

Small Business Takes Aim at Boland Review Into WHS Laws

The Council of Small Business Organisations Australia (COSBOA) has expressed concern about the Boland review of the model WHS laws commissioned by Safe Work Australia and called for it to be withdrawn.

CEO of COSBOA, Peter Strong, said the report solely focusses on workers and gives no consideration to the mental health of employers and the self-employed.

If the report's recommendations are followed, Strong asserted that it could see employers sent to prison if one of their employees self-harms a result of a mental health condition.

"If there are five people in a workplace and we only talk about the mental health of four of them, do we not fail those four people?" he said.

"If the employer, the one ignored, has a mental health problem, will that not worry the four employees? Would they not be concerned for their employer? Would they not be concerned for their jobs and their income and their own future mental health?"

Strong said the review is like ideology getting in the way of reality, in which a regulator potentially "imposes their ideological view of the world onto a group they demand be experts on a subject that is objective, confusing and challenging – mental health."

Published in December 2018, the Boland Review recommends that the psychological health and safety of workers be given equal consideration to their physical health and safety.

It also recommends the introduction of an industrial manslaughter offence, and Strong said the combination of these two recommendations is concerning in that employers could be held responsible for the mental health of their employees and potentially charged with manslaughter if a mental health condition results in an employee self-harming.

"The safety regulators will demand that every employer somehow or other become experts on mental health. That is not possible," said Strong.

He also expressed concern that the report's recommendations could add to the societal stigma around mental health issues.

"This report and its recommendations will enhance the stigma and send a message that employing someone with a mental health problem could result in prison," he said.

"If this is acted on will we tell small businesspeople – and people they are – not to employ others?"

In a recent study by MYOB and Beyond Blue, 56 per cent of small business owners reported that running their own business lead to feelings of anxiety or depression, and 43 per cent reported that they had experienced a mental health condition since starting their business.

"This report, if acted on, will add to the mental health problems of Australia – unless we only allow machines to employ people," he said.

"This report reflects attitudes that are stuck in the past and fail to grasp the reality of the modern world and the modern workplace."

Article originally published by the Australian Institute of Health and Safety.

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