



Industrial Manslaughter

Presented By: **Martine Care**

Overview



1. Industrial Manslaughter
2. Psychological Injuries in the Workplace

Work Health and Safety Act 2011



Part 2A – Work Health and Safety Act 2011

It is an offence for a person conducting a business or undertaking (PCBU), or a senior officer, to negligently cause the death of a worker.



Who can be liable?



- ✓ A person conducting a business or undertaking (PCBU)
- ✓ A Senior Officer
- ✗ Volunteers

When does it apply?



Application

- a worker, in the course of carrying out work:
 - dies
 - is injured and later dies,
- A PCBU or senior officer's, conduct cause the death of the worker; and
- A PCBU or senior officer, is negligent about causing the death of the worker.



Penalties



Maximum penalty of:

- 20 years imprisonment for an individual
- \$10M for a body corporate



Psychological Injuries a Work - The Statistics



- ⑩ 45% of Australians aged between 16 and 85 will experience mental illness at some point in their life.
- ⑩ It is estimated by Safe Work Australia that by 2020, approximately 50% of workers in Australia will suffer from mental illness.
- ⑩ In 2016, approximately 91% of the workers' compensation claims for psychological injuries were linked to:
 - work pressure
 - work-related harassment and/or bullying
 - exposure to workplace or occupational violence



Causes

- ① High job demand
- ① Low job demand
- ① Poor support
- ① Poor workplace relationships
- ① Low role clarity
- ① Poor organisational change management
- ① Poor organisational justice
- ① Poor environmental conditions
- ① Remote or isolated work
- ① Violent or traumatic events



Risk Management



Risk management process: -

1. Identify psychosocial hazards
2. Assess risks if necessary
3. Control risks
4. Review hazards and control measures



Ask R U OK?



When you notice a change,
no matter how small

**Trust the Signs, Trust your Gut
& Ask R U OK?**

Learn the signs and how to ask at ruk.org.au

RUOK?
A conversation could change a life

Thank you



Martine Care | Partner

☎ 07 4052 0730

✉ mcare@prestonlaw.com.au