

Insight aims to provide useful information, links and tips in the areas of Risk Management, Work Health and Safety, Business Continuity Management, and other areas relating to management systems and corporate governance.

EAP provider assessment

Have you ever assessed the performance of your EAP provider, or do you simply rely on an assumption of professionalism?

As we approach the end of the year with its associated Festive Season, it is worth noting that this time of the year presents an uptick in the number of mental health concerns societally.

With this in mind we are encouraging organisations to support their workers and to ensure that their current suite of controls for managing mental health and wellbeing are effective.

Embedded within most risk registers, risk assessments or bow tie analyses for mental health is a reference to an 'Employee Assistance Program' (EAP). But do the organisations relying on an EAP to provide an effective mitigation of psychosocial health risks actually check on the quality of the 'employee assistance' being provided?



Here are some points to consider when reviewing your current EAP provider (or when you are going to the market to select a new provider).

Accessibility

- Does the EAP provide after-hours availability? Even if your operation is not 24/7, it can't be predicted what time of day workers might reach out for help. Statistics offered by the larger EAP providers indicate that the most common timeframe is in the evenings after work.

- Is it easy for the workers to access the help they need? Usually this is straightforward when the EAP details and numbers are widely communicated, but what happens if this is not the case, and how is access communicated for workers where English is their second language or who do not speak English at all?
- Does the EAP provide a holistic approach? Workers may need access to a range of different services to support work-related stressors, family-based concerns, grief, and for critical incidents.

Responsiveness

- What is the time delay between the worker reaching out in their hour of need, and the EAP providing an available Counsellor? A number of providers take a message, assign it to a Counsellor, who then calls and books in a session at the next available timeframe, which may be weeks later. So, what happens in the meantime for a worker in crisis?
- Does the EAP provide services to assist following a critical incident? Again, it is no good waiting 2 weeks for this.

Professionalism

- Does the EAP have the appropriate accreditations, and do their medical professionals hold the appropriate qualifications (for Australia)? Unfortunately, the growth in the industry, and in telehealth services for mental health, has created opportunity for under-qualified and inexperienced counsellors to be retained by EAPs. This has the potential to undermine the whole program. In a related vein, if casual or inexperienced EAP counsellors do not understand your organisation or the operating context, their advice can be inappropriate (for example, it may not be possible for an Air Traffic controller to immediately step away from their operations for a 10 min breather when they are feeling stressed).
- Will the EAP provider maintain confidentiality? While the organisation may need access to data relating to EAP usage, this needs to be balanced with the need to maintain confidentiality.

Quality of Service

- Is the service that the EAP provides any good when measured against the experience of the end user? Organisations should be seeking feedback from their workers on the quality of the service their EAP is providing, and whether it's meeting their workers' needs. This feedback may need to be facilitated anonymously to maintain confidentiality.
- An organisation's EAP should be more than a phone number that gets handed out when someone is not feeling themselves. Today's EAP providers should be supplying a variety of healthy eating, fitness, mindfulness and wellness information via the mechanisms that suit the worker's needs best, be they via online videos and webinars or onsite workshops.

While the quality of an EAP's service comes down to a financial proposition, and it certainly appears that the bigger organisations have the budget to provide a higher standard of service, there is also a need to consider it from the perspective of the effectiveness of the risk control. If we are relying on the EAP as a control measure for managing the impacts of psychosocial hazards and risks, and for whatever reason it really isn't working, then what does that do for the overall level of risk?

QRMC recommends that an annual 'deep dive' review of the EAP provider should be conducted as part of the regular review of the management of the mental health and wellbeing risks and the effectiveness of their controls. It is noted that it's important that an EAP is seen as only one of the controls to manage mental health and wellbeing risks and that the review includes consideration of all potential controls.

Please [contact QRMC](#) for more information or assistance in systematising the process of assessing your EAP.

What do we need to be ready for in the New Year?

2024 was a busy year for safety-related legislative change with the former Queensland Labor government introducing changes to the WHS, Electrical Safety and Resource Safety Legislation.

Below are a couple of key call-outs for issues that we need to be aware of, and ready for in the New Year:

HSRs and Consultation



Within Queensland there was a suite of legislative amendments focusing on health and safety representatives and the 'need' for consultation, these included:

- The expanded HSR powers to enable the HSRs to issue directives to cease unsafe work and require that work halts until safety issues are resolved. They also have authority to issue Provisional Improvement Notices (PINs) more quickly than before, with a shortened compliance deadline from eight to four days.
- Obligations on the PCBUs to inform workers about their right to elect HSRs and outline the process for forming workgroups. PCBUs are also required to ensure HSRs can access necessary information and accompany relevant inspections. They must facilitate HSR training and cover related costs, including regular wages during training sessions.
- Health and Safety Committees, if requested by workers, are now mandated to form a Health and Safety Committee within 28 days to improve safety discussions and practices.

Other jurisdictions, such as NSW made some changes but these were amped up in Queensland. For companies with a national footprint there is a need to recognise that the powers of HSRs vary significantly from jurisdiction to jurisdiction.

It would be fair to expect that, under the current legislation, the HSR powers will gain traction, with the potential for more cease work notices to be issued. For those organisations who do not have HSRs in place, it is essential that a) workers are proactively consulted about WHS matters; b) are informed of their right to be represented; and c) the process for nominating and electing HSRs is formalised.

It should be noted that the recently elected LNP government is giving indications of some rollbacks in this space, so a watching brief for future legislative changes is warranted.

Due Diligence

The focus on Officers' Due Diligence requirements dropped a little as the year progressed. A number of Directors were charged with WHS offences under the Act, and an interesting case was prosecuted following the Zipline incident in Cairns, where a member of the public died, and another was seriously injured. Of significant note, the Magistrate affirmed that the Director (as an Officer) can rely on the skillsets of Operational Management, and that Directors, as Officers, do not need to micro-manage the Operational Management Team. Obviously, there was a lot more legal discussion to this, and everything needs to be considered in context, but moving forward, it makes for an interesting precedent.

In general terms, Directors appear to have been educated or interested in their WHS duties, which is certainly a positive step forward.

Given the focus on this topic over the last number of years, it is highly likely that Officers' duties will remain a significant 'target area' for the Regulator.

Sexual Harassment Prevention

Nationally there has been a push to target this WHS issue, and arguably, Queensland is leading the way in terms of legislating against sexual harassment. An amendment to Sec 55, adding 55E to include the need to manage sexual harassment and sex or gender-based harassment as part of the Duty to manage psychosocial risks commenced in September this year. Due to take effect as of 1 March 2025 is the specific obligation to have a documented "Sexual Harassment Prevention Plan".

This plan needs to state each identified risk and the controls measures to be implemented for these risks. Importantly, it needs to state the matters considered, the consultation undertaken and the procedures implemented for dealing with reports of sexual harassment or gender-based harassment at work.

While WorkSafe Queensland has provided a kit to assist with this (which you can find [here](#)), there is a clearly a need to ensure that your risk assessments and procedures are reviewed and communicated to the workforce.

Naturally, in implementing the plan the PCBU must take steps to ensure that workers are made aware of it, and the plan is to be reviewed if a report is made, or if requested by the organisation's WHS Committee.

Please [contact QRMC](#) for more information or assistance.

Holiday Wishes

This edition of *Insight* is the final for 2024. The first edition in the New Year will be issued in February 2025.

QRMC Risk Management Pty Ltd will be closing over the Christmas period, from close of business Thursday 19 December, reopening Monday 13 January 2025.

QRMC wishes all our clients, supporters and readers a relaxing, happy and safe holiday season. We look forward to your company in the New Year!



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