, and by supporting workers in need through case management and a 24/7 help line.
MATES in Manufacturing	Australian Manufacturing Workers' Union, Australian Workers' Union, United Workers Union, Australian Industry Group and other industry leaders	2008	National Manufacturing	Mates in Manufacturing is a union and industry backed program designed to support workers mental health and prevent suicide. It is part of the larger 'MATES' mission which aims to be Australia's leading industry suicide prevention organisation, focusing on raising awareness, building capacity and providing help and research.
Mental Awareness, Respect and Safety (MARS) Program	Western Australia Department of Mines, Industry Regulation and Safety, Mental Health Commission, Equal Opportunity Commission, Department of Communities (whole of government approach)	2021	Western Australia Mining	The Mental Awareness, Respect and Safety (MARS) Program is a government initiative in Western Australia that aims to improve the health, safety and wellbeing of workers and others in the mining industry.
Mentally-Healthy Change Group	UnLtd, Never Not Creative and Energx	2019	National Information Media and Telecommunications	The Mentally-Healthy Change Group is a movement to enhance the capacity to cope with and improve the levels of mental health within the media, marketing and creative industries.
Minds Count Foundation	Board members across multiple legal firms and practices (Federal Court of Australia, DLA Piper, Canon Australia) and supporters	2008	National Legal Services	The Minds Count Foundation is an independent charity working within the legal profession to educate and support organisations in developing psychologically safe workplaces.
Minerals Council of Australia's Blueprint for Mental Health and Wellbeing ⁶³	Minerals Council of Australia	2020	National Mining	The Minerals Council of Australia's mental health support aims to guide the mining industry response to addressing mental health in the workplace.
Never Not Creative	Streamtime	2018	National Information Media and Telecommunications	The Never Not Creative initiative is a community of creatives who provide ideas, tools and solutions that can improve the wellbeing of the creative industry.

Name Policy document	Collaborative partners	Established in	Reach	Description¹
No One Deserves a Serve	Shop, Distributive and Allied Employees' Association, National Retail Association, Australian Retailers Association	2017	National Retail Trade	The No One Deserves A Serve campaign is focused on creating awareness about retail and fast food workers facing customer abuse and violent behaviour at work.
Northern Territory Public Service Framework NTPS Mentally Healthy Workplace Framework ⁶⁴	Northern Territory Public Service	2021	Northern Territory Public Administration	The Northern Territory Public Service Framework aims to provide enterprise wide and grass root actions that support all elements of a workplace being mentally healthy.
Partners in Wellbeing	Victorian Government, Neami National, EACH and ACSO		Victoria Personal Care Services	Partners in Wellbeing provides free, confidential, one on one support to improve the financial, business and emotional wellbeing of small businesses. This program has worked with the Hair and Beauty Industry Association to ensure support is available to personal care workers.
Pharma Australia Inclusion Group The Future of Workplace Inclusion ⁶⁵	Medicines Australia	2017	Available to member organisations of Medicines Australia Professional, Scientific and Technical Services	The Pharma Australia Inclusion Group (PAIG) is a special interest group of Medicines Australia. It aims to assist in creating a more inclusive industry where all people are equally valued, rewarded and thrive.
Police and Emergency Services Program Good Practice Framework for Mental Health and Wellbeing in Police and Emergency Services ⁶⁶	Beyond Blue	2016	National Police and Emergency Services	The Police and Emergency Services Program aims to provide police and emergency service organisations with an evidence-informed framework that provides guidance to protect the mental health of their workforces, promote wellbeing and prevent suicide.
Resource Minds	Rural and Remote Mental Health	n.d.	National Mining	Resource Minds is an evidence-based and award-winning mental health and suicide prevention program for people working in mining, resources, quarrying and construction.
RISE Initiative	Partners with Domain, Macquarie, Core Logic, MRI Real estate software	2021	National Rental, Hiring and Real Estate Services	The Rise Initiative has been set up to help save lives, reduce burnout and stress-related illness in the real estate industry. Its goal is to build a greater understanding of the importance of mental wellness in both personal and professional development.

Name Policy document	Collaborative partners	Established in	Reach	Description¹
South Australia Public Sector Mentally Healthy Workplaces Framework and Toolkit ⁶⁷	Government of South Australia		South Australia Public Administration	South Australia's Office of the Commissioner for Public Sector Employment convened a working group to ensure mentally healthy workplaces across the state's public service. Their aim was to create mentally healthy workplaces that support employees throughout their public sector career.
Stay Afloat	Seafood Industry Australia supported by the Australian Government Department of Health	2019	National with focus communities Agricultural, Forestry and Fishing	Stay Afloat Australia is the national mental health program for the Australian seafood industry, run by Seafood Industry Australia in partnership with Women in Seafood Australasia.
Steering Healthy Minds	Transport Education Audit Compliance Health Organisation, Transport Workers Union Qld, Qld Trucking Association, Qld Council of Unions, WorkCover Qld, TWU Super, TOLL	2020	Queensland, Western Australia Transport, postal and warehousing	Steering Healthy Minds works in the transport industry to raise awareness about mental health issues for transport workers.
SuperFriend	Multiple life insurance and superannuation organisations	2006	National Financial and Insurance Services	SuperFriend aims to reduce the incidence and impact of mental illness and suicide within the superannuation and life insurance industry.
Support Act	founding partners include APRA AMCOS, ARIA, PPCA and Government of South Australia, other wellbeing partners	1997	National Arts and Entertainment Services	Support Act is the music industry's charity, delivering crisis relief to musicians, managers, crew and music workers across all genres who are unable to work due to ill health, injury, a mental health problem or some other crisis.
Taking Stock	University of South Australia and a range of Government departments funding the project	2023	National Agricultural, Forestry and Fishing	Taking Stock is the outcome of a three-year nationally funded research project. It aims to help farmers break down barriers for seeking help and provides information about community-based support services. The website hosts resources tried by other rural groups that communities can download and use or adapt.
TEN – The Essentials Network for Health Professionals	Black Dog Institute	2020	National Health Care and Social Assistance	TEN – The Essentials Network for Health Professionals is a multifaceted e-health hub, helping health professionals find resources and support to navigate burnout and maintain good mental health.

¹ Descriptions of industry initiatives have been taken from the NWI digital platform or the initiative website directly.