



Education and Health Standing Committee

The impact of FIFO work practices on mental health

Final Report

Report No. 5
June 2015

Legislative Assembly
Parliament of Western Australia

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Education and Health Standing Committee

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Final report

Report No. 5

Presented by

Dr G.G. Jacobs, MLA

Laid on the Table of the Legislative Assembly on 18 June 2015

Chairman's Foreword

The Legislative Assembly commissioned the Education and Health Standing Committee to inquire into the impact of FIFO work arrangements on mental health in the resources industry. The inquiry revealed the scarcity of reliable, comprehensive data on suicides within the FIFO work system. There was no one central source of data, meaning that much of the Committee's work in collating information went between regulators, the Coroner, the WA Police and the industry.

The key understanding we gained from the inquiry's research was that the typical FIFO resource worker comes from the highest risk demographic (male aged 18 – 44) for mental illness and suicide. FIFO takes such an individual regularly away from home, puts him in isolation from his family and other social supports, subjects him to fatigue and then controls his life within the camp environment. Understandably, this can have a significant impact on his emotional health and wellbeing.

Independent research on mental distress in the FIFO community showed that the incidence rate is higher amongst FIFO workers than in the general population. Three large, recent studies have found an incidence rate of approximately 30 per cent, which is significantly higher than the national average of 20 per cent.

Due to the high risk demographic profile and the higher incidence of mental distress amongst the FIFO group, the Committee has recommended the development of a Code of Practice to address FIFO work arrangements and their impact on workers' mental health. This Code of Practice should provide guidance of best practice to promote improved mental and emotional health and wellbeing amongst the workforce.

Confusion was evident around which regulator had jurisdiction for overseeing the occupational health and safety matters impacting on the FIFO worker. The different work safety jurisdictions varied depending on whether the site was under construction or operation, or was for petroleum, gas or mining. Additionally, different occupational safety and health responsibilities exist for the accommodation camps for workers, depending on whether the facilities are located on or off a mining tenement.

The current legislation lacks a clearly defined responsibility for workers' health and safety once they are off-shift and residing in the accommodation facility. This is despite the fact the worker has no choice but to stay in the facility provided, no control over the quality or safety of the facility, and often, must seek permission to leave the facility, even on the worker's day off.

The division of responsibility between DMP and Worksafe that currently exists makes for confusion, and the potential for sites, workers and safety issues to 'drop between the cracks'. The proposed legislative changes to consolidate the provisions for

occupational safety and health for the industry, and to simplify the regulatory regime, will be a significant improvement.

The Committee was disappointed to find that recognition of the importance of connection to family and community to workers' mental health is not widespread. The industry does not appear to be sufficiently devoted to establishing residential and FIFO camps close to communities. Closer interaction between accommodation camps and communities is thought to be good for both.

I would like to thank Anita and Peter Miller, whose courage in raising the issue of FIFO mental health and suicide has sprung from their own experience of loss, and inspired this inquiry. I'd also like to thank all of the other families, and the individuals, who made submissions to the inquiry. Many other people rang the Committee and provided their own personal experience, and this provided a valuable context for our formal research.

I would also like to thank industry and the many companies which provided input to the inquiry, and BHP Billiton, Rio Tinto and Chevron, which hosted site visits from the Committee. Many other stakeholders provided extremely valuable input to the inquiry, including unions and community groups, and we thank them for their concern and efforts.

I hope that government, industry and community will embrace this report and its findings and recommendations. Improvements in the FIFO work system will result in improved mental health and wellbeing for workers and their families. We are sure this will contribute to making FIFO a more sustainable and productive work system in Western Australia into the future.

I would like to thank all of the Committee members (Ms Rita Saffioti, MLA (Deputy Chair); Mr Murray Cowper, MLA; Ms Janine Freeman, MLA, and Hon Rob Johnston MLA) and the Committee staff (Ms Lucy Roberts, Mr Daniel Govus and Mr Mathew Bates), for coming along on this journey of education on FIFO. We know that this report will assist the mining industry to look after the mental health aspects of their workforce, just as they have done with improvements in physical workplace safety.

A handwritten signature in black ink, appearing to read 'G.G. Jacobs', is written over a light blue rectangular background.

Dr G.G. Jacobs, MLA
CHAIRMAN

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Executive Summary

This inquiry was initiated in response to concerns within the community, parliament and media at reports that nine fly-in, fly-out (FIFO) workers had suicided in a 12-month period. The inquiry resulted from a motion passed in the Legislative Assembly, which required the Education and Health Standing Committee to conduct an investigation into the matter. Due to the high levels of public concern regarding the issue, the Committee undertook to publish a discussion paper to encourage stakeholders to engage with the process. This was tabled in November 2014. After subsequent inquiries, this report presents the final results of the Committee's research.

This report highlights ongoing concern in the community about the impact of FIFO on workers' mental health. The inquiry received over 130 formal submissions and many more informal contacts and phone calls from individuals wishing to contribute. This high level of engagement with the inquiry and levels of public concern are in part a reflection of the widespread impact of FIFO work arrangements. There are approximately 60,000 FIFO workers in Western Australia, meaning that up to 60,000 families are impacted by FIFO. If each FIFO worker has three direct family members, this would result in approximately 240,000 members of the WA community being directly affected by FIFO. With a total population of 2,589,000 in September 2014, this means that approximately 9.3 per cent of WA's population is directly impacted by FIFO. It is clear that FIFO work arrangements touch many families in WA, and FIFO is becoming part of the Western Australian work culture.

Data difficulties and the need for further research

The inquiry struck several problem areas in relation to statistics. Clear data was difficult to find in the areas of: a definitive total number of workers employed in the Western Australia resources industry on a FIFO basis (on either construction or production sites); suicide statistics for FIFO workers; and the prevalence rate of mental illness among FIFO workers.

The Committee has been unable to identify the nine cases of suicide in a 12-month period that triggered this inquiry. The Committee has made several recommendations to improve the collection of data in this area. The prevalence of mental health problems amongst FIFO workers is an area where there were claims that a lack of clear research evidence meant it could not be shown that FIFO mental health was any worse than any other sector of the community. However, the Committee found three recent, reliable studies which suggest that the prevalence rate of mental health problems amongst the FIFO workforce could be approximately 30 per cent, significantly higher than the national average of 20 per cent.

Further research needs to be done into the mental health of FIFO workers and the impact of the system of work on their mental health, and the Committee has recommended that the Minister for Mental Health and the Mental Health Commission take carriage of commissioning independent research in this area. While further research is needed, current research demonstrating the extent of the problem must not be ignored, and work must be undertaken now to mitigate the risks, rather than waiting for the outcomes of future research projects.

The demographic profile of the FIFO workforce points to a higher risk of mental health problems and suicide

Current information shows that the demographic features of the FIFO workforce mean that these workers are at greater risk of mental health problems than the broader population. The resources industry workforce is predominantly male, aged between 25 and 45, and working in a trade or labouring role. The National Survey of Mental Health and Wellbeing found that more than one in five men aged between 25 and 44 will experience a mental health disorder in any 12-month period. The demographic features of the FIFO workforce mirror the groups within society with an increased risk of mental illness. To ignore this demographic profile is to ignore a clear indicator that members of the FIFO workforce may be vulnerable in terms of mental illness.

Additionally, the demographic profile of the FIFO workforce mirrors the demographic most at risk of suicide: males aged between 15 and 44 years. The demographic profile of the resources FIFO workforce reflects an increased risk of suicide compared to the general population.

The Committee also received persuasive evidence on the mechanisms of suicide, which showed that a person does not need to be suffering a diagnosable mental illness in order to consider suicide. Even if higher mental illness and suicide risk based on demographic factors is ignored, it is clear that ordinary people who suffer from stressful life events, particularly relationship breakdowns, are vulnerable to suicide. Scenarios that may contribute to relationship breakdowns, such as regular and prolonged absences from home, may make a person more vulnerable. Cultures that encourage alcohol and drug use may make a person more vulnerable due to the disinhibiting effect of such substances.

Given the realities of life, where bereavement, relationship loss, financial pressure and job loss occur to almost everyone, the Committee considers the issue is less whether a particular workforce is more vulnerable and should therefore receive assistance, and more that every workforce should be seen as vulnerable and requiring assistance.

The need for legislative change

The existing legislative framework covering occupational health and safety in the mining and petroleum industries is currently under review, with proposals for significant legislative reform in the next year. Given that the current system is confusing and complicated, and runs the risk of a lack of clarity about which jurisdiction applies at which site, the Committee commends efforts to simplify and improve the legislative framework. The Committee has recommended four issues that should be addressed in any revision of the legislation, namely:

- The term ‘health’ should be defined in the legislation to include ‘mental health’. The term ‘hazard’ should be defined to include ‘psychological hazard.’
- FIFO accommodation facilities are not currently covered by the occupational safety and health provisions for individuals who are off-shift and residing in the facility. This should be changed to ensure that occupational safety and health provisions apply to FIFO workers off-shift in a residential facility. Changes to the law should ensure that a FIFO worker occupying or residing in FIFO accommodation is not exposed to risks to health and safety, including risks to mental health.
- The law must require all suicides and attempted suicides be reported by the mine manager to the Department of Mines and Petroleum (DMP), regardless of the mine location in which the suicide takes place or whether the suicide or attempt is considered to be ‘work related’.
- The law must require that the mine manager reports to DMP all deaths by any cause, which happen in any part of the mine site (including the accommodation facility), whether the worker is on- or off-shift.

The need for a Code of Practice on FIFO work arrangements

Given the extent of the FIFO system of work in Western Australia, the Committee calls for the development of a Code of Practice on FIFO work arrangements and its impact on workers’ mental health. A Code of Practice is needed because some of the characteristics of FIFO work arrangements may pose a risk to workers’ mental health.

Industry peak bodies have acknowledged that there are ‘challenges’ to working a FIFO role. Arguments have been made that some individuals are more suited to FIFO work arrangements than others. The Committee does not accept this suitability argument. If this argument is accepted as valid, it suggests that the solution to the ‘challenges’ posed by FIFO work practices is to screen for and recruit only those deemed suitable to handle those challenges. In the Committee’s view, this logic is akin to saying that the solution to the challenge of working safely at heights is to employ only those with exceptional balance, rather than addressing safety risks by providing harnesses and

safety railings. Rather than trying to screen for and recruit workers able to withstand the challenges of a FIFO role, industry's emphasis should be on tailoring FIFO roles to accommodate the mental health needs of workers.

The proposed Code of Practice on FIFO work arrangements would address those challenges and should include the following issues:

- Rosters: encouraging even-time rosters, and rosters that support mental health and wellbeing such as two weeks on, one week off, or the 8 days on, 6 days off roster. Rosters of greater compression than this can result in fatigue and pose significant risks to workers' mental health and wellbeing, and should be reduced.;
- Fatigue: including an explicit acknowledgement of the impact of fatigue on mental health;
- Workplace culture: through addressing mental health literacy and stigma;
- Bullying: the development of improved anti-bullying procedures and greater capacity for DMP to pursue and prosecute bullying claims;
- Acknowledging the impact of FIFO on personal relationships, including financial pressures and employment volatility, and their impact on personal relationships;
- Communication facilities: the Code should emphasise the need for high quality, reliable and accessible communications technology in FIFO accommodation villages, in order to facilitate worker communication with home;
- Accommodation facilities: including recreational facilities and accommodation practices. The use of 'motelling' practices should be minimised, and where possible, abolished; and
- The levels of control exercised over workers within accommodation facilities.

The report discusses the contracting model used at many resource sites, and where responsibility for worker health, safety and mental health sits within the hierarchy of contracted companies. The report draws attention to the importance of industry engaging with the state suicide prevention plan, and calls for leadership within the industry to embrace a commitment to mental health within their organisations. Training is needed at every level - for leaders, managers, supervisors and workers - to ensure that the industry is equipped to handle mental health issues within their teams and amongst their colleagues.

Programs that give families some insight into the daily reality of a FIFO worker's life on site are to be commended – either family induction programs or site visits for families. Equally, peer support programs and buddy systems provide an important support for

workers who may be hesitant to contact formal mental health assistance programs. The Committee commends onsite mental health supports as part of a mosaic of services, including onsite psychologists for large sites; employee assistance programs; and chaplains and other support staff trained in mental health.

The report calls for improved and consistent procedures for the evacuation of workers from site due to mental health concerns. It is important that workers are reassured by employers that a mental health evacuation does not necessarily mean that they will lose their job or be unable to return to site. These procedures should be included in the proposed Code of Practice. Equally, the Code of Practice should include a requirement for improved procedures for managing suicides and attempted suicides that occur on site or within the workforce.

The future of FIFO in WA

The report concludes by addressing the future of FIFO in Western Australia. The Committee acknowledges that some degree of FIFO will always be required to service off-shore and extremely remote resource sites. It enables the flexibility to staff worksites at short notice and for short periods. However, the Committee is concerned about the potential for FIFO work systems to become entrenched as the 'normal' work practice at resource sites, thereby reducing the possibility of workers being able to choose between FIFO and a residential option where it could be available. The Committee believes real choice is a worker being genuinely able to consider options around being a resident with their family in a local town, and/or to choose a lower (or higher) compression FIFO roster if it suited them better.

The report notes the impact of FIFO on both local host communities and source communities, and calls on the Department of State Development to develop a strategic plan for the decision-making process for the placement of FIFO accommodation camps. Such a plan must include consideration of workers' mental health and access to local communities, as well as a community impact assessment for local communities.

Research has demonstrated that FIFO as a work system is more prevalent in WA than anywhere else in the country. It impacts directly on the lives of approximately nine per cent of the community, and indirectly touches a much larger section of the WA community. This means that WA is uniquely placed to address the problems of FIFO and can lead the way in making it a more sustainable system of work. The challenge is to ensure that its continued usage and development is done in a way that minimises its negative impacts, and maximises its benefits for workers, community and industry.

The Committee has recommended that a Code of Practice on FIFO work arrangements should be developed to ensure that the main factors that impact negatively on workers' mental health are addressed. The Committee would like to see action that

modifies the system of work to take into account the mental health of workers, rather than attempting to profile or screen for workers who are 'tough enough' to withstand the challenges of FIFO. Ensuring the better integration of FIFO accommodation camps into local communities, and improved occupational safety and health coverage of the camps, will improve mental health and wellbeing, productivity, and ultimately the sustainability of the system.

The Committee asks government and industry to take a positive and proactive approach to the recommendations of this report, for the benefit of workers, community, industry and the state as a whole.

Ministerial Response

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Education and Health Standing Committee directs that the Minister for Mines and Petroleum, the Attorney General, the Minister for Mental Health and the Minister for State Development report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

Findings and Recommendations

Finding 1

Page 6

FIFO work practices are part of the Western Australian work system and touch many families in Western Australia. There is a concern amongst the general community that changes are needed to make FIFO work practices more amenable to family life and the mental health needs of workers.

Recommendation 1

Page 8

That the Department of Mines and Petroleum should establish and keep an annual count of the number of FIFO and DIDO (non-resident) workers within the resources industry in Western Australia.

Recommendation 2

Page 9

The Department of Mines and Petroleum should establish and keep an annual count of the number of resource workers employed on construction versus production in the resources industry, and the proportion working on FIFO work arrangements.

Finding 2

Page 11

That the WA Coroner should develop and implement a searchable database for use in monitoring trends in reportable deaths in the state. This would provide useful information for both suicide trends and prevention efforts, including by occupations, and for accidental death trends.

Recommendation 3

Page 11

That the Attorney General provide funding to the Coroner's Court of Western Australia to develop and implement a searchable database for recording and monitoring trends in reportable deaths in Western Australia.

Finding 3

Page 16

Given the difficulties of determining a reliable figure for FIFO suicide rates, and of determining a suitable state-wide rate, the Committee maintains it is not helpful to draw conclusions that the FIFO suicide rate is no higher than the general community.

Finding 4

Page 19

Research suggests that the prevalence rate of mental health problems amongst the FIFO workforce could be approximately 30 per cent, significantly higher than the national average of 20 per cent.

Finding 5**Page 21**

The Committee finds that there would be benefit in further independent research into the health and mental health impacts of FIFO (and DIDO) work and lifestyle factors, as well as the prevalence of mental health difficulties amongst FIFO (and DIDO) workers, and resource workers more broadly.

Recommendation 4**Page 21**

The Committee recommends that the Minister for Mental Health funds the Mental Health Commission to commission independent research into the mental health impacts of fly-in, fly-out work arrangements on workers and their families. Such research should involve:

- a range of different sites across the state, with different mining systems (i.e. underground, open cut etc.);
- both construction and production workers;
- a representative sample of workers in terms of occupational role (i.e. not biased towards professionals);
- workers on a range of roster compressions;
- a large (over 1,000) sample size;
- many different companies, including contractors;
- data gathering to include the impact on families; and
- a longitudinal focus.

Finding 6**Page 22**

The Committee finds that while further research would be welcome into the mental health of FIFO workers and the safety of FIFO work arrangements, current research demonstrating the problem must not be ignored, and work must be undertaken now to mitigate risk, rather than waiting for the outcomes of further research.

Finding 7**Page 31**

The Committee finds that the demographic features of the resource sector FIFO workforce mirror the groups within general society with an increased risk of mental illness. To ignore this demographic profile is to ignore a clear indicator that members of the FIFO workforce may be vulnerable in terms of mental illness.

Finding 8**Page 33**

The Committee finds that the demographic profile of the resource sector FIFO workforce reflects an increased risk of suicide compared to the general population as a whole.

Recommendation 5**Page 33**

The Committee calls on resource companies, and the industry's peak bodies, to acknowledge and respond to the demographic information available about the resources FIFO workforce, mental illness, and suicide risk. Ignoring the confluence of these factors places the lives of workers and their wellbeing at risk.

Finding 9**Page 37**

The Committee finds that a person does not need to have a diagnosable mental illness in order to consider suicide. People suffering from the stressful events of ordinary life may be vulnerable to suicide.

Recommendation 6**Page 37**

Companies and industry peak bodies must acknowledge that, regardless of contested demographic risk factors for heightened rates of mental illness and suicide, their workforce is vulnerable to suicide. Suicide is therefore a workplace hazard.

Finding 10**Page 41**

The current legislative framework for the oversight of worker safety at mine sites is confusing and complicated, and has the potential for duplication of effort and/or for a lack of clarity regarding which organisation has jurisdiction.

Finding 11**Page 47**

The Committee found that the occupational safety and health provisions of the *Mines Safety and Inspection Act 1994* do not, generally, apply to the workers who are off-shift and using the on-tenement accommodation for residential purposes.

Finding 12**Page 47**

The Committee finds that FIFO accommodation is qualitatively different to private accommodation, and is similar to a workplace. It should therefore be subject to the same occupational safety and health regulations as a workplace.

Finding 13**Page 48**

The Committee finds that the current legislative change process should bring the residential use of the accommodation facilities under the purview of the mines safety and health provisions.

Finding 14**Page 49**

The difference in protection provided by the *Mines Safety and Inspection Act 1994* to mine workers residing in on-tenement versus off-tenement accommodation is inequitable. The Committee considers that both sites are inadequately protected.

Recommendation 7**Page 50**

The Committee recommends that the Minister for Mines and Petroleum ensure that clause 19(4) of the national WHS Model Act, dealing with duty of care at accommodation facilities, be included in the Western Australia Work Health and Safety (Resources) Bill, to ensure that a FIFO worker occupying or residing in FIFO accommodation is not exposed to risks to health and safety, including mental health and wellbeing.

Finding 15**Page 51**

Emerging evidence that shows that mental health problems may be a concern for 30 per cent of the FIFO workforce will increase the state of knowledge cited in section 3 of the OSH Act, and therefore create duty of care responsibilities.

Finding 16**Page 54**

The Committee finds that all suicides and attempted suicides should be reported by the mine manager to the Department of Mines and Petroleum, regardless of the location in which the suicide takes place or the imputed motivation for such an attempt or actual suicide.

Recommendation 8**Page 54**

That the Minister for Mines and Petroleum ensure that a clause be included in the new Work Health and Safety (Resources) Bill that requires the mine manager to report to the Department of Mines and Petroleum all attempted suicides and suicides at any location at a mine, including within the accommodation facilities whether on- or off-tenement, regardless of the imputed motivation.

Recommendation 9**Page 54**

That the Minister for Mines and Petroleum ensure that the Department of Mines and Petroleum policy requires that every death notification received by the department is fully investigated, regardless of initial indications suggesting a suicide may not be related to work.

Recommendation 10**Page 55**

That the Minister for Mines and Petroleum ensure that a clause be included in the new Work Health and Safety (Resources) Bill that requires the mine manager to report to the Department of Mines and Petroleum any death, by any cause, which happens in

any part of the mine site (including the accommodation camp), whether the worker is on- or off-shift.

Finding 17

Page 57

The Committee finds that FIFO work arrangements are, in many instances, intrinsic to employment at a resources site. As such, FIFO work arrangements should be subject to a Code of Practice to limit the negative impact of such work arrangements on employees' mental health.

Recommendation 11

Page 57

That the Minister for Mines and Petroleum and the Department of Mines and Petroleum, in partnership with the Mental Health Commission, negotiate a Code of Practice with industry and other stakeholders that addresses FIFO work arrangements and their impact on employees' mental health.

Finding 18

Page 60

The Committee finds that there are significant questions about the safety of particular FIFO work practices in terms of mental health and wellbeing.

Finding 19

Page 62

The Committee found that there is a view amongst some in the industry that workers can be chosen on the basis of being 'suitable' for FIFO employment. The Committee finds that rather than trying to screen for and recruit workers able to withstand the challenges of a FIFO role, industry's emphasis should be on better managing mental health and wellbeing within the workplace.

Finding 20

Page 64

An argument is frequently made that FIFO construction workers tolerate working a higher compression roster (i.e. four weeks on, one week off) because of the short time periods of construction projects. It is important to note that construction workers often move from one construction project to another, and thus are continually exposed to high compression rosters.

Finding 21

Page 69

The roster compression that best supports mental wellbeing appears to be an even-time, or a two weeks on, one week off roster. The eight days on, six days off roster pioneered by FMG also has considerable advantages, including allowing workers to have every second weekend at home. Rosters that support mental wellbeing and family friendly rosters such as these should be encouraged.

Recommendation 12**Page 69**

That the Minister for Mines and Petroleum ensure the Code of Practice on FIFO work arrangements addresses the issue of rosters, with the aim of encouraging even-time rosters, and rosters that support mental health and wellbeing such as two weeks on, one week off, or the 8 days on, 6 days off roster. Rosters of greater compression than this can result in fatigue and pose significant risks to workers' mental health and wellbeing, and should be reduced.

Finding 22**Page 70**

There is some recognition by some resource companies that roster compression is critical in fatigue management. This recognition should extend to the impact of fatigue on mental health and wellbeing.

Recommendation 13**Page 71**

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes an explicit acknowledgement of the impact of fatigue on mental health, and controls for managing its consequences and impact.

Recommendation 14**Page 74**

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes a provision for the development of workplace cultures that are supportive of good mental health and wellbeing.

Finding 23**Page 77**

That a continued proactive approach by regulators is required with regard to assessing companies' complaints processes for bullying and harassment.

Recommendation 15**Page 77**

That the Minister for Mines and Petroleum ensures improved anti-bullying procedures be included in the Code of Practice on FIFO work arrangements, and that greater capacity be given to DMP to pursue and prosecute bullying claims.

Finding 24**Page 78**

That working a FIFO roster can increase strain in personal relationships, particularly within families.

Recommendation 16**Page 80**

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements emphasises the importance of providing high quality, reliable and accessible communications technology in FIFO accommodation villages.

Finding 25**Page 82**

The Committee acknowledges the importance of sound financial education for FIFO workers, particularly in the current volatile employment environment. Financial education should be included by companies in their onboarding/induction programs for all staff.

Recommendation 17**Page 84**

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes a provision requiring that Active Lifestyle Coordinators (or their equivalents) at FIFO sites receive training in mental health.

Recommendation 18**Page 89**

That the Minister for Mines and Petroleum ensure the Code of Practice on FIFO work arrangements requires the minimisation of motelling accommodation practices, and where possible, its abolition. The Code of Practice should also include measures to reduce the negative impacts of the practice of motelling.

Recommendation 19**Page 92**

That the Drug and Alcohol Office initiates an inquiry into possible harmful drinking habits and alcohol consumption of FIFO workers, and the impact on their mental health.

Finding 26**Page 94**

The inquiry found that accommodation facilities for FIFO workers are often self-contained, highly regulated and subject to considerable control measures. It is not clear that all control measures are required for worker health and safety. The Committee questions whether such high levels of control when workers are off-shift and in the accommodation facilities are necessary.

Recommendation 20**Page 94**

Industry should assess whether all of the controls applied to workers in the FIFO accommodation facilities are necessary in terms of health and safety. The level of appropriate control in the accommodation facilities should be addressed in the Code of Practice on FIFO work arrangements.

Finding 27**Page 98**

The Committee does not accept that principal companies are unable to influence work conditions such as roster compressions or motelling procedures within their agreements with contractor companies.

Finding 28**Page 98**

Many smaller contracting companies told the Committee that they would prefer to offer their staff lower compression rosters (such as 2 weeks on, one week off, or even-time rosters), but that they are unable to do so due to the terms stipulated by the company that let the contract.

Finding 29**Page 104**

The Committee would like to see industry peak bodies actively engaging with the WA suicide prevention plan: *Suicide Prevention 2020*.

Finding 30**Page 107**

The Committee finds that training for leaders, middle management and supervisors in mental health issues, prevention and management is crucial to improving the state of mental health awareness and response in the industry. Many managers are currently ill-equipped to manage mental health issues within their teams and organisations.

Recommendation 21**Page 108**

That the Mental Health Commission, in conjunction with industry and non-government organisations, develop a training program for managers and supervisors in the resources industry to address mental health issues, including suicide prevention and managing mental health problems amongst colleagues and workers.

Finding 31**Page 110**

The Committee considers that programs that provide greater understanding of mental health for FIFO workers and their families, would be a very useful initiative. The Committee would like to see the Mental Health Commission engage with beyondblue to develop dedicated mental health literacy and mental illness prevention programs for FIFO workers, their families and other resource workers. Such a program could be funded by suicide prevention funding.

Recommendation 22**Page 110**

That the Minister for Mines and Petroleum ensure that the Code of Practice on FIFO work arrangements include a requirement for training in mental health literacy for FIFO workers, their families and other resource workers.

Finding 32**Page 112**

The Committee finds that FIFO workers and their families should have access to an induction or on-boarding program to better prepare them for the realities of the FIFO lifestyle. Such programs should ensure that families are made aware of the support services available to them, including EAPs, parenting and family support programs, and contacts.

Finding 33**Page 113**

Due to the culture and male-dominated nature of the resources industry, many workers are hesitant to seek help for mental health issues, and may only contact a telephone employee assistance program when at crisis point. It is therefore important that a mosaic of services with multiple entry points is available to assist workers.

Finding 34**Page 115**

The Committee finds that peer based support programs such as Mates in Construction provide a useful support mechanism on sites, as well as assisting to break down stigma related to mental health issues.

Recommendation 23**Page 115**

A peer-based support program such as Mates in Construction should be implemented at all FIFO sites, for both construction and production workers.

Finding 35**Page 118**

The Committee considers that all staff with a role in providing mental health support to FIFO workers on site, including chaplaincy staff, should have mental health training.

Finding 36**Page 120**

There is a need for a clear minimum standard for the conduct of mental health evacuations from FIFO accommodation sites and mine sites.

Recommendation 24**Page 120**

That the Minister for Mines and Petroleum ensures that the Code of Practice on FIFO work arrangements include a requirement for consistent procedures for mental health evacuations across industry, to be developed in partnership with the Mental Health Commission and the Mental Health Law Centre.

Finding 37**Page 121**

It is important for companies to provide information to workers that demonstrates that a mental health evacuation from site does not necessarily mean the end of a person's employment.

Finding 38**Page 123**

Industry must develop clear and uniform procedures and policies for managing suicides and attempted suicides that occur on site, either in the workplace or in the accommodation facilities.

Finding 39**Page 123**

Managers and supervisors must be well trained in procedures to follow in the event of a suicide or attempted suicide. Such training should be practised as it is for other critical work incidents.

Recommendation 25**Page 123**

That the Minister for Mines and Petroleum ensure that the Code of Practice on FIFO work arrangements includes a provision requiring companies to have well developed policies in place to manage a suicide or suicide attempt within their workforce. The Mental Health Commission should be consulted in the development of such policies.

Recommendation 26**Page 124**

That the Mental Health Commission (Drug and Alcohol Office) conduct further research into the use of illicit drugs by FIFO workers, particularly the use of short-acting illicit and new synthetic substances, and the impact on mental health.

Finding 40**Page 135**

Some mining accommodation facilities are isolated from the local community which may be in close proximity, and interaction between the two may be highly regulated and controlled.

Finding 41**Page 135**

Where possible, FIFO workers should be encouraged and enabled to engage with the local host community. This has benefits for the mental health of workers, and for the local community.

Recommendation 27**Page 135**

Where possible, FIFO workers should be encouraged and enabled to engage with the local host community.

Recommendation 28**Page 135**

Mining companies should engage with local host communities to ensure that the placement of accommodation facilities brings benefits to local communities, as well as benefits to the mental health of workers.

Recommendation 29**Page 136**

That the Department of State Development investigate mechanisms to encourage resource companies to invest in providing workers the opportunity to reside in local communities in order to improve mental health.

Finding 42**Page 137**

Evidence to the Committee showed that living in a local community significantly benefits mental health and wellbeing. The Committee feels that these benefits of living in a community far outweigh considerations such as the possible impact of a 30 minute bus ride to the worksite.

Recommendation 30**Page 138**

The Department of State Development should develop a strategic plan for the decision-making process for the placement of FIFO accommodation camps, which must include consideration of workers' mental health and access to local communities. Such a plan should include a community impact assessment.

Chapter 1

The inquiry into the mental health impact of FIFO work practices

This chapter provides an introduction to the inquiry process, outlines the definitions used throughout the report, and details the public concern regarding FIFO mental health.

Background to the inquiry

This inquiry began after reports emerged in the media in mid-2014 that suggested that nine fly-in, fly-out (FIFO) workers had taken their own lives in the immediately preceding 12 month period.

Prompted by the public debate that these media reports inspired, a motion was moved by the Leader of the Opposition, Hon Mark McGowan MLA, and debated in the Legislative Assembly on the impact of FIFO work arrangements on individuals' mental health. At the conclusion of that debate in August 2014, the Legislative Assembly required the Education and Health Standing Committee (the Committee) to conduct an inquiry into the possible mental health impacts arising from FIFO work arrangements. The terms of reference for the inquiry, as agreed between the Legislative Assembly and the Committee, can be found in Appendix one.

The process of the inquiry

The Committee was acutely aware of the importance of these issues, and the level of urgency and public interest in the inquiry. It therefore resolved to table a preliminary report prior to the end of the 2014 parliamentary sitting year. That report, *Shining a Light on FIFO Mental Health: A Discussion Paper*, was tabled on 27 November 2014.

Prior to the publication of the discussion paper, the Committee sought input from a range of interested parties. The inquiry was advertised widely within Western Australia and a direct request for submissions was made to a number of bodies representing workers, the resources sector and government. At that stage of the inquiry, the Committee received 70 submissions, details of which can be found at Appendix three.

Due to the sensitive nature of the issues in question, and some concerns regarding privacy and the potential for repercussions, the Committee resolved to keep private all submissions from individuals detailing personal circumstances. However, specific cases were published with the individual's approval. The Committee received many

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submissions from individuals detailing the issues with which they or their families had struggled. This information was very valuable and informed the Committee's deliberations and conduct of the research for this inquiry, but it has been kept confidential as a closed submission. In a small number of cases, companies also requested that specific details of their submissions be kept confidential, and the Committee gave an undertaking to treat this information as closed evidence.

Prior to the publication of the discussion paper, the Committee conducted 12 hearings with a broadly representative selection of those who made submissions to the Committee in the first round. Full details of these hearings can be found at Appendix four.

The Committee decided to use the publication of the discussion paper as an opportunity to invite interested parties to interact with, and respond to, the evidence provided to the inquiry in the first round. The Committee received a second round of 63 submissions, bringing the total number of submissions to the inquiry to 133. Details of these are also available at Appendix three.

The Committee felt that it was important for members to have the opportunity to visit several FIFO camps to observe the FIFO lifestyle. Accordingly, in the first week of February 2015, several members of the Committee flew to Karratha, and then visited Chevron's Gorgon Project on Barrow Island, the Chevron Wheatstone site, BHP Billiton's Yandi site, and Rio Tinto's Wickham facilities. The visit included staying overnight in Rio Tinto's FIFO accommodation in Wickham. The Committee also met with a range of stakeholders and community groups during the research trip.

The Committee conducted a further 14 hearings and briefings in the second stage of the research. Several of these were held as closed briefings, to enable people to speak freely to the Committee. This brings the total of hearings and briefings to 26, the details of which are available at Appendix four.

The Terms of Reference for the inquiry

The Committee received substantial feedback during the course of this inquiry regarding the fact that mental health problems and mental illness are community-wide issues. They affect the entire community, and solutions to these problems often need to be driven by community-wide initiatives. Some submitters criticised the Committee's focus on FIFO and stated that the inquiry should have a much broader focus.

It is true that mental health is an issue that affects the entire community, and that some of the programs and policies to address it need to have a community-wide focus. However, the Committee was not asked by the Legislative Assembly to examine mental health at a community level. The Committee was restricted by the scope of the motion

passed in the Legislative Assembly which required that the inquiry focus on the mental health impacts of FIFO work practices.

While mental health at a community level may well be an entirely valid inquiry to be conducted at a later date, this Committee was asked by the House to specifically examine FIFO mental health. The Committee is a creation of the Legislative Assembly, and as such, is obliged to take into consideration the House's request in the conduct of the inquiry. For these reasons, the inquiry has remained focused on the issues as identified in the terms of reference.

Preliminary matters

At the outset of this report, the Committee would like to highlight several relevant points.

The first is that this report is written largely from the point of view of the situation of on-shore FIFO mine workers, rather than off-shore oil and gas workers. This is in part due to the preponderance of numbers of mine and on-shore petroleum workers versus off-shore petroleum workers. DMP advised that in February 2015, there were 106,083 on-shore mine and petroleum workers (this equates to 89,155 full time equivalent (FTE) positions) compared with 187 FTE off-shore petroleum workers.¹ It is also partly because the expansion of FIFO has seen much larger developments of FIFO arrangements amongst the mining industry, whereas the off-shore oil and gas industry has to a large extent always relied upon FIFO arrangements. This is not to downplay the importance of the experience of off-shore oil and gas FIFO workers, or to suggest that this part of the industry is free of issues. While the circumstances of the site may be slightly different, many of the issues are similar. The Committee hopes that the initiatives recommended in this report will in fact improve the situation for all FIFO workers, regardless of the work destination to which they fly.

The Committee also holds concerns for workers who fly out of Australia to work at overseas resource sites. However, other than a small number of personal submissions from individuals working under these arrangements, the Committee received very little information regarding this work system. The Committee is concerned that for these workers, the time away may be longer, the work environment may be less safe, and the safeguards and supports available may be fewer. Unfortunately this was not an area the Committee was able to focus on during this inquiry, in part because of time constraints and jurisdictional complexities. It is to be hoped that companies that employ Australian workers to do fly-in fly-out work to overseas locations will take into

1 Note that these numbers do not include staff at Major Hazard Facilities (MHF), which are currently under the jurisdiction of WorkSafe. Submission no. 131 from Department of Mines and Petroleum, 4 May 2015, p. 2.

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account the recommendations from this report to improve the situation of their employees.

Definitions

The discussion paper outlined the definitions the Committee used for several terms that have been central to this inquiry. These definitions are reiterated below for ease of reference:

Mental Health: the World Health Organisation (WHO) defines mental health as a state of wellbeing in which the individual realises their own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to their community. The Committee uses the term in the same sense.

Mental Health Problem: as defined by the Mental Health Commission, the Committee understands a mental health problem to mean a problem that affects how a person thinks, feels, and behaves, but to a lesser extent than a mental illness.

Mental Illness: is defined in the *Western Australian Mental Health Act 2014* as a condition that is characterised by a disturbance of thought, mood, volition, perception, orientation or memory that significantly impairs (temporarily or permanently) the person's judgement or behaviour.

Mental Disorder: is defined by the WHO as:

*a range of mental and behavioural disorders that fall within the International Statistical Classification of Diseases and Related Health Problems, Tenth revision (ICD-10). These include disorders that cause a high burden of disease such as depression, bipolar affective disorder, schizophrenia, anxiety disorders, dementia, substance use disorders, intellectual disabilities, and developmental and behavioural disorders with onset usually occurring in childhood and adolescence, including autism.*²

Mental Health as a spectrum: The Committee accepts the point that mental health and mental illness are not two distinct categories that exist separately from each other like black and white. Rather, mental health is a sliding scale, much like physical health. Good mental health and wellbeing exists at one end of the spectrum, with severe mental illness existing at the other end. A person can move from one point to another along the scale, moving towards better mental health at some points in time, and towards poorer mental health at others.³

2 World Health Organization, 'Mental Health Action Plan: 2013-2020', Geneva, 2013, p. 6.

3 Submission No. 68 from This FIFO Life, 16 November 2014, p. 1.

Committee's role and the role for industry

The Committee acknowledges that its usual role is to make recommendations to government. However, for this inquiry, the Committee was tasked to examine the current initiatives by industry and community, as well as government, and to recommend improvements. Many of the initiatives recommended in this report will need to be implemented by private companies and industry bodies. The Committee has focussed on ways to ensure that a government agency takes carriage of bringing improvement, but would like to see industry accept responsibility for these matters.

This inquiry has already sparked discussion and reflection on the issues of mental health amongst resources workers, and reviews of the relevant policies. Many companies have found a renewed focus on mental health as a result of the inquiry, as have the peak bodies of the industry. The Committee is confident that industry can make improvements in addressing the issues around mental health and its consequences, particularly within the work and accommodation environments. The Committee has this confidence because of the progress industry has made in addressing physical health and injury, and the advances in reducing physical morbidity and mortality. The Committee would like to see industry make the same progress in the mental health sphere.

Continuing public concern regarding FIFO work arrangements

The Committee notes the high level of interest from the community in this inquiry. The inquiry received many submissions (133 in total) and phone calls from individuals who wanted to be heard but did not wish to make a submission. The issue continues to attract considerable media coverage.

It is clear that many people within the community continue to be concerned about the impact of FIFO work arrangements, both on the mental health of the workers, and on families.

As discussed in greater detail in chapter two, it has been difficult to get a clear statistic on the number of FIFO workers. Using the best estimate the Committee found, there are roughly 60,000 FIFO workers in Western Australia. This means that approximately 60,000 families are also impacted by FIFO work arrangements. If it is assumed that each FIFO worker has three direct family members (e.g. parents, siblings, or partner, children etc.) this means a family of four on average for each worker. This would result in approximately 240,000 members of the WA community being directly impacted by FIFO. With a population of 2,589,000 in September 2014,⁴ this means that approximately 9.3 per cent of Western Australia's population is directly impacted by

4 Australian Bureau of Statistics, *Australian Demographic Statistics September 2014*, Canberra, 26 March 2015. Available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0>. Accessed on 7 May 2015

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FIFO work arrangements. The Committee acknowledges that this figure is based on a range of assumptions as laid out in this paragraph, but it does go some way to illustrating the extent of the impact of FIFO on the Western Australia population.

The degree of concern amongst the community reflects the broad impact of this form of work system.

The Committee notes that this is the second Parliamentary inquiry into the FIFO system of work in recent years. The Commonwealth Parliament's House Standing Committee on Regional Australia conducted its 'Inquiry into the use of 'fly-in, fly-out' (FIFO) workforce practices in regional Australia', and tabled a report in February 2013.⁵

A further inquiry has been launched in the Queensland Parliament, to be carried out by the Infrastructure, Planning and Natural Resources Committee. This inquiry includes in its terms of reference 'the health impacts on workers and their families from long-distance commuting, particularly mental health impacts, and the provision of health services in mining communities,' and 'the effects on families of rostering practices in mines using FIFO workforces.'⁶

The Committee considers that the degree of attention on this form of work system is a reflection of the concerns amongst the community. The Committee hopes that the Government of Western Australia will take on board the issues and recommendations identified in this report, and acknowledge the need for action and change in this area.

Finding 1

FIFO work practices are part of the Western Australian work system and touch many families in Western Australia. There is a concern amongst the general community that changes are needed to make FIFO work practices more amenable to family life and the mental health needs of workers.

5 House of Representatives, House Standing Committee on Regional Australia, *Cancer of the bush or salvation for our cities? Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia*, Parliament of Australia, Canberra, 13 February 2015.

6 Infrastructure, Planning and Natural Resources Committee, *Fly in, fly out and other long distance commuting work practices in regional Queensland*, Queensland Parliament. Inquiry webpage address: <http://www.parliament.qld.gov.au/work-of-committees/committees/IPNRC/inquiries/current-inquiries/FIFO>.

Chapter 2

Statistics and research

This chapter explores some data issues encountered by the inquiry, including gaps in data on the number of FIFO workers (both construction and production workers), the lack of available suicide statistics for FIFO workers, and the prevalence of mental health problems amongst the FIFO workforce.

The Committee sought statistics to establish whether claims made to it had substance. The difficulty in obtaining clear data in a number of key areas is outlined below.

The number of FIFO workers

The Committee was unable to obtain definitive numbers for workers employed in the resources industry on a fly-in, fly-out basis. DMP advised that ‘it is not a requirement for industry to report the number of workers on various types of work arrangements, such as FIFO, DIDO [drive-in, drive-out], residential, and remote area.’⁷ This is surprising given independent research which found, ‘FIFO is more prevalent in Western Australia than any other state or territory due to its abundance of mineral resources.’⁸

Ms Nicole Roocke from the Chamber of Minerals and Energy (CME) advised the Committee that in November 2014 there were approximately 102,300 workers in the resources sector in WA, of which approximately 67,000 were employed via fly-in, fly-out (FIFO) arrangements, doing both construction and operational work.⁹ Since then, there have been many reports in the media of redundancies in the resource sector. The Committee sought further information on the impact of these redundancies and an updated total figure of FIFO workers. In April 2015, the Committee was advised by the CME that, based on the latest Australian Bureau of Statistics data and information gathered by the CME, the estimate of FIFO workers had dropped to approximately 60,000.¹⁰

The Queensland Treasury’s Statistician’s Office produces annual figures of the number of FIFO resource workers on-shift in relevant areas of Queensland at a particular time.

7 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 2.

8 Henry, P., Hamilton, K., Watson, S., Macdonald, N., Sellenger Centre for Research in Law, Justice and Social Change, Edith Cowan University, *FIFO/DIDO Mental Health Research Report 2013*, Lifeline WA, 2013, p. 24.

9 Ms Nicole Roocke, Deputy Chief Executive, Chamber of Minerals and Energy of WA, *Transcript of Evidence*, 5 November 2014, p. 5.

10 Ms Adrienne LaBombard, Chamber of Minerals and Energy of WA, Electronic Mail, 15 April 2015, p. 1.

Chapter 2

The information is obtained by conducting a census of all accommodation providers and resource companies in the relevant regions, which counts the number of FIFO/DIDO workers who are on-shift in each area during the last week of June.¹¹

In Western Australia, the Department of Mines and Petroleum (DMP) is best placed to undertake a similar census. In a submission to the Committee, the DMP stated that:

*[i]ndustry is required to report to DMP on the number of workers, their total hours worked, and accident/incident information. DMP records and analyses this data to track safety and health performance and accident trends. It is not a requirement for industry to report the number of workers on various types of work arrangements, such as FIFO, DIDO, residential, and remote area. If this requirement is proposed, further consultation should be undertaken regarding cost effective implementation.*¹²

Given the requirements that already exist for industry to report to DMP on the total number of workers and their hours worked, it does not appear especially onerous to require companies to also report on the number and/or proportion of their workforce that works under FIFO and/or DIDO arrangements. The Committee considers that DMP, as the regulator of the industry, should have this information in order to ensure that its policy development processes are properly informed, and that it is able to conduct its regulatory duties adequately. The Committee considers that it would be appropriate for DMP to keep at least an estimate of the number of FIFO (and DIDO) workers within the resources industry in Western Australia.

Recommendation 1

That the Department of Mines and Petroleum should establish and keep an annual count of the number of FIFO and DIDO (non-resident) workers within the resources industry in Western Australia.

The Committee also sought advice from the CME as to the number of workers employed in construction at mine sites versus production. The CME advised that:

*...around 60 per cent of the resources sector who do work in operations do fly in, fly out, whereas around 80 per cent of those working in the resources sector doing construction do fly in, fly out.*¹³

11 Mr Peter Hutson, Principal Analyst, Queensland Government Statistician's Office, Electronic Mail, Queensland Treasury, 20 March 2015. For sample report, see <http://www.ggso.qld.gov.au/products/reports/index.php>.

12 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 5.

13 Ms Nicole Roocke, Deputy Chief Executive, Chamber of Minerals and Energy WA, *Transcript of Evidence*, 5 November 2014, p. 3.

However, the CME was unable to advise the total number of employees working in construction or production in April 2015, meaning that the Committee does not have a breakdown of the number of construction or production workers doing FIFO.¹⁴ This information should also be collated by DMP.

Recommendation 2

The Department of Mines and Petroleum should establish and keep an annual count of the number of resource workers employed on construction versus production in the resources industry, and the proportion working on FIFO work arrangements.

Suicide statistics

Another area of statistical uncertainty relates to a matter that served as one of the triggers for this inquiry – namely, the number of suicides by FIFO workers in the resources sector. In mid-2014, media coverage and other reports suggested that there had been nine suicides by FIFO workers within 12 months. The Committee has not been able to identify the nine reported cases.

The difficulties around recording suicides amongst the FIFO population are many and varied. Initially, the Committee expected to be able to obtain such information from the DMP. However, the Committee discovered that DMP is not a central repository of information for such cases. This matter is detailed further in Chapter four of this report which deals with regulation, but the Committee has discovered a lack of a clear regulatory requirement for the reporting of non-work-related suicides. This has led to confusion over whether suicides that occur in the FIFO accommodation facilities should be reported to the Department. The legislation and policy is clear that injuries and deaths that occur on the worksite must be reported to DMP, but there is no such clarity around injuries and deaths that occur to off-shift workers in the accommodation facilities. As Chapter four of this report makes clear, there are several areas of jurisdictional overlap and confusion.

Linked to this was confusion amongst some companies regarding whether suicide attempts needed to be reported to DMP.¹⁵ The Committee feels that DMP should have a clear policy that requires all companies, whether mine owners, contractors, or accommodation providers, to report both attempted suicides and suicides to the department. DMP should keep a central account of all such events so that statistics are available for such incidences across the industry in Western Australia. See Chapter four for a further discussion of this issue.

14 Ms Adrienne LaBombard, Chamber of Minerals and Energy of WA, Electronic Mail, 15 April 2015, p. 1.

15 One company advised the Committee during a hearing that it was unaware of any requirement to report attempted suicides to DMP, and that privacy concerns would constrain it from providing that information to the regulator.

Chapter 2

Since the release of the discussion paper in November 2014, the Committee sought data from additional sources to gain clarity around the numbers of attempted suicides and suicides amongst FIFO workers. The Committee sought information from WA Police regarding the number of reportable deaths that occurred during a five year period at remote mine sites. WA Police advised the Committee that ‘it is practice for WA Police officers to physically attend the incident scene and commence a coronial investigation into the death in all instances, irrespective of remoteness of location.’¹⁶ Despite this, WA Police was unable to provide the Committee with details of the number of suspected suicides or reportable deaths over an identified period, and referred the Committee to the Coroner’s Court of Western Australia (WA Coroner’s Court).

As reported in the discussion paper, the Coroner was able to provide initial information relating to the number of suicides by persons working FIFO occupations for each financial year between 2008–2009 and 2013–2014.

Table 2.1: Data from the State Coroner on reported instances of suicide amongst FIFO associated occupations¹⁷

Financial year	Occupation associated with FIFO	‘FIFO’ contained in record*
08-09	4	3
09-10	0	0
10-11	4	1
11-12	9	1
12-13	7	1
13-14	0	0
Total	24	6

*Note that the data in this column is a subset of the data in the ‘occupation associated with FIFO’ column.

The Coroner acknowledged that due to the following factors, there may be a likelihood of **under-reporting** of results:

- Accuracy and detail of information provided in case documentation;
- Rate of Document Attachment for each case (particularly for cases 2013–2014);
- Accuracy and detail of information provided in the National Coronial Information System (NCIS) ‘Occupation Code’ / ‘Occupation Text’ Field.¹⁸

This data was sourced from the NCIS, as the WA Coroner’s Court has a case management system that is case specific and does not have the facility to run text searches or complex data sets.¹⁹

16 Submission No. 47 from Western Australia Police, 19 September 2014, p. 2.

17 Submission No. 9 from Coroner’s Court of Western Australia, 22 September 2014, pp. 2-3.

18 Ibid., p. 2.

The Committee was advised that the state coroner's current database only allows searches to be done on a specific case, not on multiple cases with common themes. Given the importance of such information to inquiries such as this one; to public health and preventative initiatives; and to broader research, it is vital that the WA Coroner has easy access to this form of information.

The Committee is of the opinion that the WA Coroner should be able to monitor trends in reportable deaths in the state without being dependent on a national database (the NCIS). This is especially important as WA Police appears to be unable or unwilling to provide this form of information. The Committee notes recent media coverage of suicides amongst emergency service workers (particularly ambulance staff) and amongst Australian Defence Force staff. There have been calls for inquiries into both cases. Any inquiry established along these lines will inevitably find itself requesting information from the Coroner, and will most likely encounter the same problem that the Committee has found.

Finding 2

That the WA Coroner should develop and implement a searchable database for use in monitoring trends in reportable deaths in the state. This would provide useful information for both suicide trends and prevention efforts, including by occupations, and for accidental death trends.

Recommendation 3

That the Attorney General provide funding to the Coroner's Court of Western Australia to develop and implement a searchable database for recording and monitoring trends in reportable deaths in Western Australia.

The Committee sought further information from the Coroner in relation the number of reportable deaths that occurred at remote mine sites in Western Australia over the period financial years 2011–2015. A reportable death is defined under section 3 of *The Coroners Act 1996* as:

*...a Western Australian death – (a) that appears to have been unexpected, unnatural or violent or to have resulted, directly or indirectly, from injury...*²⁰

Suicides will obviously form a smaller subset of all reportable deaths. The Committee received a response from the State Coroner which included a report prepared by the NCIS.

19 Submission No. 9 from Coroner's Court of Western Australia, 22 September 2014, p. 1.

20 *The Coroners Act 1996* (Western Australia).

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The report from the NCIS showed that for the financial years 2011–2012 to 2014–2015, there was a total of 27 deaths at a mining location in Western Australia or the associated accommodation facilities. All of these deaths were men.

Table 2.2: Number of reportable deaths at mine sites by year.²¹

Year of death	Number
2011–12	8
2012–13	1
2013–14	13
2014–15	5

The NCIS report showed that 15 of the 27 deaths were due to ‘natural causes’, and 12 were due to ‘external causes’. Of the 12 deaths attributed to external causes, eight were found to be ‘unintentional’, and four were found to be ‘intentional self harm’.²²

Table 2.3: Reportable deaths by cause: 2011–2015²³

Cause of death	Number of deaths
Reportable deaths by natural causes	15
Reportable deaths by external causes	12
(unintentional)	(8)
(intentional self-harm)	(4)
Total reportable deaths	27

The Committee provided the full report to DMP and sought the Department’s response to the figures. The Committee was interested to know how many deaths had been reported to DMP in the same period, and how many had been subsequently investigated by the regulator. The Committee also asked DMP for the reasons why any deaths that had been reported to DMP were not subject to an investigation.

DMP provided further information to the Committee on the number of deaths reported to it for the same period.

21 Submission No. 120 from Office of the State Coroner, Western Australia, 1 April 2015, attachment 1.

22 Ibid.

23 Ibid.

Table 2.4: Deaths (by any cause) at mine sites (interpreted to include accommodation facilities on a mining tenement) reported to DMP for the period FY2011–2015

	Work-related deaths	Non-work related deaths (suicide)	Total
1 July 2011 – 30 June 2012	2	0	2
1 July 2012 – 30 June 2013	0	4	4
1 July 2013 – 30 June 2014	5	15	20
1 July 2014 – 30 March 2015	2	6 (2)	8
Total	9	25 (2)	34

DMP advised that of the 25 non-work related deaths, two were found to be suicides by mine workers, both of which were not considered to be work related, and both of which occurred and were reported to DMP after this Committee’s inquiry commenced in August 2014.²⁴

DMP advised that these totals differ from those in the Coroner’s submission to the Committee because:

- Prior to 2013, DMP was not receiving many reports from mine sites if deaths were determined to be non-work related, including death by natural causes. To address this issue, DMP implemented procedures which included a formal request for information on non-work related deaths.
- Some sites (e.g. parts of ports, such as mineral facilities at Bunbury and Port Hedland ports) are defined as a mining operation under DMP’s legislation, but may not be regarded as mines by the Coroner in NCIS.
- The suicides may have occurred outside DMP jurisdiction (e.g. away from the mine site, or at home).²⁵

A comparison between the statistics provided by the State Coroner, NCIS and DMP shows that at least three suicides occurred during the period in question where the worker was FIFO and the death was confirmed as a suicide by the Coroner, that were not reported to DMP (i.e. in 2010–11, 2011–12 and 2012–13). The State Coroner’s information suggests that the numbers for these years could be as high as four in 2011, nine in 2012, and seven in 2013, if those identified as working in occupations associated with FIFO are included (see table 2.1).

The Department advised the Committee that all deaths which were notified to DMP were investigated by DMP. The Department explained its policy as follows:

²⁴ Submission No. 127 from Department of Mines and Petroleum, 22 April 2015, p. 2.

²⁵ Ibid.

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DMP regulates workplace health and safety in the resources industry. Mental health incidents which are not work-related are outside the department's jurisdiction. Despite this, DMP investigates all WA resources industry deaths, to determine whether there is any causal link to the workplace, such as bullying, fatigue, etc. The type of investigation depends on whether it is work-related or non-work related.

Work-related death: an investigation of a death associated with a work-related accident involves multiple site visits, collection and scrutiny of all relevant documentation, and interviews with all persons of interest. The investigation report is subject to legal review and may result in a person or company being charged with a criminal offence. If there is no prosecution, the report is provided to the State Coroner, who may decide to hold an inquest.

Non-work related death: Investigation would involve a site visit or a telephone discussion with the site manager (and sometimes with the WA Police who attended). The site would be required to provide a standard set of information, and once the cause of death had been confirmed by autopsy, the case would be closed.²⁶

The Committee is reassured by the information that DMP investigates (to some extent) all deaths that are reported to it. However, it remains concerned that some deaths have not been reported to DMP, and therefore were not investigated. This issue is discussed at some length in Chapter five.

Based on the information summarised above, the Committee is unfortunately not able to provide a definitive summary of the number of suicides carried out by FIFO workers during the period in question. The Committee hoped to have been in a position to provide some certainty on this issue. However, the variable statistics available are so diverse that it is not possible to be definitive.

The Committee believes that it is important for a designated government entity to be a central repository of information for these issues. It is not sufficient for that central repository to be the Coroner, because the Coroner has no responsibility for the conduct of the industry, nor the development of policy relevant to the industry. The appropriate regulator of the industry must have access to this information. Without it, its role as the regulator is compromised.

Additionally, appropriate record keeping of suicides amongst the resources industry workforce would assist in the development of suicide prevention policy. The

26 Submission No. 127 from Department of Mines and Petroleum, 22 April 2015, p. 2.

Committee notes with interest a recent press report that the Australian Defence Force is compiling a database which will collate suicide figures amongst serving and former personnel dating back to the end of the Vietnam War.²⁷ The data obtained from this exercise will be provided to government suicide prevention programs. The Committee commends initiatives such as these, and feels that better reporting to DMP and comprehensive record keeping could be used to provide similar information to suicide prevention initiatives regarding FIFO workers, who make up a considerable subsection of the population.

A final issue relating to suicide statistics that emerged in response to the discussion paper was the difficulties of making any comparison between rough estimates of FIFO suicide rates and the suicide rate for WA as a whole. Lifeline articulated this problem as follows:

*A number of industry groups have made comparison between the overall suicide rate in Western Australia and the estimated suicide rate in the FIFO worker cohort. Lifeline WA suggests that this comparison is not useful for two reasons. Firstly, Western Australia's suicide rate is influenced heavily by aboriginal suicides. If aboriginal suicides were removed from the WA data set, the rate would be materially lower: if a comparison to be in any way useful, it is this lower suicide rate that should be taken as the comparator. Secondly, the FIFO worker group is a relatively small population size and, therefore, statistically problematic when considering suicide rates.*²⁸

This point was also raised by Dr Paul Pule of the FIFO Australia Centre for Excellence, during a hearing:

*...keep in mind that when you look at those ABS statistics, they include the rural and remote Indigenous populations, which we know have very high suicide risk comparatively. So those statistics are a little bit skewed.*²⁹

Given the difficulties of even identifying a reliable figure for FIFO suicide rates, and the issues raised by Lifeline, it is clear that any suggestion of comparing purported FIFO rates with the state average is problematic. The Committee has therefore refrained from making any conclusions based on such a comparison.

27 Sedghi, S., 'ADF database to collect suicide figures from 1970s onwards to help tackle self-harm rates', *ABC News*, 8 April 2015. Available at <http://www.abc.net.au/news/2015-04-08/new-database-to-help-tackle-suicide-rates-within-adf/6377942> . Accessed on 8 April 2015.

28 Submission No. 94 from Lifeline WA, 29 January 2015, p. 5.

29 Dr Paul Pule, Director, MenAlive and FIFO Australia Centre for Excellence, *Transcript of Evidence*, 11 March 2015, p. 3.

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Finding 3

Given the difficulties of determining a reliable figure for FIFO suicide rates, and of determining a suitable state-wide rate, the Committee maintains it is not helpful to draw conclusions that the FIFO suicide rate is no higher than the general community.

The prevalence of mental health problems amongst FIFO workers

There is a great deal of research that has been done that attempts to address the prevalence of mental health problems and mental illness amongst FIFO workers. Different conclusions have been reached by different studies. Chapter four of the Committee's discussion paper discussed the various sources and research at length, so it is not the intention of this report to repeat that information. Yet it is clear that considerable reliable research exists which can provide useful input into this inquiry.

Many industry stakeholders responded to the discussion paper by emphasising the need for further research on FIFO workers' mental health before action could be taken. For example, the Association of Mining and Exploration Companies (AMEC) stated:

AMEC supports the Inquiry's finding that there is a lack of quality research on the impact of FIFO on the mental health of the workforce. The outcomes from relevant and robust research will increase awareness and provide a greater understanding of the issues, and provide a base from which to develop any associated remedies.³⁰

The Australian Mines and Metals Association (AMMA) went further, stating:

What stands out...is the distinct lack of robust factual and reliable data on which any reliable conclusions could be reached on the prevalence of mental illness for Western Australian FIFO workers. For the Committee's report to provide any reliable basis for the ...Parliament to consider the important concerns raised, any final findings and recommendations must be based on reliable and factual data. In the absence of such a sound evidentiary foundation upon which reliable analysis would be based, the Committee should avoid making premature or prejudicial conclusions or policy recommendations...Caution needs to be exercised in relation to some of the anecdotal and so called experiential contentions being advanced by stakeholders that may have alternative industrial agendas.³¹

Several identifiable shortcomings in the methodology of some of the research conducted on FIFO worker mental health were cited in submissions. These included:

30 Submission No. 88 from Association of Mining and Exploration Companies, 29 January 2015, p. 1.

31 Submission No. 92 from Australian Mines and Metals Association, January 2015, pp. 1-2.

- Small sample sizes;
- Qualitative rather than quantitative research;
- Anecdotally based;
- Sampling bias; and
- Extrapolations from other sources and types of work or industries.

In the second round of information provided to the inquiry, several research reports were highlighted to the Committee that provide robust factual and reliable data on the prevalence of mental illness amongst WA FIFO workers. These studies suggest that approximately 30 per cent of FIFO workers may be experiencing mental health difficulties.

The first of these was 'Digging for Gold and Coming Up Blue: a Health Survey in the Mining Industry', which was published in 2010. This report was based on a health screening survey conducted with 591 workers from a goldmine in WA. The survey investigated lifestyle and work-related health risk factors, including depression, anxiety, stress and alcohol consumption. The study was not focused specifically on FIFO (approximately 32.5 per cent of the surveyed workforce was FIFO) and showed:

...rates of smoking, diabetes, depression and anxiety were higher than respective national rural and remote state figures. Frequent and high levels of work-related stress and personal stress were significantly associated with harmful drinking, depression, anxiety and stress, even after adjusting for a number of independent variables. The results suggest that the psycho-social working environment in the WA mining industry is challenging and may be responsible for the high rates of mental health issues observed in [the] study.³²

The second piece of research brought to the Committee's attention was from the Australasian Centre for Rural and Remote Mental Health (ACRRMH). The ACRRMH Wellbeing and Lifestyle Survey 2012–2014 had a sample size of 994 with a response rate of 99.2 per cent (90 per cent male and nine per cent female).³³ The study found that 'the estimated prevalence of mental distress ranges from 26% to 33% across four of the six sites undertaking underground and open cut mining and construction, which

32 Velandar, F., Schineanu, A., Liang, W., and Midford, R., 'Digging for Gold and Coming Up Blue: a Health Survey in the Mining Industry', *Australian and New Zealand Journal of Health, Safety and Environment*, vol. 26(5), 2010, p. 1.

33 Submission No. 118 from Australasian Centre for Rural and Remote Mental Health, 25 February 2015, p. 8.

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is significantly higher than the national average of 20% (ABS 2007).³⁴ The ACRRMH concluded from its study that the results 'support the conclusion that significantly higher levels of psychological distress than the national average are prevalent on the sites involved in the study.'³⁵

What both of these pieces of research conveyed to the Committee was the high levels of stress, anxiety and depression amongst resource workers. Both studies found higher rates of mental distress amongst resource workers than the national average, and in the case of the Velandar study, higher than the rural and remote figures.

The Lifeline Report, quoted by many different submitters throughout this inquiry, also found significant levels of distress:

*...this research also demonstrated that compared to the general population there is a higher prevalence of psychological distress and a greater likelihood of psychological disorder incidence amongst FIFO workers. Collectively, 30% of this sample evidenced a likelihood of having a psychological disorder and a significant number adopted poor coping mechanisms such as reliance on stimulant drinks, illicit drugs and alcohol. Workers also coped by suppressing problems and burying themselves in work.*³⁶

The Lifeline report involved a survey of 924 FIFO workers, and in-depth interviews with 18 FIFO workers, and is a sufficiently large sample to provide reliable results.

Another study conducted by a researcher at Edith Cowan University (ECU), Ms Philippa Vojnovic, found that 28 per cent of the sample of FIFO workers showed significant signs of depression. This survey involved a sample of 629 FIFO workers from 143 different resource companies around the state. According to press reporting of the research, 'participants' scores were above the clinical cut-off levels for symptoms of Depression (28.3%), Anxiety (22.3%) and Stress (19.4%) and also substantially higher than the general population (13%).³⁷

The results of the ACRRMH, Lifeline and ECU studies suggest that mental health difficulties affect approximately 30 per cent of FIFO workers. All three studies were

34 Submission No. 118 from Australasian Centre for Rural and Remote Mental Health, 25 February 2015, p. 8.

35 Ibid, p. 10.

36 Henry, P., Hamilton, K., Watson, S., Macdonald, N., Sellenger Centre for Research in Law, Justice and Social Change, Edith Cowan University, *FIFO/DIDO Mental Health Research Report 2013*, Lifeline WA, 2013, p. 11.

37 Taylor, R., 'FIFO workers record double the rate of depression compared to others, WA study reveals', *ABC News Online*, 3 June 2015. Available at <http://www.abc.net.au/news/2015-06-03/fifo-workers-recording-higher-rates-of-depression/6519502>. Accessed on 3 June 2015. Email from Ms Philippa Vojnovic, dated 4 June 2015. Research publication forthcoming.

conducted recently, have large sample sizes and are generally representative of the gender balance of the industry. The studies also emphasise the possibility of under-reporting of mental health problems amongst this sector of the workforce.

The Committee is inclined to give weight to this emerging evidence that mental health difficulties could have a prevalence rate of approximately 30 per cent amongst the FIFO workforce.

Finding 4

Research suggests that the prevalence rate of mental health problems amongst the FIFO workforce could be approximately 30 per cent, significantly higher than the national average of 20 per cent.

The Committee concurs with the calls from many individuals who made submissions for further research in this area. In particular, the Committee concurs with the recommendation of the Commonwealth Committee in this regard. As noted in the discussion paper, the Commonwealth Parliament's House Standing Committee on Regional Australia conducted a broad inquiry into FIFO, and tabled the report *Cancer of the bush or salvation for our cities?* in early 2013. That inquiry did not have a specific health focus nor did it address mental health aspects in any depth. However, it did make the recommendation that:

*... the Commonwealth Government commission a comprehensive study into the health effects of fly-in, fly-out/drive-in, drive-out work and lifestyle factors and as a result of this research develop a comprehensive health policy response addressing the needs of fly-in, fly-out/drive-in, drive-out workers.*³⁸

This Committee endorses this recommendation and supports the Commonwealth Committee's call on the Commonwealth Government to commission such a study.

In June 2015, the federal government released its response to the *Cancer of the Bush* report. The Committee was noted the federal government's response to the recommendation for further research into the health effects of FIFO was as follows:

Noted. *The Australian Government understands that there are a range of personal considerations individuals need to carefully consider before deciding to undertake FIFO work arrangements. The Government notes that employers in all sectors of the workforce, in displaying corporate social responsibility and good business acumen, have a role*

38 House Standing Committee on Regional Australia, *Cancer of the bush or salvation for our cities? Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia*, Parliament of Australia, Canberra, 13 February 2013, p. 100.

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in supporting their employees' mental health and to promote a healthy lifestyle.

Recognising the effects of mental health on the Australian community, the Government has in place a range of mental health initiatives and support services. In addition to subsidising a range of mental health services through Medicare, the Government also funds the mindhealthconnect website, which provides online mental health resources and advice.

*The Government notes that the health effects of FIFO work and lifestyle practices have also been a focus of recent research by various Australian academics and non-government organisations...*³⁹

This Committee considers this response to the recommendation for additional research into the health (including mental health) impacts of FIFO to be disappointing. The issue of workers' mental health (and lives) being put at risk by a work system is a serious one, and this lack of real action from the federal government is a missed opportunity.

The need for further research was supported by all of the submissions that mentioned the issue of research. Lifeline WA provided feedback to the Committee on the importance of further independent research.

*There is a clear opportunity for further independent and academically rigorous research to be undertaken into FIFO workers and their families' mental health, emotional wellbeing and suicidality...Lifeline WA does not recommend that industry be charged with full responsibility for undertaking this research as it is critical that any findings are independent and readily available to the broader sector...what remains unknown is the wider and longer-term impact on mental health, emotional wellbeing and suicide in terms of family members...and/or the downstream impacts...longitudinal research, along with more effective data collection and reporting, is critical to understanding the social impacts, both positive and negative...NGOs and collaborations are the most appropriate entities to undertake research.*⁴⁰

39 Australian Government, *Australian Government response to the House of Representatives Standing Committee on Regional Australia report: Cancer of the bush or salvation for our cities? Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia*, Department of Infrastructure and Regional Development, Canberra, 5 June 2015. Available at http://www.infrastructure.gov.au/departments/ips/government_responses/response-cancer-of-the-bush.aspx. Accessed on 14 June 2015, p. 6.

40 Submission No. 94 from Lifeline WA, 29 January 2015, p. 4.

The CME agreed with the need for further research, stating:

*[g]aps in knowledge need to be identified and addressed in a coordinated way to ensure industry, government and the community can rely on a robust evidence base to inform policy development and promote mental health outcomes across the community. CME would be willing to assist facilitate a discussion between industry researchers and government where further research is required and develop a plan for how this research could be coordinated.*⁴¹

Unions WA also agreed on the need for further research, acknowledging the importance of such research being seen to be independent:

*The Committee should recommend that the state government carry out and fully fund the comprehensive study, independent of both industry and unions, recommended by the Commonwealth Committee.*⁴²

The Committee agrees with Unions WA on the importance of such research being conducted by an entity separate to both industry and the unions. Given the contested nature of the conclusions drawn by the research already available in this area, it is important that further comprehensive independent research is conducted. As FIFO impacts on a large proportion of the community, WA is uniquely positioned to lead on these issues.

Finding 5

The Committee finds that there would be benefit in further independent research into the health and mental health impacts of FIFO (and DIDO) work and lifestyle factors, as well as the prevalence of mental health difficulties amongst FIFO (and DIDO) workers, and resource workers more broadly.

Recommendation 4

The Committee recommends that the Minister for Mental Health funds the Mental Health Commission to commission independent research into the mental health impacts of fly-in, fly-out work arrangements on workers and their families. Such research should involve:

- a range of different sites across the state, with different mining systems (i.e. underground, open cut etc.);
- both construction and production workers;

41 Submission No. 112 from Chamber of Minerals and Energy, 12 February 2015, p. 11.

42 Submission No. 91 from Unions WA, 29 January 2015, p. 7.

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- a representative sample of workers in terms of occupational role (i.e. not biased towards professionals);
- workers on a range of roster compressions;
- a large (over 1,000) sample size;
- many different companies, including contractors;
- data gathering to include the impact on families; and
- a longitudinal focus.

The Committee believes that while further research is welcome, there is sufficient research in existence to warrant action in this area. The many support programs and initiatives put in place by companies to support their workers are a commendable first step, but this must be followed by work to establish that FIFO work practices are a safe system of work, and to identify specific hazards that might impact on the mental health of the workforce.

Finding 6

The Committee finds that while further research would be welcome into the mental health of FIFO workers and the safety of FIFO work arrangements, current research demonstrating the problem must not be ignored, and work must be undertaken now to mitigate risk, rather than waiting for the outcomes of further research.

Inquiry compounds stigmatisation of FIFO workers?

As discussed in the introduction to this report, this inquiry focuses on the mental health impacts of fly-in, fly-out work arrangements because that was the concern that was referred from the Legislative Assembly. Many submitters have called for a broader focus for the inquiry, and for the issue of mental health to be addressed at a community-wide level. An example of this was from the CME:

*CME...is disappointed arguments for a broader focus on mental health raised in a number of submissions to the Inquiry have gone unanswered. CME remains concerned limiting the focus of the present inquiry to the FIFO work practice is a missed opportunity to address mental health in a comprehensive and meaningful way.*⁴³

The Committee agrees that mental health and wellbeing is an issue for the community as a whole, and that measures to address mental illness and prevention need to be implemented at a community-wide level. The Committee believes that the Mental

43 Submission No. 112 from Chamber of Minerals and Energy WA, 12 February 2015, pp. 6-7.

Health Commission (MHC) is the organisation best placed to drive a community-wide approach to mental health, and commends the MHC's efforts to develop and introduce the *Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025*.⁴⁴ The Committee hopes that the government will embrace the plan as an opportunity to improve mental health services across the state.

While it is the case that mental health is a community issue, the focus of this inquiry is entirely consistent with the terms of reference established by the Committee to reflect the intent of the Legislative Assembly.

A further concern relating to the inquiry's scope was that the focus on FIFO and mental health would have the unintended consequence of increasing stigma and resentment amongst the community against FIFO and FIFO workers. The CME articulated this point:

*The inquiry's focus on FIFO risks unnecessarily stigmatis[ing] these employees and the FIFO employment option. The promulgation of myths associated with working FIFO has a long history. Following the launch of the present Inquiry, reports and stories emerged in the media targeting FIFO as an alleged causal factor in relation to trafficking of illicit substances and domestic violence despite a lack of evidence to support such allegations...the Committee should recognise another type of stigma present within the community in relation to working FIFO and the ongoing demonisation of FIFO employees in the media, associating FIFO with various social ills or trends, despite a lack of evidence. This behaviour either reflects or contributes to stereotypes and negative feelings toward FIFO – creating an anti-FIFO stigma.*⁴⁵

The Committee acknowledges the CME's concern. However, the Committee feels that the risk of increased stigmatisation of FIFO workers is not sufficient to justify ignoring a problem that could jeopardise people's mental wellbeing and, potentially, their lives. Many other groups in society are periodically identified as being at high risk of mental health problems and/or suicide. For example, the armed forces and emergency service workers. The Committee considers that it is more important to address the underlying problem of the increased risk of mental health problems and suicide, than to take no action for fear of possible increased stigma.

44 Mental Health Commission, *The Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025*, Perth, December 2014. Available at <http://www.mentalhealth.wa.gov.au/ThePlan.aspx>. Accessed on 9 April 2015.

45 Submission No. 112 from Chamber of Minerals and Energy WA, 12 February 2015, p. 7.

Chapter 3

Demographic factors: the workforce, mental health and suicide

This chapter discusses the intersection of demographic factors between the characteristics of the FIFO workforce, mental health risk factors and suicide risk factors. It also discusses factors involved in suicidal behaviour that aren't related to mental health problems or illness.

Demographic factors

The demographics of the fly-in, fly-out (FIFO) workforce, and how those demographics overlap with those groups at particular risk of mental illness and suicide, was a major focus of the Committee's discussion paper. The Committee felt that this was a relatively uncontroversial point, yet it provoked a range of quite different responses in stakeholders who responded to the discussion paper. This chapter therefore returns to the issue of demographics and attempts to provide further clarification on the matter.

Chapter four of the discussion paper concludes with the following observation:

*...it is clear...that the resources industry has an issue with mental health within its workforce. The Committee is confident to make this statement simply because the demographics of the workforce clearly show that they are at a heightened risk of mental health problems than the broader population as a whole.*⁴⁶

As discussed in Chapter one of this report, the Committee has not been able to ascertain a verified number of FIFO workers in Western Australia, so is working with the estimate from the Chamber of Minerals and Energy (CME) of 60,000.⁴⁷ The Committee's discussion paper set out the demographics of the resources workforce, and this information was generally uncontroversial. The relevant factors are summarised below for ease of reference.

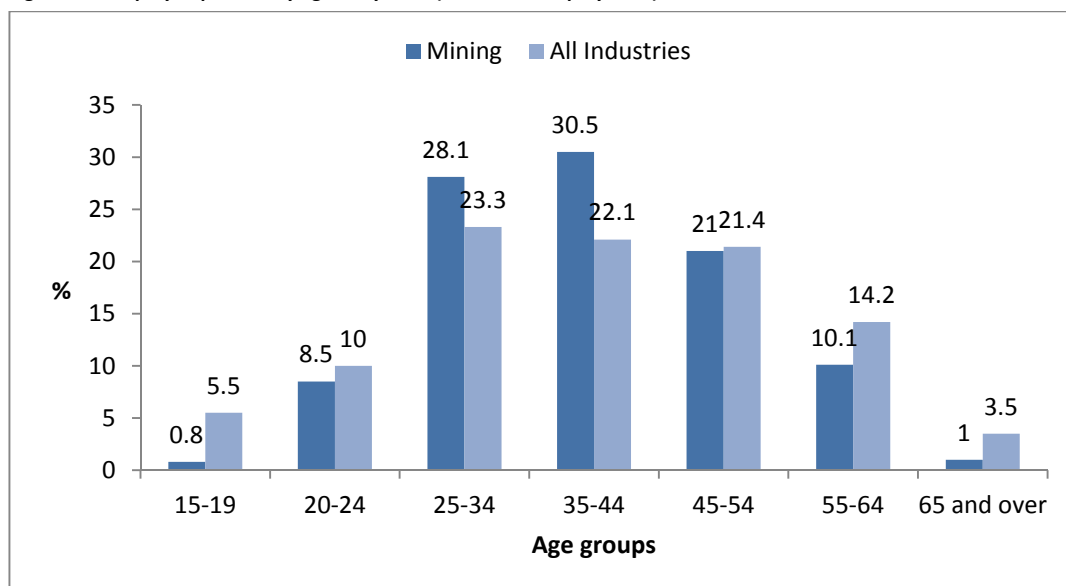
⁴⁶ Legislative Assembly Education and Health Standing Committee, *Shining a Light on FIFO Mental Health: a discussion paper*, Parliament of Western Australia, Perth, 27 November 2014, p. 22.

⁴⁷ Ms Nicole Roocke, Deputy Chief Executive, Chamber of Minerals and Energy of WA, *Transcript of Evidence*, 5 November 2014, p. 3.

Chapter 3

Workforce age profile

Figure 3.1: Employed persons by age, May 2014 (% share of employment)⁴⁸

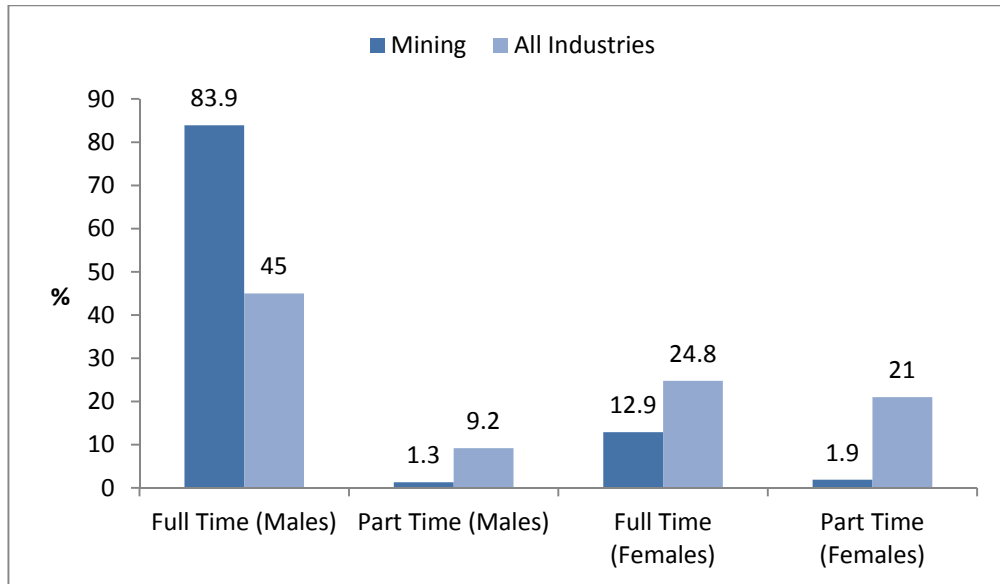


The data shows that workers in the resources sector are concentrated in a band of ages from the mid-20s to the mid-40s.

⁴⁸ Department of Employment, *Industry Outlook: Mining*, Labour Market Research and Analysis Branch, Australian Government, August 2014, p. 5. Available at <http://cica.org.au/wp-content/uploads/2014-Mining-Industry-Employment-Outlook1.pdf>. Accessed on 14 April 2015.

Workforce gender distribution

Figure 3.2: Full time workers as % of employed total, by gender, May 2014⁴⁹



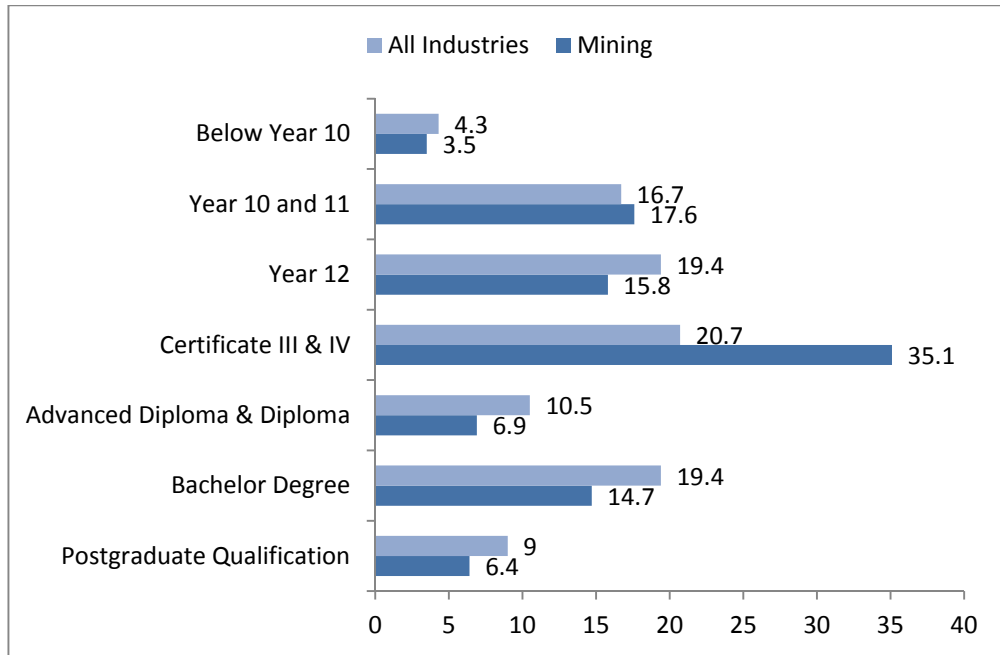
The resources industry is widely acknowledged to be a male-dominated field. Approximately 85 per cent of the workforce is male.

⁴⁹ Department of Employment, *Industry Outlook: Mining*, Labour Market Research and Analysis Branch, Australian Government, August 2014, p. 6. Available at <http://cica.org.au/wp-content/uploads/2014-Mining-Industry-Employment-Outlook1.pdf>. Accessed on 14 April 2015.

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Educational profile of workforce

Figure 3.3: Highest educational attainment – share of employment %⁵⁰



The resources sector employs comparatively fewer degree qualified individuals than the all industry average, and significantly more holders of Certificate III and IV qualifications than the industry average.

50 Department of Employment, *Industry Outlook: Mining*, Labour Market Research and Analysis Branch, Australian Government, August 2014, p. 7. Available at <http://cica.org.au/wp-content/uploads/2014-Mining-Industry-Employment-Outlook1.pdf>. Accessed on 14 April 2015.

Employing occupations in the mining industry

Figure 3.4: Main employing occupations in the mining industry ('000)⁵¹

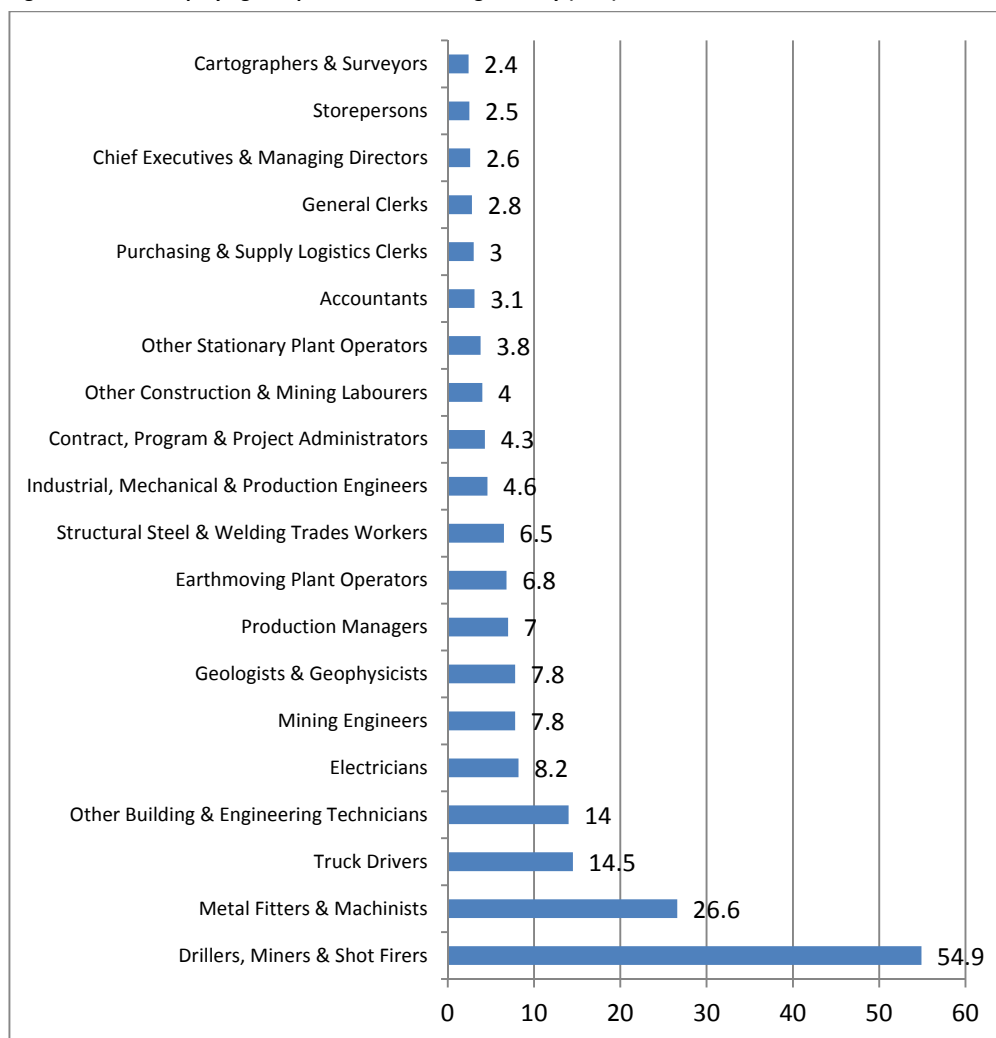


Figure 3.4 displays the main employing occupations in the mining industry in 2013. Many of the main employing occupations are trades and labouring roles, which is unsurprising given the high proportion of Certificate III and IV holders employed in the industry.

In summary, the resources industry workforce is predominantly male, aged between 25 and 45, qualified at a Certificate III and IV level, and working in a trade and labouring role.

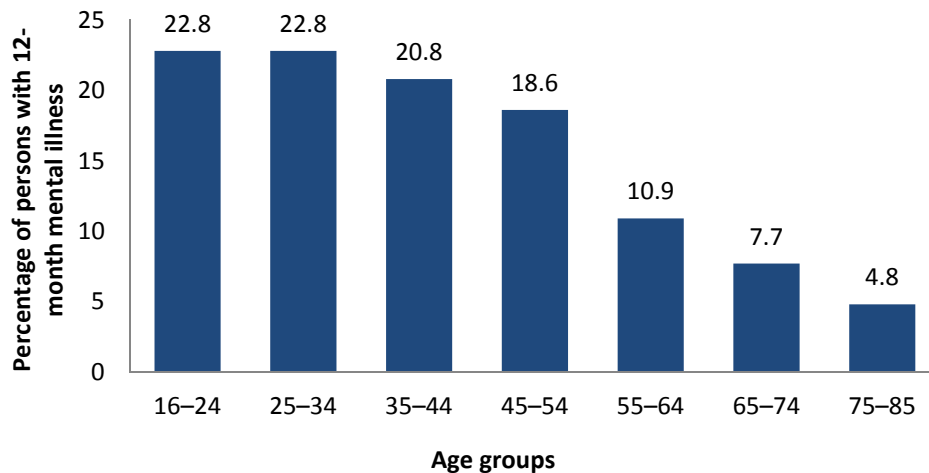
51 Department of Employment, *Industry Outlook: Mining*, Labour Market Research and Analysis Branch, Australian Government, August 2014, p. 8. Available at <http://cica.org.au/wp-content/uploads/2014-Mining-Industry-Employment-Outlook1.pdf>. Accessed on 14 April 2015.

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This demographic profile is relevant because of the direct link between this section of society and the groups most at risk of mental illness and, particularly, suicide. As noted in the discussion paper, the 2007 National Survey of Mental Health and Wellbeing found that 3.2 million Australians had a mental disorder in the twelve months prior to the survey. This amounted to 20 per cent of the population aged between 16 and 85.⁵²

However, the National Survey also provided more detailed information that showed that while the highest rates of mental disorder amongst males are amongst young men aged 16-24 years, more than one in five men aged 25-44 will experience a mental disorder in any 12-month period.⁵³ One quarter of people (both male and female) aged 25-34 years had a mental disorder in the 12-month period prior to the survey.

Figure 3.5: Prevalence of mental health conditions amongst males by age⁵⁴



As some submitters pointed out, it is not just men in this age bracket who are vulnerable to mental illness. The survey also shows that the highest rates of mental disorder amongst women are amongst young women aged 16 to 24 years (30.1 per cent found to have had a mental disorder in the 12 months prior to the survey). Over 25 per cent of women aged between 25 and 44 had a mental disorder in the 12 month period prior to the survey.⁵⁵

Given the age distribution of the resources industry workforce (see figure 3.1), the high percentage of individuals of both genders suffering a mental disorder in the 25-44 years age bracket is of concern.

52 beyondblue, *Submission to the Commonwealth Inquiry into the use of fly-in, fly-out workforce practices in regional Australia*, September 2012, p. 1.

53 Australian Bureau of Statistics, *National Survey of Mental Health and Wellbeing: Summary of Results*, 2007, p. 29.

54 Ibid.

55 Ibid.

Finding 7

The Committee finds that the demographic features of the resource sector FIFO workforce mirror the groups within general society with an increased risk of mental illness. To ignore this demographic profile is to ignore a clear indicator that members of the FIFO workforce may be vulnerable in terms of mental illness.

Suicide risk

The Mental Health Commission (MHC) submitted that ‘the profile of an average fly-in, fly-out (FIFO) worker mirrors the demographic most at risk of suicide – males aged between 15 and 44 years of age.’⁵⁶ In the period 1982–2006, a total of 4,787 deaths in Western Australia occurred as a result of suicide. Of this number, 3,840 were men and 947 were women.⁵⁷

The WA Coroner identified that, based on suicide statistics from 1986 to 2006, those most at risk in Western Australia were:

- men aged 20 to 34 years, and 75 years and over – suicides among men aged 20–34 years accounted for 40 per cent of all male suicide deaths;
- Aboriginal;
- living in rural and remote areas; and/or
- in custody.⁵⁸

Occupation type has also been found to be a factor that contributes to suicide risk. Workers in certain occupations may have a combination of demographic, individual and socio-economic characteristics associated with suicide risk (i.e. lower levels of education and being employed in occupations traditionally considered ‘blue collar’).⁵⁹ Some occupations found to be at greater risk include labourers, cleaners, machine operators and skilled trades such as electricians and builders.⁶⁰

At particular risk are those workers in the construction industry. Mates in Construction highlighted research that found that ‘the likelihood of suicide amongst construction workers is twice as high as other people in Australia, whilst apprentices in the same

56 Submission No. 61 from Mental Health Commission, 13 October 2014, p. 1.

57 Mental Health Commission, *Western Australian Suicide Prevention Strategy 2009 – 2013*, 2009, p. 19.

58 Ibid., pp. 19–20.

59 McPhedran, S. and De Leo, D., ‘Suicide among miners in Queensland, Australia: a comparative analysis of demographics, psychiatric history, and stressful life events’, *Sage open*, 3, 2013, p. 1.

60 Submission No. 23 from Fly-in/Fly-out Australian Community of Excellence, 26 September 2014, p. 30.

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industry are two and a half times more likely to suicide than other young men their age.’⁶¹

As figures 3.3 and 3.4 show, workers in the resources industry fit this profile of educational attainment and occupational role.

Many submitters to the inquiry noted the correlation between the predominant age and gender profile of FIFO workers and suicide risk, as well as the other contributing factors. However, some submitters disputed the demographic similarities between resources workers and those at risk of mental illness and suicide.

The CME stated that:

*[i]t is overly simplistic to argue a particular demographic profile predisposes a single workforce to mental health issues especially where there is no evidence resources sector employees experience higher rates of mental illness than the general population.*⁶²

The Committee disagrees with this statement as it believes the demographic features of the workforce clearly show that it is at increased risk. Many other submitters accept the nature of the demographics of the workforce, including the MHC and Lifeline. Additionally, as discussed in Chapter one, the Lifeline survey (and other research discussed in Chapter one) showed ‘that compared to the general population there is a higher prevalence of psychological distress and a greater likelihood of psychological disorder incidence amongst FIFO workers. Collectively, 30% of this sample evidenced a likelihood of having a psychological disorder...’⁶³

Interestingly, some companies have already reached a different conclusion to that of the mining industry’s peak body. One such company is Downer EDI Mining (Downer). Downer’s submission to the inquiry set out the company’s decision in 2008 to adopt a ‘systematic, formal approach to promoting health and wellbeing.’⁶⁴ As Downer’s submission made clear, ‘[m]uch of the justification for this step was based on the age and gender profile of our workforce – mostly male, and between the ages of 20 and 60.’⁶⁵

Mr Mike Boyle described the company’s approach:

61 Submission No. 37 from Mates in Construction WA Limited, 25 September 2014, p. 3.

62 Submission No. 112 from the Chamber of Minerals and Energy of Western Australia, 12 February 2015, pp. 9-10.

63 Henry, P., Hamilton, K., Watson, S., Macdonald, N., Sellenger Centre for Research in Law, Justice and Social Change, Edith Cowan University, *FIFO/DIDO Mental Health Research Report 2013*, Lifeline WA, 2013, p. 11.

64 Submission No. 95 from Downer EDI Mining Pty Ltd, 29 January 2015, p. 3.

65 Ibid.

*...our employees, we realised seven or eight years ago, were of a certain demographic. Really we were not approaching the health aspect of it. We really did not have the in-house capability, so we enlisted this university [Queensland University of Technology]. We got information back from our employees that obesity, musculoskeletal and mental health were the issues, and we have been systematically working on it ever since...our approach was built from that initial starting point, which is really caring for your employees and valuing them, and then over five or six years building up the musculoskeletal and obesity and then...that step further into and getting in-house skills to enhance our capability around mental health.*⁶⁶

The Committee was advised that Downer's decision to make mental health a priority was based on employee climate surveys undertaken by the Queensland University of Technology (QUT) for the company. The surveys have received input from 4,100 employees and 'have shown progressive improvements in employee attitudes towards health issues, greater awareness of health priorities, and positive attitudes toward management's support for health and safety, including mental health.'⁶⁷

BHP has equally acknowledged the reality of the workforce's demographic. In both its first and second submission to the Committee, BHP acknowledged 'that our workforce demographic aligns with the cohort at risk of mental health issues.'⁶⁸

The Committee calls on those companies which have not already done so, and the peak bodies within the resources industry to acknowledge and respond to the demographic information available about the workforce, mental illness and suicide risk. Ignoring this confluence of factors places the lives of workers at risk.

Finding 8

The Committee finds that the demographic profile of the resource sector FIFO workforce reflects an increased risk of suicide compared to the general population as a whole.

Recommendation 5

The Committee calls on resource companies, and the industry's peak bodies, to acknowledge and respond to the demographic information available about the resources FIFO workforce, mental illness, and suicide risk. Ignoring the confluence of these factors places the lives of workers and their wellbeing at risk.

66 Mr Michael Boyle, Executive General Manager, Zero Harm, Downer EDI Mining, *Transcript of Evidence*, 16 March 2015, p. 10.

67 Submission No. 95 from Downer EDI Mining Pty Ltd, 29 January 2015, p. 3.

68 Submission No. 90 from BHP Billiton Iron Ore Pty Ltd, 2 February 2015, p. 1.

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Factors involved with suicidal behaviour

As the 2007 National Survey of Mental Health and Wellbeing reported:

*[s]uicide is the main cause of premature death among people with a mental illness. More than 10% of people with a mental illness die by suicide within the first 10 years of diagnosis (SANE, 2008). An attempt of suicide may also be a sign that a mental illness is developing. In this survey, people were asked about suicidal behaviour in their lifetime and in the 12 months prior to the survey interview ... Of the 368,100 people who reported suicidal ideation in the 12 months prior to the survey interview (that is they had serious thoughts about committing suicide), almost three-quarters (72%) had a 12-month mental disorder.*⁶⁹

The Committee sought advice from a range of experts to better understand the mechanisms of suicidal behaviour and what motivates an individual to attempt suicide. Some submitters, including Dr David Cutts, a consultant psychiatrist working in the Pilbara, were concerned to ensure that the Committee understood that despite a generalised belief to contrary, it is not necessary for a person to be suffering a mental illness in order to consider suicide. Dr Cutts provided the Committee with several articles which demonstrated that the belief that ‘suicide is always, or almost always the consequence of mental disorder’ is faulty.⁷⁰

The Committee sought further advice from the Chief Psychiatrist, Dr Nathan Gibson, and another expert in the field, Dr Simon Byrne. Dr Byrne emphasised to the Committee that ‘there are very different types of pathways to being in a suicidal frame of mind.’⁷¹ He distinguished between the three main mental illnesses that tend to be described as severe mental illness: depressive illness, bipolar disorder and schizophrenia, and other psychiatric diagnoses such as ‘acute stress reaction’ and ‘adjustment disorder’.⁷²

Dr Byrne described as an example of an acute stress reaction a situation where:

[i]f somebody has had a variety of things happening – work, relationships, children, things in their life that they are not dealing with

69 Australian Bureau of Statistics, *National Survey of Mental Health and wellbeing: Summary of Results*, 2007, p. 19.

70 Pridmore, S., ‘Mental disorder and suicide: a faulty connection’, *Australian and New Zealand Journal of Psychiatry*, vol. 49 (1), 2015, p. 18; Mulder, R., ‘Problems with suicide risk assessment,’ *Australian and New Zealand Journal of Psychiatry*, vol. 45, 2011, p. 605-607; and Haw, C., Hawton, K., ‘Suicide is a complex behaviour in which mental disorder usually plays a central role,’ *Australian and New Zealand Journal of Psychiatry*, vol. 49(1), 2015, pp. 13-15.

71 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 1.

72 Ibid.

– something happens, which is usually the last straw. They might have a final argument with their partner...Usually quite impulsively in that situation, with a degree of ambivalence about their suicidal intent, they take an overdose and they say, “I’m over it, I’m sick of this, I don’t want to go on.” The information I get from that person, sometimes fairly quickly after that, is, “Oh, that was a silly thing to do”...the next day when they were talking to me about it, they might say, “I realise that was an error. I shouldn’t have done that.”⁷³

An adjustment disorder is a psychiatric diagnosis that Dr Byrne described as being different to an acute stress reaction in that there ‘is an ongoing problem that the person is having to deal with.’⁷⁴ Dr Byrne stated:

[i]t can be something like – the business of this committee has looked at the FIFO workers, and that is obviously topical. Perhaps the worker or the partner is staying home, and this has been going on for six months or so and involves changing their life; it is stressful, it is demanding and it is difficult. They have to come to terms with it somehow or other; it is not going to go away. It is not an acute crisis that you can just say, “Let’s solve that crisis.” It could be bereavement or divorce, or another major life change, but they do not have an ongoing mental illness.⁷⁵

Dr Byrne made the point that some of these scenarios are in fact the reality of life:

When I make that distinction between severe mental illness and these other categories, like stress reaction and adjustment disorder, I think psychiatry or the mental health community is often quite reasonably criticised for pathologising, by having a label for different forms of human behaviour. What we call an acute stress reaction or an adjustment disorder, calling that a psychiatric diagnosis, well, we all have acute stress reactions, we all have adjustment disorder – do you want to call all of these psychiatric disorders?...to call it a disorder is misleading.⁷⁶

The other pathway towards suicide identified by Dr Byrne was that of depressive illness:

We call it an illness because there is an ongoing persistent change in the mood state related to a change in the way the brain is regulating

73 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 2.

74 Ibid.

75 Ibid.

76 Ibid., pp. 4-5.

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*mood. It can be identified by the severity of the symptoms...persistent, more or less unrelenting depression day after day, and nothing cheers them up, nothing makes them feel better. There is persistent self-blame and guilt, and also, in particular, a feeling of hopelessness...their perception of reality is distorted; there is no hope. In that situation, suicidality of course is much more of a hazard because the person's reasoning capacity about whether this would be a good choice or not, what impact it would have on others, can be quite distorted.*⁷⁷

The Committee draws from this evidence the clear conclusion that a person does not need to be suffering from a diagnosable mental illness in order to reach a point where they are considering suicide. As Dr Byrne stated, any person can experience a significant degree of stress in their life, and potentially suffer an acute stress reaction. Life events such as bereavement, divorce, and other upheavals are very common, and a part of every person's life.

The Committee asked Dr Byrne if there was any research to suggest how common such experiences are for the general population:

*The epidemiological data shows that at any one time—so in any six-month-period—about five per cent of the population, male or female, will be suffering from a depressive illness, so one in 20 people...Stress reactions and adjustment disorders have not really been measured in any modern epidemiological surveys, but if you go back to previous research, which is difficult to interpret, it is over 50 per cent at least. Everybody has stress reactions and everybody has an adjustment to sort out at some time in their life. Everybody has had at least bereavement, divorce or some personal tragedy.*⁷⁸

A further point made by Dr Byrne emphasises how common such experiences are for people was the frequency with which relationship breakdown was found to be a trigger for crisis amongst patients:

The other interesting fact about seeing people post overdose or in the emergency department or the acute suicidality of people in crisis is that you very quickly realise when you are doing that work that by far the commonest immediate event preceding the suicidal behaviour is some relationship disruption; it is probably 80 per cent...that is based on my experience; it is not a research figure...it is not that I make

77 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, pp. 2-3.

78 *Ibid.*, p. 7.

*assumptions but I am wondering about that with every person I see; what is happening in their relationships?*⁷⁹

Dr Gibson also explained to the Committee how drugs and alcohol can interact with the other things going on in a person's life and the impact of this on suicidality:

*I think the important thing is not to categorise these as separate: drugs and alcohol are often interbound with any associated mental illness. They are often used at that point of stress so they can be a precipitant for a particular action or self-harm...[Dr Byrne] would have seen a number of people in the ED who came in suicidal and intoxicated and the following morning they are not intoxicated – they may have a hangover - and they are not suicidal anymore. They say, 'I don't know what I was thinking.'*⁸⁰

In combination, all of these factors point towards a scenario where it must be recognised that many people are vulnerable to suicide. Even if higher mental illness risk and higher suicide risk based on demographic factors are ignored, it is clear that ordinary people who suffer from stressful life events, particularly relationship breakdowns, are vulnerable. Scenarios that may contribute to relationship breakdown, such as regular and prolonged absences from home, may increase vulnerability. Cultures that encourage using alcohol or other drugs to blow off steam may increase vulnerability. Situations of increased stress may increase vulnerability.

Based on this information, the Committee is unconvinced by arguments that the demographic features of the workforce are not relevant. Equally, the Committee is unconvinced by arguments that a lack of confirmed evidence of higher rates of mental distress means nothing is wrong, particularly as the Committee considers that there is emerging evidence to the contrary.

Finding 9

The Committee finds that a person does not need to have a diagnosable mental illness in order to consider suicide. People suffering from the stressful events of ordinary life may be vulnerable to suicide.

Recommendation 6

Companies and industry peak bodies must acknowledge that, regardless of contested demographic risk factors for heightened rates of mental illness and suicide, their workforce is vulnerable to suicide. Suicide is therefore a workplace hazard.

79 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 6.

80 Dr Nathan Gibson, Chief Psychiatrist, Office of the Chief Psychiatrist, *Transcript of Evidence*, 25 March 2015, pp. 11-12.

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The legislative framework for FIFO

This chapter discusses the legal framework for FIFO in Western Australia, and outlines recommendations for future legislative change.

As outlined in the Committee's discussion paper, the issue of the occupational health and safety regulation of FIFO work arrangements emerged at the earliest stage of this inquiry. The discussion paper laid out the Committee's understanding of the legal issues at the time it was written, and reported the Committee's intention to seek further clarification of these issues. The outcome of the Committee's investigations is outlined below.

The current legislative framework

The primary legislative instrument through which occupational safety and health is regulated in Western Australia is the *Occupational Safety and Health Act 1984* (the OSH Act). This Act and its associated subsidiary legislation and codes regulate the vast majority of Western Australian workplaces. However, they do not apply to mining or petroleum activities, which are specifically excluded under section 4(2) of the OSH Act, and are subject to separate legislation. The OSH Act does apply to liquefied natural gas (LNG) sites, and is overseen by WorkSafe (part of the Department of Commerce).

The mining and petroleum industries are currently regulated under separate legislation. Mining falls under the *Mines Safety and Inspection Act 1994* (MSI Act), and the occupational safety and health provisions that apply to the mining industry are set out within the MSI Act.

The petroleum industry is subject to three separate Western Australian laws:

- *Petroleum and Geothermal Energy Resources Act 1967*
- *Petroleum Pipelines Act 1969*
- *Petroleum (Submerged Lands) Act 1982*.

Each of these Acts regulates occupational safety and health via a schedule to the law. The schedules largely correspond to the requirements of both the MSI Act and the OSH Act.

The Department of Mines and Petroleum (DMP) is currently working on a legislative change proposal to combine all of these Acts, so that mining and petroleum will be

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subject to the same law. Accordingly, it is not the Committee's intention to focus too closely on these Acts, rather it will examine some of the issues that should be resolved in future drafts of the legislation.

Overlap of WorkSafe and Department of Mines and Petroleum jurisdiction

In the initial stages of the inquiry, it appeared that there was some confusion over the jurisdiction of WorkSafe and DMP in regard to some sites. The Committee was advised that DMP regulated occupational safety and health at mine sites and at petroleum operations. WorkSafe regulated other sites. However, the term 'petroleum' refers only to naturally occurring hydrocarbons. As Liquefied Natural Gas (LNG) is not a naturally occurring hydrocarbon, LNG operations and accommodation facilities (such as the Gorgon Plant at Barrow Island) were being regulated by WorkSafe in terms of occupational health and safety.

Additionally, some large petroleum plants had been designated as Major Hazard Facilities (MHF), and were being overseen by WorkSafe. DMP advised the Committee in January 2015 that the state government had already given in principle approval for the transfer of occupational safety and health responsibilities for major hazard facilities from WorkSafe to DMP. This change will be implemented in the round of legislative change anticipated to update and modernise the MSI Act.⁸¹

Coverage of the construction phase of a mine

Another area of complexity regarding the OSH coverage at a mine was the construction phase. Under the MSI Act, the construction phase of a mine is included within the definition of mining operations. This means that DMP has jurisdiction during the construction period.

However, according to DMP, some construction activities have previously been managed by WorkSafe:

Under section 6A of the MSIA, construction activities at a mine may be excised and regulated by Worksafe for the duration of the construction activities. This is managed through an Instrument of Declaration between the Minister responsible for the MSIA, and the Minister responsible for the Occupational Safety and Health Act 1984. Instruments of Declaration have been used in the past because of the different compliance requirements for construction, as opposed to mining. However, for continuity of safety oversight, DMP increasingly

81 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 1.

*prefers to regulate mining-related construction activity at a mining operation under the MSIA.*⁸²

DMP has advised the Committee that the legislative change process will ensure that the construction period of a mine continues to be within the jurisdiction of DMP.⁸³

The Committee feels that these legislative changes will be a significant improvement on the current situation where there is a risk of confusion, duplication of effort by DMP and WorkSafe, and the risk of issues falling into the gap between the jurisdiction of each agency.

Finding 10

The current legislative framework for the oversight of worker safety at mine sites is confusing and complicated, and has the potential for duplication of effort and/or for a lack of clarity regarding which organisation has jurisdiction.

The legislative reform program and timeline

In April 2015, the Committee asked DMP for an update on the legislative reform program, and the timeline for implementation. DMP advised the Committee that a Regulatory Impact Statement (RIS) was undertaken in 2014 to consult stakeholders on the options for the structure of resources safety legislation:

*The Decision-RIS was finalised in January 2015, recommending the unification of safety legislation for mining, petroleum and major hazard facilities legislation, under one regulator, DMP. This includes the transfer of OSH responsibility for major hazard facilities from WorkSafe to DMP.*⁸⁴

DMP advised that the Minister had approved the Department preparing drafting instructions for the consolidated bill, which would be known as the Work Health and Safety (Resources) Bill (WHS(R) Bill). It will consolidate the safety provisions of six current Acts.⁸⁵ The Committee applauds any effort to simplify the existing complex regulatory framework, and hopes that swift progress will be made on the new bill.

According to DMP, the development of the bill will involve considerable consultation:

DMP is liaising with the WorkSafe division of the Department of Commerce to ensure consistency with their separate Work Health and Safety Bill for general industry. The department is also liaising with the

82 Submission No. 63 from Department of Mines and Petroleum, 5 November 2014, p. 3.

83 Ibid.

84 Submission No. 131 from Department of Mines and Petroleum, 4 May 2015, p. 3.

85 Ibid.

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*National Offshore Petroleum Safety and Environmental Management Authority, to ensure alignment, where appropriate, with offshore petroleum safety requirements in Commonwealth waters. DMP has committed to full and open consultation, with industry and unions providing advice throughout the legislative development process.*⁸⁶

A new RIS will be developed on the WHS(R) Bill with a public consultation period from late June to mid-August 2015. After government approval and the drafting process, it is hoped that the bill will be introduced to Parliament by 30 April 2016. DMP advised that the 'WHS (R) Bill will be consistent with WorkSafe's WHS Bill for general industry. The WHS (R) Bill mainly consists of high-level, generic health and safety provisions.'⁸⁷

According to the DMP timeline, detailed health and safety requirements will be drafted for the regulations under the WHS (R) Act. 'It is currently envisaged that the regulations will contain a section for generic provisions as well as separate, sector-specific sections to cover the particular requirements for mining, petroleum and major hazard facilities.'⁸⁸ It is proposed that the regulations will be gazetted by 1 December 2016.

The Committee considers that this legislative change development may provide significant benefit in simplifying the current, complex regulatory environment. Additionally, the process of updating the legislation will provide an opportunity for changes to be made to address the issues and concerns identified by this inquiry.

Areas for legislative improvement

The balance of this chapter discusses areas where the Committee feels the current legislation could be improved.

One relatively simple issue likely to be clarified in the new legislation is the definition of 'health', a word which is not defined in the current legislation. DMP has advised the Committee that the department currently interprets this term to mean both physical and psychological health.

*DMP considers the intent of the legislation and interprets 'health' to mean physical and psychological (mental) health. As a result, physical and mental health is addressed through DMP's regulatory framework... The new Bill will explicitly define the word 'health' as meaning both physical and psychological health.*⁸⁹

86 Submission No. 131 from Department of Mines and Petroleum, 4 May 2015, p. 3.

87 Ibid.

88 Ibid

89 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 5.

The Committee also sought feedback from DMP with regard to its interpretation of the term ‘hazards’. Given the interpretation of ‘health’ to include ‘psychological health’, the Committee expected that DMP would consider that ‘hazards’ would include both physical and psychological hazards. DMP confirmed to the Committee that this view of their interpretation of ‘hazards’ is correct.⁹⁰

The Committee considers that making mental health explicit within references to health, and including psychological hazards within references to hazards, will be a significant step forward in assisting companies and industry peak bodies to understand the full extent of their responsibilities.

In order to clarify which, if any, statutory instruments apply in this area, the Committee sought advice on:

- Whether FIFO workers residing in employer provided accommodation facilities were covered by the regulatory ambit of DMP, and whether the workers were covered by the occupational safety and health provisions of the MSI Act while ‘off-shift’.
- Whether suicides (and attempted suicides) that occur in the accommodation facilities were covered by DMP’s regulatory role, and whether they are required to be reported to DMP.
- Whether FIFO work arrangements constitute a ‘system of work’, and therefore are covered by the requirement that an employer provides a ‘safe system of work’.

The Committee received advice from DMP on these matters, and then sought an independent legal opinion in order to verify the situation. These issues are addressed in order below:

FIFO workers residing in accommodation facilities - DMP regulation and OSH provisions

One of the main concerns of the Committee was the question of whether mine workers who are off-shift and using accommodation facilities for residential purposes are covered by the OSH provisions of the MSI Act. The Committee was advised by DMP that:

[e]mployers are responsible for the occupational safety and health of workers employed in the operation of the accommodation facilities, where these facilities are located on a mining tenement. This may include cooks, cleaners and gardeners, for whom the accommodation facility itself is their workplace. However, it does not include other

90 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 17.

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*mine workers who are 'off shift' and using the facilities solely for accommodation purposes.*⁹¹

The Committee's preliminary view, based on its reading of the MSI Act, was that it was not clear that the general duties established under Division 2 (and, in particular, section 9) of the Act were limited to the workplace. Although section 9(1)(a) of the MSI Act imposes a duty to 'provide and maintain *workplaces* [...]', section 9(1) makes clear that the generality of the general obligation to 'provide and maintain at a *mine* a working environment [...]' that does not expose employees to hazards, is not limited by the provisions that follow.

The Department of Commerce advised that it interpreted the OSH Act in the same way, namely:

*Although the definition of a workplace is very broad, the interpretation of the OSH Act is that an employer's duty of care to its employees covers them when they are working at FIFO accommodation, but the employer of off-duty workers staying at these facilities does not have the same OSH duty of care.*⁹²

Despite this, the Committee was of the view that a FIFO accommodation camp on a mining tenement, provided by the employer, with no alternative accommodation available, controlled by the employer, and from which the worker is not able to leave without the employer's permission and assistance, is similar to a workplace, and that the worker's presence in the accommodation is intrinsic to their employment. As such, some form of OSH duty of care should apply.

The Committee sought the advice of Mr Ken Pettit, Senior Counsel, who provided the following opinion. Mr Pettit's opinion is quoted at some length to ensure the correct rendering of his advice. (The full text of Mr Pettit's legal advice is available at Appendix five of this report)

Objects of MSI Act

The objects of the MSI Act will assist in the interpretation of its provisions (see s 18 Interpretation Act). The objects expressed in s 3 are:

a) to promote, and secure the safety and health of persons engaged in mining operations; and

91 Mr Simon Ridge, Executive Director, Department of Mines and Petroleum, Letter, 11 November 2014.

92 Submission No. 79 from Department of Commerce, 15 January 2015, p. 2.

b) to assist employers and employees to identify and reduce hazards relating to mines, mining operations, work systems and plant at mines; and

c) to protect employees against the risks associated with mines, mining operations, work systems at mines, and plant and hazardous substances at mines by eliminating those risks, or imposing effective controls in order to minimize them; and

d) to foster and facilitate cooperation and consultation between employers and employees, and associations representing employers and employees, and to provide for the participation of those persons and associations in the formulation and implementation of safety and health standards and optimum working practices; and

e) to provide procedures for employers and employees to contribute to the development and formulation of safety legislation for mines and mining operations and to consult regarding its administration.

From s 3, the objects of the Act are variously confined to "mining operations", "mines", "work systems" and "plant at mines" and "plant and hazardous substances at mines". Some of those terms are defined in s 4.

Definitions for MSI Act

"Mining Operations" means "any method of working by which the earth or any rock structure, coal seam, stone, fluid, or mineral bearing substance is disturbed, removed, washed, sifted, crushed, leached, roasted, floated, distilled, evaporated, smelted, refined, sintered, pelletized, or dealt with for the purpose of obtaining any mineral or rock from it for commercial purposes or for subsequent use in industry, whether it has been previously disturbed or not," and includes a list of mostly unremarkable activities, and a list of exclusions.

Included in the definition is "(k) operation of residential facilities and recreational facilities and the ground used for that purpose, where such facilities are located on a mining tenement and are used solely in connection with mining operations;"

Excluded from the definition is "(s) [the operation of] residential facilities or recreational facilities and the ground used for the purpose

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*where such facilities are not located on a mining tenement and directly associated with mining operations;”*⁹³

Mr Pettit interpreted these definitions in the following terms:

*Paragraph (k) refers to the “operation” of the facilities, rather than to their use, which means that only the cleaning, maintenance and repairs etc. are relevant, not their use for sleeping etc. Paragraph (k) requires the residences to be both on the tenement and used solely in connection with (other) mining operations. The definition includes the kind of accommodation usually associated with FIFO, provided the accommodation is on the tenement...*⁹⁴

*...it is clear that “mining operations” do not include residential use of any residences, whether off-tenement or on-tenement, whether solely or partly devoted to mining employees.*⁹⁵

*“Mine” means a place at which mining operations are carried on ...; and “to mine” includes to carry on any manner or method of mining operations;”. This means that on-tenement residences and recreational facilities, for use by mining employees, are also “mines” and the operation of those residential and recreational facilities is “mining”, but the residential use of them is not “mining”.*⁹⁶ ...

*Because of the definitions in s 4, a reference in the MSI Act to a “working environment” is likely to be a reference to the environment in a workplace; not the environment at places where mining operations are conducted. This means that the “working environment” will include the environment in a residence where the subject matter is work (“operations”) at the residence, but will not include the environment at a residence in respect of residential uses (eating, sleeping and watching TV). In other words, an on-tenement residence will be a working environment for cleaners etc., but not a working environment for residents.*⁹⁷

This distinction is relevant because some of the duties of an employer apply to the employee’s workplace, and some do not.

Section 9(1)(a) of the MSI Act, states that:

93 Mr Ken Pettit SC, Francis Burt Chambers, Legal Opinion, 15 April 2015, pp. 2-3.

94 Ibid., p. 3.

95 Ibid.

96 Ibid.

97 Ibid., p. 4.

[a]n employer must, so far as is practicable, provide and maintain at a mine a working environment in which that employer's employees are not exposed to hazards, and, in particular but without limiting the generality of that general obligation, an employer must... [the Act goes on to set out a list of more particular obligations.]

According to Mr Pettit, what this means is that:

[t]he obligation set out in this chapeaux is not expressly confined to the "workplace", but is expressly confined to the "working environment"...Therefore, an employer must provide a hazard-free working environment in and around on-tenement residences for the benefit of the cleaners, electricians etc who maintain and repair the residences, but it does not apply for the benefit of the residents.⁹⁸

Other obligations listed underneath the section 9 chapeaux may, in some circumstances, apply to residents, but only incidentally. (See full opinion at Appendix five for further details).

The Committee accepts the advice of DMP and Mr Pettit that the occupational safety and health provisions of the MSI Act do not, generally, apply to the workers who are off-shift and using the on-tenement accommodation for residential purposes.

Finding 11

The Committee found that the occupational safety and health provisions of the *Mines Safety and Inspection Act 1994* do not, generally, apply to the workers who are off-shift and using the on-tenement accommodation for residential purposes.

Finding 12

The Committee finds that FIFO accommodation is qualitatively different to private accommodation, and is similar to a workplace. It should therefore be subject to the same occupational safety and health regulations as a workplace.

Nevertheless, the Committee continues to be of the view that FIFO accommodation on a mining tenement is qualitatively different to private accommodation, and is similar to a work place. As outlined above, on-tenement accommodation is provided by and allocated by the employer; controlled by the employer, particularly as employees cannot leave without the employer's permission and assistance; and the worker's presence in the accommodation is an intrinsic part of their employment. For these reasons, the Committee thinks that the current legislative change process should bring the residential use of the accommodation facilities under the purview of the occupational safety and health provisions.

98 Mr Ken Pettit SC, Francis Burt Chambers, Legal Opinion, 15 April 2015, p. 5.

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Finding 13

The Committee finds that the current legislative change process should bring the residential use of the accommodation facilities under the purview of the mines safety and health provisions.

Differences between on-tenement and off-tenement facilities - section 15D

Mr Pettit brought to the Committee's attention a seeming anomaly between the protection provided to mine workers accommodated in facilities located on a mining tenement (as above), and those located in facilities off a mining tenement.

Section 15D MSI Act also applies to residences provided by a mining employer for mining employees. The operative provision is s 15D(2), which requires a mining employer, so far as is practicable, to maintain such residences "so that the employees are not exposed to hazards at the premises".⁹⁹

Section 15D(2) does not apply within the metropolitan area or a town or city and it does not apply if the employee's occupancy is pursuant to a landlord-tenant letting agreement.¹⁰⁰

Significantly, it does not apply to any residence that is covered by paragraph (k) of the definition of "mining operations". That part of s 15D is difficult to interpret, because paragraph (k) does not relate to the place of a residence, but to operations, so that a place of a residence is sometimes and for some purposes the place of an operation and sometimes is not. Nevertheless, in my view and despite that difficulty, the Legislature simply intended that s 15D is to apply to a residential place that is for mining but is not on a tenement.¹⁰¹

Where it applies, s15D only touches upon "hazards"; it does not expressly extend to "work practices" or "systems of work". It will obviously, and intentionally, apply to the benefit of FIFO workers during residential use of residences.¹⁰²

In light of ss 9 and 15D, the MSI Act intends to cover all mining-related residences other than in cities, towns and the metropolitan area. But it draws several distinctions between such residences, a justification for which is difficult to discern. In particular, the point of s 15D is to obligate the employer in respect of the residential use of a residence,

99 Mr Ken Pettit SC, Francis Burt Chambers, Legal Opinion, 15 April 2015, p. 7.

100 Ibid.

101 Ibid.

102 Ibid.

*whereas s 9, relying on the definitions, is not generally concerned with residential use, (although some provisions such as s 9(1)(e) do incidentally apply to residential use). In other words, it seems odd that the MSI Act provides more protection for residential use off-tenement, than for residential use on-tenement.*¹⁰³

The Committee sought the advice of DMP on this anomaly. DMP advised that:

*Under Section 15 D, there is a duty on the employer to maintain the premises [emphasis added] so that employees occupying the premises are not exposed to hazards at the premises. The department's view is that Section 15 D was specifically intended to provide additional OSH coverage at very remote, non-standard accommodation facilities. This provision was added in 2004 to both the OSH Act (as section 23G) and the MSI Act.*¹⁰⁴

DMP acknowledged that 'the current legislation regarding OSH coverage at mining accommodation is difficult to interpret.'¹⁰⁵

The Committee is of the view that the difference in protection provided to mine workers residing in on-tenement versus off-tenement accommodation is inequitable. The protections of section 15 D should be extended to cover mine workers residing in accommodation on-tenement as well as those in off-tenement accommodation. This is an issue that should be addressed in the development of the new bill.

Finding 14

The difference in protection provided by the Mines Safety and Inspection Act 1994 to mine workers residing in on-tenement versus off-tenement accommodation is inequitable. The Committee considers that both sites are inadequately protected.

The Committee received advice from DMP regarding the OSH coverage at employer-provided accommodation camps under the proposed Work Health and Safety (Resources) Bill. According to DMP:

this issue is currently under consideration, with a view to ensuring consistency between the various industry sectors. This is subject to a Government decision and public consultation. The WHS (R) Bill is based on the national WHS Model Act, which harmonises work health and safety laws across Australia. With regard to accommodation, the WHS Act states:

103 Mr Ken Pettit SC, Francis Burt Chambers, Legal Opinion, 15 April 2015, p. 7.

104 Submission No. 132 from Department of Mines and Petroleum, 15 May 2015, p. 1.

105 Ibid.

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19(4) Primary duty of care

If:

- a) a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; and*
- b) the occupancy is necessary for the purposes of the worker's engagement because other accommodation is not reasonably available,*

*the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.*¹⁰⁶

The Committee considers that such a provision would be a significant improvement on the current situation. The proposed changes would ensure that employees occupying FIFO accommodation would be covered, and it would remove the current anomaly in protection provided to accommodation on-tenement versus off-tenement. Coupled with the explicit definition of health as including 'psychological health', this would go a long way to ensuring appropriate OSH coverage for FIFO accommodation.

The Committee notes that DMP has advised that the inclusion of this provision is 'subject to Government decision and public consultation.'¹⁰⁷ The Committee recommends that the Minister for Mines and Petroleum ensure that the clause from the national WHS Model Act dealing with duty of care at accommodation facilities be included in the Western Australian Work Health and Safety (Resources) Bill.

Recommendation 7

The Committee recommends that the Minister for Mines and Petroleum ensure that clause 19(4) of the national WHS Model Act, dealing with duty of care at accommodation facilities, be included in the Western Australia Work Health and Safety (Resources) Bill, to ensure that a FIFO worker occupying or residing in FIFO accommodation is not exposed to risks to health and safety, including mental health and wellbeing.

Occupational Safety and Health Act 1984 provisions – duty of care

The Department of Commerce also provided some comments regarding the scope of the current duty of care under the *Occupational Safety and Health Act 1984* (OSH Act):

¹⁰⁶ Submission No. 131 from Department of Mines and Petroleum, 4 May 2015, p. 5.

¹⁰⁷ Ibid.

...the employer's duty of care established by the Occupational Safety and Health Act 1984 (the OSH Act) is qualified by the term "so far as is practicable," which is defined in section 3 of the OSH Act as reasonably practicable having regard to:

- (a) the severity of any potential injury or harm to health that may be involved, and the degree of risk of it occurring; and*
- (b) the state of knowledge about –*
 - (i) the injury or harm to health referred to in paragraph (a); and*
 - (ii) the risk of that injury or harm to health occurring; and*
 - (iii) means of removing or mitigating the risk or mitigating the potential injury of harm to health; and*
- (c) the availability, suitability and cost of the means referred to in paragraph (b)(iii).¹⁰⁸*

The Department of Commerce commented on this provision:

The state of knowledge about a hazard or risk, and any ways of eliminating or minimising the hazard or risk, will be what the duty-holder actually knows, or what a reasonable person in the duty-holder's position (eg a person in the same industry) would reasonably be expected to know. The current level of the state of knowledge in relation to FIFO mental health in effect limits what is practicable when addressing FIFO mental health hazards. As the state of knowledge changes over time, so will OSH duty of care provisions.¹⁰⁹

The Committee considers that the emerging evidence that shows that mental health problems may be a concern for 30 per cent of the FIFO workforce will have an important positive impact on the state of knowledge cited in section 3 of the OSH Act, and therefore on the duty of care provisions.

Finding 15

Emerging evidence that shows that mental health problems may be a concern for 30 per cent of the FIFO workforce will increase the state of knowledge cited in section 3 of the OSH Act, and therefore create duty of care responsibilities.

¹⁰⁸ Submission No. 79 from Department of Commerce, 15 January 2015, p. 1.

¹⁰⁹ Ibid.

Chapter 4

Reporting of suicides and attempted suicides

A second question on which the Committee sought legal advice was whether suicides (and attempted suicides) that occur in the accommodation facilities would be covered by the reporting requirements of the MSI Act.

According to DMP, the department:

*is not required under its legislation to investigate suspected suicides that occur outside of the workplace. For the suspected or attempted suicides of a mining or petroleum worker, DMP will conduct inquiries to determine whether there are any workplace factors such as bullying or fatigue. If these issues are involved, then DMP will conduct an investigation.*¹¹⁰

The Committee understands that the Department of Commerce (WorkSafe) which has jurisdiction over LNG sites, interprets the OSH Act in much the same way. The Department of Commerce stated that:

*Section 231 of the OSH Act requires certain cases of injury and disease to be notified to WorkSafe. Employers are responsible for reporting injuries to their employees, which includes injuries to contractors and labour hire staff. Fatal injuries directly associated with work activities are notifiable, but self-inflicted injuries such as suicides without a clear association with the employee[e]’s work would not fall within this category.*¹¹¹

The Committee sought advice as to whether deaths that occur within the accommodation were excluded from the reporting provisions of the MSI Act.

Mr Pettit advised the Committee as follows:

Section 11 deals with reporting obligations. Section 11(1) provides:

- (1) Every person working in a mine must report immediately to the person in immediate authority over that person-*
 - (a) Any potentially serious occurrence that arises in the course of or in connection with that person’s work; and*
 - (b) Any situation at the mine that the person has reason to believe could constitute a hazard to any person,*

110 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 22.

111 Submission No. 79 from Department of Commerce, 15 January 2015, p. 2.

And a person receiving a report under this subsection must convey the information in that report immediately to the manager of the mine or to a person designated for the purpose by the manager.

An attempted suicide is a “potentially serious occurrence”. An attempt made during a residential use of an on-tenement residence will be within the geographical reach of s 11(1)(a) because a residence is part of the “mine”. However, s 11(1)(a) is engaged only if an attempt occurs in the course of, or in connection with, the person’s work. If the attempt is made during a residential use of an on-tenement residence, the attempt will not be in the “course of” the person’s work. This is confirmed by s 11(3) which requires reporting of injury or harm suffered “in connection with work at the mine”.

It is possible that an attempted suicide during a residential use of an on-tenement residence is “in connection with” the person’s work. That will be a matter of fact. If, for example, the attempt was on account of workplace bullying or intimidation or notice of dismissal or of disciplinary action, then it may be “in connection with” work. If, on the other hand, the attempt was because of marital disharmony arising from absence from home through FIFO arrangements, then the “connection” with the person’s work is dubious. The section requires a connection with the person’s “work”, and it is not sufficient for s11(1)(a) that the attempt be connected to the person’s absence from home for the purposes of his/her work.¹¹²

Mr Pettit did not believe that the other reporting provisions of the Act, namely s 11(1)(b), or ss 76, 78 or 79, provided an obligation to report a suicide or an attempted in an accommodation facility:

In the result, there is no directly expressed obligation to report attempted or successful suicides during residential use of a residence. And there is no general obligation on inspectors to investigate a suicide during residential use of a residence. The extent that there is an obligation to report and investigate, it is incidental and uncertain.¹¹³

Where a suicide or attempted suicide is work related, ‘reporting obligations are likely to arise under ss 11(1)(a), 78 and 79.’¹¹⁴ This raises a question for the Committee: who is responsible for making the determination of whether a suicide (or attempted suicide) is work-related, and therefore whether it should be reported to DMP or not? It would

112 Mr Ken Pettit SC, Francis Burt Chambers, Legal Opinion, 15 April 2015, p. 7.

113 Ibid., p. 12.

114 Ibid.

Chapter 4

appear that the current situation leaves this responsibility to the mine manager, presumably with input from the attending medical and police officers. The Committee considers that a preferable arrangement would be for all such events to be reported to DMP, whether initially determined to be work-related or not, so that DMP can make the determination of whether to pursue an investigation. Such a procedure would remove the responsibility from the mine manager and ensure that all suicides and attempted suicides are reported, removing the potential for underreporting.

Finding 16

The Committee finds that all suicides and attempted suicides should be reported by the mine manager to the Department of Mines and Petroleum, regardless of the location in which the suicide takes place or the imputed motivation for such an attempt or actual suicide.

Recommendation 8

That the Minister for Mines and Petroleum ensure that a clause be included in the new Work Health and Safety (Resources) Bill that requires the mine manager to report to the Department of Mines and Petroleum all attempted suicides and suicides at any location at a mine, including within the accommodation facilities whether on- or off-tenement, regardless of the imputed motivation.

The Committee also feels that DMP cannot be in a position to determine whether a death is or is not work-related without conducting an investigation. The Committee therefore calls on DMP to ensure that a policy directive be issued to its staff to ensure that every death notification it receives is fully investigated.

Recommendation 9

That the Minister for Mines and Petroleum ensure that the Department of Mines and Petroleum policy requires that every death notification received by the department is fully investigated, regardless of initial indications suggesting a suicide may not be related to work.

Further investigation revealed that in fact there is no requirement to report to DMP any non-work-related death that occurs in an accommodation facility. For example, deaths by natural causes (i.e. heart attacks) that occur while the worker is off-shift in the residence. The Committee considers this an unsatisfactory state of affairs, and thinks that any death, by any cause, which happens in any part of the mine site, whether on- or off-shift, should be reported to DMP for the purposes of record-keeping, investigation, and policy development.

As discussed earlier in this report, the Committee wrote to DMP seeking further advice of the number of deaths that have been reported to DMP since 2011. As part of the information provided by DMP to the Committee in response, DMP stated that:

*[p]rior to 2013, DMP was not receiving many reports from mine sites if deaths were determined to be non-work related, including death by natural causes. To address this issue, DMP implemented procedures which included a formal request for information on non-work related deaths.*¹¹⁵

While the Committee applauds the initiative of DMP to seek out this information, the requirement for such notification should be codified into legislation. The Committee therefore calls on the Minister for Mines and Petroleum to ensure that the new Work Health and Safety (Resources) Bill include within it a requirement for the Mine Manager to report to DMP any death, by any cause, which happens in any part of the mine site, whether on or off-shift. This should apply equally to any attempted suicide.

Recommendation 10

That the Minister for Mines and Petroleum ensure that a clause be included in the new Work Health and Safety (Resources) Bill that requires the mine manager to report to the Department of Mines and Petroleum any death, by any cause, which happens in any part of the mine site (including the accommodation camp), whether the worker is on- or off-shift.

FIFO as a system of work and the need for a Code of Practice

The final legal question on which the Committee sought advice was whether the practices of FIFO could be described as a ‘system of work’, as the phrase is used in section 9(1)(a) of the MSI Act. Section 9(1)(a) requires an employer to ‘provide and maintain workplaces, plant, and systems of work of a kind that, so far as is practicable, the employer’s employees are not exposed to hazards.’

Mr Pettit provided clear advice that ‘FIFO work practices (essentially the practices of living away from home in employer-provided accommodation for extended periods) do not constitute a “system of work” as that expression is used in the MSI Act.’¹¹⁶ (See full text of opinion at Appendix five for details). The Committee accepts Mr Pettit’s advice on this issue.

However, from a philosophical point of view, the Committee feels that FIFO is clearly a ‘system of work’, using the term more broadly defined than in the MSI Act. Despite the rhetoric from peak bodies about FIFO being a choice, employees are rarely given the choice to keep their job and opt-out of FIFO. At many sites, FIFO is the only practicable manner for running the mine-site: there is simply not an alternative manner of conducting the work. FIFO is intrinsic to getting the job done. Any suggestion that the

¹¹⁵ Submission No. 127 from Department of Mines and Petroleum, 22 April 2015, p. 2.

¹¹⁶ Mr Ken Pettit SC, Francis Burt Chambers, Legal Opinion, 15 April 2015, p. 12.

Chapter 4

FIFO arrangements are somehow separate to the job, and therefore should be separate to the health and safety regulation, seems disingenuous.

Given the extent to which FIFO work practices have effectively grown up outside of the reach of occupational health and safety regulation, the Committee acknowledges the complexities of bringing FIFO work systems under the legislation at this point. A suitable interim step may be to create a Code of Practice covering the operation of FIFO work systems.

DMP provided the Committee with information on the codes of practice that already exist within the industry:

A code of practice is a practical guide to achieve the standards of occupational safety and health required under legislation. It applies to anyone who has a duty of care in the circumstances described in the code. Codes of practice do not cover all hazards or risks that may arise and duty holders need to consider all risks associated with work, not only those for which regulations and codes of practice exist. Codes of practice are admissible in court proceedings. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.¹¹⁷

Codes of practice already exist to cover a range of issues relevant to the mining industry. These include:

- Mineral Exploration Drilling Code of Practice 2012;
- Working Hours Code of Practice 2006;
- Working Hours Code of Practice – Risk Management Guidelines 2006;
- Prevention and Management of Violence, Aggression and Bullying - Code of Practice 2007;
- Consultation at Work – Code of Practice 2009;
- Mines Survey Code of Practice (second edition) 2011;
- Prevention and Control of Legionnaires' Disease Code of Practice 2010;
- Safe Design of Buildings and Structures 2010;
- Safeguarding of Machinery and Plant Code of Practice 2009;

¹¹⁷ Submission No. 17 from Department of Mines and Petroleum, 23 September 2015, p. 6.

- Surface Rock Support for Underground Mines 1999; and
- Tailings Storage Facilities in Western Australia 2013.¹¹⁸

Further advice from DMP suggested that industry, peak bodies, and expert groups (such as the Mental Health Commission) could be consulted in the development of a code of practice, which could cover not only FIFO workers, but drive-in, drive-out (DIDO) workers, remote survey/exploration workers, and possibly, residential workers who transfer to regional/remote towns for their employment.¹¹⁹

The Committee acknowledges that a Code of Practice would need to be sufficiently flexible to ‘cater for the variances in the scale, complexity and geographical location of mining and petroleum operations in Western Australia.’¹²⁰ Nevertheless, the Committee considers that a Code of Practice on FIFO work arrangements and mental health would be a valuable innovation.

Finding 17

The Committee finds that FIFO work arrangements are, in many instances, intrinsic to employment at a resources site. As such, FIFO work arrangements should be subject to a Code of Practice to limit the negative impact of such work arrangements on employees’ mental health.

Recommendation 11

That the Minister for Mines and Petroleum and the Department of Mines and Petroleum, in partnership with the Mental Health Commission, negotiate a Code of Practice with industry and other stakeholders that addresses FIFO work arrangements and their impact on employees’ mental health.

The next chapter of this report details many of the issues that could usefully be included in the code of practice.

118 Submission No. 17 from Department of Mines and Petroleum, 23 September 2015, pp 6-7.

119 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 16.

120 Ibid.

Chapter 5

Challenges of the FIFO work system

This chapter details the features of the FIFO work system that have the potential to pose the greatest challenge to mental health.

There are many factors of the FIFO work system that have the potential to impact upon a worker's mental health. Chapter three of the Committee's discussion paper set out a range of issues that had been raised as factors with the potential to have a negative impact. Since then, the Committee has focussed on what it sees as the main features of FIFO work arrangements that are likely to contribute to an increased risk of mental health problems.

Experts in the field of mental health identified characteristics of FIFO work arrangements that may pose a risk to workers:

Lifeline WA submits that FIFO work factors may be causal factors for mental health issues and that the FIFO workforce experiences a higher incidence of mental health issues than the general community...Further, Lifeline WA submits that cases could be made that FIFO work practices have a negative impact on vulnerable groups, and also that they have a negative impact when the workforce has a low level of literacy of and motivation towards self-care. There are a number of known stressors, regardless of sector, such as long shifts and physical exertion; FIFO work involves a number of these stressors. This could lead to conclusions about the safety of particular work practices (i.e. long shifts, high compression rosters) and place a greater obligation on employers to provide robust, relevant and timely access to supports (such as family and social connections) and support services (such as EAPs, GPs, counsellors and crisis support services).¹²¹

This point was also raised by the Australian Medical Association (Western Australia), (AMA) which submitted that:

In itself, the FIFO workplace is a major stressor for employees with isolating accommodation and working conditions being reported as having a significant impact on the mental wellbeing of employees. Onerous rules, safety procedures and focus on achievement of production levels have been shown to create a distinct sense of

121 Submission No. 94 from Lifeline WA, 29 January 2015, pp. 1-2.

Chapter 5

*entrapment in FIFO workers ...the lack of freedom and control over working hours cannot be underestimated as having a major negative impact on employee mental health. FIFO employees report that their entire time on site is regulated by the tightly structured confines of a FIFO environment.*¹²²

The Committee concurs that there are significant questions about the safety of particular work practices.

Finding 18

The Committee finds that there are significant questions about the safety of particular FIFO work practices in terms of mental health and wellbeing.

FIFO work is ‘not for everyone’?

Several submitters from industry suggested that there is nothing particularly unique about FIFO work arrangements, and that it comes down to people either self-selecting themselves into FIFO work, or being selected by companies as ‘suitable’ to undertake this form of work.

The Committee is also aware of a perception in the wider community that FIFO work practices ‘might not be for everyone’, and that the problems associated with FIFO work practices – should they exist – tend to reflect the personal characteristics of the employee encountering difficulties with FIFO. Indeed in a submission to the inquiry, the resource industry’s peak body, the Chamber of Minerals and Energy (CME) suggested that ‘fly-in fly-out as a work practice is not without its challenges and does not suit everyone.’¹²³ Whilst the Committee appreciates the CME’s acknowledgement that FIFO work practices present challenges, it is less accepting of the view that FIFO might ‘not suit everyone’.

Another peak body, the Australian Mines and Metals Association (AMMA), suggested in response to the Committee’s discussion paper:

...a common theme of feedback from AMMA members is that the FIFO lifestyle and working conditions do not suit everyone. It remains as a matter of choice for each individual as to whether they are suited to pursue such a work / lifestyle commitment, and many companies go to

122 Submission No. 53 from Australian Medical Association (Western Australia), 30 September 2014, pp 4-5.

123 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 7.

*great lengths to ensure people are selected appropriately at the recruitment stage.*¹²⁴

This view demonstrates a lack of understanding of the nature of mental illness and mental wellbeing. The premise that workers at risk of mental illness can be weeded out through selection processes, quite aside from being discriminatory, misunderstands how mental illnesses manifest. Even those who are deemed to be ‘suitable’ for FIFO work are, statistically, still at risk of developing a mental illness while employed in the resources sector.

The Committee is particularly wary of accepting this suitability argument as a reason for not taking action to improve mental health conditions for FIFO workers. If the suitability argument is accepted as valid, it suggests that the solution to the ‘challenges’ posed by FIFO work practices is to recruit only those deemed suitable to handle those challenges. In the Committee’s view, this logic is akin to saying that the solution to the challenge of working safely at heights is to employ only those with exceptional balance, rather than addressing safety risks by providing harnesses and safety railings.

Profiling or screening employees

Experts told the Committee that attempts to ‘profile’ or conduct pre-employment screening to ensure that only people ‘suited’ to FIFO were employed, were problematic. When asked if employers could introduce some form of psychological testing of FIFO workers to ensure that they limited the risk, an expert witness stated that:

*I think you would have to be careful with that...it could be a bit of a blunt instrument really if at any one point in time you are trying to assess whether this particular person has ever thought of suicide. I do not think that would be very discriminatory. ...they do sort of screen out the drug and alcohol abuse and try to monitor that, and that is important. But beyond that, to me it would be more meaningful, rather than saying let us figure out if they are one of the people who are going to fall in a hole, to take a more preventative approach and say, “You’re going to be our employee. What’s going on in your life? What sorts of stresses are you going to experience? What sorts of stresses will your family experience? What might we need to do to ensure that you will be able to do this job without falling over?”*¹²⁵

Another expert witness stated:

124 Submission No. 92 from Australian Mines and Metals Association, 29 January 2015, p. 4.

125 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 7.

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*I have really been very concerned hearing some suggestions about personality testing and screening people. We know from the research that that is actually not effective, ...[as is] any idea that you might be screening somebody on the basis of some kind of personality trait.*¹²⁶

The Committee is of the opinion that rather than trying to screen for and recruit workers able to withstand the challenges of a FIFO role, the emphasis should be on tailoring the FIFO roles to accommodate the mental health needs of workers.

Finding 19

The Committee found that there is a view amongst some in the industry that workers can be chosen on the basis of being 'suitable' for FIFO employment. The Committee finds that rather than trying to screen for and recruit workers able to withstand the challenges of a FIFO role, industry's emphasis should be on better managing mental health and wellbeing within the workplace.

As set out in the previous chapter, the Committee recommends the development of a Code of Practice to regulate FIFO work arrangements. This chapter sets out the characteristics of FIFO work arrangements that pose a challenge to worker's mental health. Not all of these factors will apply to all workers or all sites. Equally, there may be other factors that play an exacerbating role. However, based on the evidence the Committee received, these appear to be the more significant factors at play. Each of these characteristics should be addressed in the Code of Practice.

The characteristics of FIFO work

Rosters and fatigue

Rosters

Perhaps the most significant recurrent issue the Committee encountered throughout the inquiry was the pattern of roster worked by FIFO employees. The Committee was told '[t]here are a significant number of rosters in operation in the resources industry (over 30), and it is common that one operation operates numerous rosters simultaneously'.¹²⁷

Rosters offered on resource projects are the result of multiple considerations. The nature of the work undertaken by the employee, project deadlines, cost pressures, the lifecycle of the project, and current conditions in the labour market are all factors which affect the roster pattern offered to workers by resource companies. BHP Billiton reported that:

¹²⁶ Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 8.

¹²⁷ Submission No. 92 from Australian Mines and Metals Association, 29 January 2015, p. 5.

[i]n accordance with BHP Billiton Iron Ore's Fatigue Management Procedure the following considerations are factored into the design of all rosters to ensure the wellbeing and safety of our workforce:

- *Length of shifts and hours worked;*
- *The roster cycle and the number of consecutive days of work and recovery;*
- *Work start and finish times and length of breaks; and*
- *The flight times of FIFO personnel.*¹²⁸

The Code of Practice Working Hours 2006 states:

Potential hazard factors associated with working hours arrangements include but are not limited to:

Working hours arrangements:

- *Shiftwork, for example:*
 - *FIFO – total hours over a three-month period;*
 - *FIFO – sequential night shifts;*
 - *FIFO – period of non-work following a sequence of night shifts; and*
 - *FIFO – return from rest and recreation to operations.*¹²⁹

The Committee has found that roster patterns worked by production workers and construction contractors can differ significantly. Production workers are often either employed directly by resource project operators, or a large contracting company employed by the operator. While there may be some degree of variation, these employees generally work a lower compression roster such as two weeks on, one week off, or an even-time roster such as two weeks on, two weeks off. Even-time rosters are often back-to-back with another employee.¹³⁰

128 Submission No. 99 from BHP Billiton, 2 February 2015, p. 15.

129 Department of Commerce, *Code of Practice: Working Hours*, Commission for Occupational Safety and Health, 2006, p. 5.

130 Submission No. 35 from Australian Manufacturing Workers' Union, 26 September 2014, p. 8.

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It was reported to the Committee that workers employed in resource project construction typically work four weeks on, one week off.¹³¹ Construction projects last for a limited time and have tight deadlines for completion, requiring a higher compression roster. On this point, the Construction, Forestry, Mining and Energy Union (CFMEU) made the comment:

*something that we get a bit sick and tired of hearing, particularly amongst the resource sector, is that construction is short-term work; it does not really matter; it is short-term work; you are on a four and one, and that is the way it is; construction will be complete in two years or 18 months; and then we will look after our production and our maintenance crew, which are normally on an equal-time roster scenario.*¹³²

These higher compression rosters are seen by resource companies as necessary in order to meet deadlines and construction targets. The AMWU explained that:

*[c]onstruction workers are under different pressures. Construction workers and construction companies are saying, "We want to maximise the amount of time that people are on the workplace because we want to maximise the productivity."*¹³³

The CFMEU highlighted to the Committee 'a significant disparity between the roster cycles of construction workers when compared to production workers employed for the production phase of a project'.¹³⁴ This disparity means that FIFO workers cannot be looked at as a homogenous group in terms of roster patterns. Those FIFO workers employed in the production phase of a project have more stable employment compared to FIFO workers on the construction phase.

Finding 20

An argument is frequently made that FIFO construction workers tolerate working a higher compression roster (i.e. four weeks on, one week off) because of the short time periods of construction projects. It is important to note that construction workers often move from one construction project to another, and thus are continually exposed to high compression rosters.

131 Mr Mick Buchan, State Secretary, Construction, Forestry, Mining and Energy Union, *Transcript of Evidence*, 5 November 2014, p. 2.

132 Ibid.

133 Mr Steve McCartney, State Secretary, Australian Manufacturing Workers' Union, *Transcript of Evidence*, 3 November 2014, p. 3.

134 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 6.

The Committee heard that one of the main sources of concern for FIFO workers, regardless of job, is the length of rosters worked. Rosters were identified by most submitters as a key source of stress impacting on their personal relationships and mental wellbeing. UnionsWA suggested that:

*[r]osters, particularly in the construction industry, are a large problem. The four and one rosters pose a greater health threat than the two-and-one rosters.*¹³⁵

The effects of higher compression rosters have been reported in research conducted by the FIFO Australian Community of Excellence Network (FACE), which found that these rosters impacted on work-life balance, led to feelings of isolation and loneliness, higher levels of psychological distress and adverse effects on family relationships.¹³⁶ There was some level of willingness to accept this within the industry, with BHP Billiton stating that it 'acknowledges the concern expressed by some stakeholders as to the potential impact of extended roster length on mental health.'¹³⁷

Many individuals who made submissions to the inquiry raised the issue of rosters and roster compression. One submitter, who provided information to the Committee on the basis of confidentiality, detailed his experience of working three different rosters: two weeks on, two weeks off (an even time roster); three weeks on, one week off; and four weeks on, one week off. The comments from this individual are broadly representative of the feedback the Committee received from other witnesses. This person works as a supervisor on-site and therefore has insight into the impact of rosters on workers. His comments have been edited here to ensure the individual's privacy:

Two weeks on, two weeks off (2/2): I...found [this roster] offered the safest site due to fatigue & isolation being less of an issue & also morale staying high (all commonly linked to suicide and depression). The 2 weeks off allowed people to resolve issues that have arisen at home (financial/personal etc.) & to re-energise prior to going back to work, I also found this roster worked best at work as I would have a back to back, so we just had an overlap day each end of the roster to do a hand over, this made the project more productive & safer as any changes to site or staff could be fully discussed as opposed to a random person filling in during someone's R&R break...

Three weeks on, one week off (3/1): ...I noticed more incidents & injuries on site, I also noticed more people on the project going

135 Mr Owen Whittle, Assistant Secretary, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 1.

136 Submission No. 23 from FIFO Australian Community of Excellence, 26 September 2014, p. 12.

137 Submission No. 99 from BHP Billiton, 2 February 2015, p. 13.

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through divorce, there was also guys suffering isolation & anger issues in their final week on-site also suffering depression due to time away from family (particularly their kids – also with dad away so long & home for such short periods teenagers would get into trouble without a father figure). Only being home for one week also prevented a full rest as 3 weeks away from home chores & issues build up which require to be dealt with in just week which consumed most of your week off. This roster mainly allows for 10 hours work a day for fatigue management, this creates 2 types of people (alcohol drinkers or people to sit in their rooms), both have very negative affects on the mental state of individuals & also a very bad culture which is taken home with them on R&R...

*Four weeks on, one week off (4/1): ...I am working this roster for the first time at ...[in WA] on the [XX] project, I haven't been here very long but I know a couple of people have already committed suicide on the project & a large number of people are walking around like zombies. There have been a much larger amount of injuries & incidents than I am used to on projects I have been on in the past. There is a huge fatigue issue & the morale is so low it creates a huge loss in concentration which leads to more accidents & injuries as well as depression & other mental health issues. There is a huge turnaround of people on this project, meaning most are new to the project & the industry which is reflected in the lack of understanding in safety & importance of following processes & procedures which means higher incident and injury rates.*¹³⁸

Other witnesses who discussed the issue of rosters with the Committee emphasised the need for lower compression rosters; a preference for even-time rosters; and the importance of workers being able to choose which roster suited them best. Lower compression rosters were seen to be preferable in terms of family and personal relationships, and mental health and wellbeing. Higher compression rosters may be seen to be desirable by some due to increased earning capacity on a higher compression roster.

There appears to be an appetite amongst workers, particularly in construction, for lower compression rosters. The CFMEU reported to the Committee that:

an Enterprise Agreement was rejected by over 80% of construction workers on Barrow Island on the basis of workers requesting shorter

¹³⁸ Closed submission, March 2015.

*more family and worker friendly rosters, which will effectively deliver a pay reduction for FIFO workers.*¹³⁹

The length of time spent away from home has impacts on a worker's ability to build and maintain relationships with family and friends, conduct personal business and seek help for any issues, medical or otherwise, that they may have. When in the care of an employer on camp, workers are limited in their ability to live a 'normal' life and enjoy the same kinds of supports and relationships they have at home. This can have the effect of exacerbating any existing or emerging issues that a worker is facing.

On this issue the CCI WA reported:

The Mental Health Commission's new suicide prevention strategy Mental Health 2020 identifies rural and remote areas (including FIFO workers and families) as a risk group for mental health issues that requires a unique and customised approach.

*It identifies that people living in rural and remote areas often face significant challenges to access appropriate and timely services as a result of geographical isolation including reduced opportunities for mental health interventions due to limited availability of primary health care services. The FIFO lifestyle is seen to impact not only on workers, but also their families, which in some instances compound issues through the feedback cycle.*¹⁴⁰

BHP Billiton reported that it offered 'a suite of lifestyle rosters, both residential and FIFO working arrangements to offer flexibility and choice to prospective employees'.¹⁴¹ Rio Tinto informed the Committee that:

*most sub-contractor rosters will run similarly to our operating rosters. It is noted that Category 2 contractors may have longer project rosters in some instances, depending on the specific project requirements. However, all sub-contractors are required to comply with our fatigue management guidelines and no individual may work greater than 13 days without having a day off, nor may they work more than 7 consecutive night shifts.*¹⁴²

139 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 7.

140 Submission No. 108 from Chamber of Commerce and Industry Western Australia, 9 February 2015, p. 4.

141 Submission No. 99 from BHP Billiton, 2 February 2015, p. 13.

142 Submission No. 49 from Rio Tinto, 30 September 2014, p. 28.

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Until recently, Fortescue Metals Group (FMG) offered an eight days on, six days off roster for production workers as an enticement for quality employees on the basis that this was a more family friendly roster. However, FMG advised the Committee that it had:

*...undertaken a thorough organisational review and as a result will bring rosters across its operations into line with the standard rosters worked in the Pilbara iron ore industry [two weeks on, one week off]...This decision has been taken in order to further improve productivity due to ongoing instability in the iron ore market...*¹⁴³

Media reporting quoted FMG's Chief Executive as saying:

*In this environment, bringing our costs down rapidly and sustainably is critical and will place our company in the strongest possible position for the future.*¹⁴⁴

While the Committee acknowledges the economic realities of such decisions, the question remains whether the pressures to meet deadlines and increase efficiency will result in a move towards higher compression rosters, and a subsequent impact on safety.

One significant issue identified by submitters was the phenomenon of compression creep.¹⁴⁵ This was where time travelling home at the conclusion of a swing significantly encroached on time off for workers. This was most likely to occur for workers travelling interstate or overseas. Unions have called for travelling time to be factored into an individual's roster to enable them to have an adequate amount of rest time between swings.¹⁴⁶ It is acknowledged that there is difficulty in implementing such a measure for individual workers based on their geographic home location. However, if an employer is focused on fatigue management, travel time must be included in their assessment of a worker's risk factors.

Overall, the Committee acknowledges that a wide variety of rosters are offered and necessary for the operation of a resources project. However, the Committee has concerns about the length of the rosters worked particularly by construction workers, and higher compression rosters. From the evidence received by this inquiry, it is clear that higher compression rosters can result in fatigue and pose significant risks to

143 Submission No. 124 from Fortescue Metals Group, 15 April 2015, p. 1.

144 'Fortescue Metals asks miners to work more as iron ore prices plunge', *WA today*, 14 April 2015. Available at <http://www.watoday.com.au/business/mining-and-resources/fortescue-metals-asks-miners-to-work-more-as-iron-ore-prices-plunge-20150414-1mkg6s.html>. Accessed on 27 May 2015.

145 Mr Owen Whittle, Assistant Secretary, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 2.

146 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 6.

workers' mental health and wellbeing. Lower compression rosters such as the eight days on, six days off roster, two weeks on, one week off, and even time rosters appear to have significant advantages in terms of supporting workers' mental health and wellbeing, as well as family wellbeing.

Finding 21

The roster compression that best supports mental wellbeing appears to be an even-time, or a two weeks on, one week off roster. The eight days on, six days off roster pioneered by FMG also has considerable advantages, including allowing workers to have every second weekend at home. Rosters that support mental wellbeing and family friendly rosters such as these should be encouraged.

Recommendation 12

That the Minister for Mines and Petroleum ensure the Code of Practice on FIFO work arrangements addresses the issue of rosters, with the aim of encouraging even-time rosters, and rosters that support mental health and wellbeing such as two weeks on, one week off, or the 8 days on, 6 days off roster. Rosters of greater compression than this can result in fatigue and pose significant risks to workers' mental health and wellbeing, and should be reduced.

Fatigue

Fatigue is linked to poor mental health and wellbeing, as well as poor decision-making. The Committee heard from a medical professional that:

*[w]e are more inclined to be emotional and to overreact if we have not had adequate rest. [...] Rational problem-solving has often been one of the helpful pathways to dealing with things. The more people are able to be calm and relaxed about how they go about their rational problem solving, the better.*¹⁴⁷

The 'Code of Practice: Working Hours' lists both 'total hours over a three-month period' and 'sequential night shifts' as 'potential hazard factors associated with working hours arrangements'.¹⁴⁸

The resource companies the Committee spoke to indicated that they had fatigue management plans in development or in place for their workers. BHP Billiton provided a copy of their fatigue management plan to the Committee. This document identifies causes of fatigue as including:

- Roster design and working hours;

¹⁴⁷ Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, pp. 9-10.

¹⁴⁸ Department of Commerce, *Code of Practice: Working Hours*, Commission for Occupational Safety and Health, 2006, p. 5.

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- Work tasks and environment;
- Amount and quality of sleep;
- Sleeping environment; and
- Sleep disorders and other health issues.¹⁴⁹

The document identifies controls for fatigue risk factors related to working hours. These include a maximum working time per 24 hours not greater than 14 hours inclusive of travel time, a maximum of 14 consecutive dayshifts, a minimum of 10 hours between shifts, and a maximum of seven consecutive nightshifts for FIFO workers.¹⁵⁰

BHP's 'Approved Rosters Procedure' document also contains fatigue rules against which new rosters should be assessed. One of these fatigue rules includes a 'recommended time off work if roster is greater than 5 consecutive shifts', which should be 'at least half of the number of days worked.'¹⁵¹ Clearly, roster patterns have been assessed by BHP as impacting upon fatigue management.

Rio Tinto,¹⁵² Woodside,¹⁵³ and Shell,¹⁵⁴ also indicated in their submissions that they have fatigue management plans for their staff. The CME informed the Committee that:

...the Mines Safety Inspection Act 1994 (MSIA) does not contain specific requirements regulating fatigue, however, the hazards associated with fatigue are regulated through the general duties of the MSIA with further guidance provided through the Working Hours Code of Practice.¹⁵⁵

The Committee considers good fatigue management plans and associated controls around fatigue are essential to maintaining the wellbeing and mental health of FIFO workers. This includes providing an environment where workers are able to get good quality sleep within the accommodation facilities.

Finding 22

There is some recognition by some resource companies that roster compression is critical in fatigue management. This recognition should extend to the impact of fatigue on mental health and wellbeing.

149 Submission No. 129 from BHP Billiton, 29 April 2015, p. 6.

150 Ibid.

151 Submission No. 129 from BHP Billiton, 28 April 2015, *WAO Approved Rosters Procedure*, p. 6.

152 Submission No. 49 from Rio Tinto, 30 September 2015, p. 17.

153 Submission No. 46 from Woodside, 30 September 2015, p. 5.

154 Submission No. 59 from Shell Development (Australia) Pty Ltd, 7 October 2015, p. 2.

155 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 12.

Recommendation 13

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes an explicit acknowledgement of the impact of fatigue on mental health, and controls for managing its consequences and impact.

Workplace culture

Industry submissions indicated to the Committee that industry was aware of the need for a shift in the culture of workplaces and organisations in the way they regarded the mental health of workers. Several stakeholders highlighted steps they were taking in order to promote good mental health and change organisational culture within the industry.

BHP advised the Committee that '[w]e cultivate a culture of continuous improvement focussed on minimising all risks to employees' physical and psychological health and safety.'¹⁵⁶

As part of its approach to minimising the risk of poor psychological health for its employees, BHP has developed a 'Mental Wellness Standard'. BHP stated:

*[t]his Standard outlines our commitment to a supportive and connected workplace where the entire workforce is made aware of mental illness and is provided with the tools to assist in feeling resilient and empowered to reach out for support and access the resources available to them if they are having a tough time with personal or work-related problems.*¹⁵⁷

This Standard can be seen as an attempt by BHP to change the culture in the workplace and amongst its employees, and to encourage its employees to feel confident in speaking up when they feel they may be struggling.

The CME informed the Committee that:

*CME considers it is critical workplaces maintain the flexibility to develop and implement wellbeing strategies tailored to their specific workforces. The introduction of unnecessary prescription tends to drive compliance driven approaches and would not be consistent with best practice health and safety regulation.*¹⁵⁸

156 Submission No. 30 from BHP Billiton, 26 September 2014, p. 4.

157 Ibid., p. 6.

158 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 11.

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The Committee notes that resource companies have strict compliance rules in terms of health and safety regulation, yet the CME argues against any form of regulation dealing with mental health.

Mental health literacy

The Committee has concerns that the general literacy throughout the resources sector with regards to mental health is inconsistent. While many companies have made an attempt to educate workers on mental health issues, coping strategies and help seeking; strong leadership and a dedication to seeing it through are required for it to be successful. It was reported to the Committee that:

*...it also seems to be just by luck if you happen to get a leader, a supervisor or a health and safety person who perhaps has got some compassionate people skills. In which case, they are often quite helpful, at least as a kind of conduit, to getting other help. But commonly, they have absolutely zilch awareness of mental health, just like my guy earlier this week saying that suicide is attention seeking. It is not that they do not have any understanding; the understanding that they have is actually dangerous. It is really hit and miss.*¹⁵⁹

The Committee recognises the importance of further awareness training for those within the resources sector. This awareness training allows for individuals to gain an understanding of what constitutes a mental illness, and for individuals to be able to self-identify symptoms.

Stigma

In its discussion paper the Committee identified the stigmatisation of mental health issues within a resource site workplace culture as contributing to workers being reluctant to seek help when in distress.

As identified earlier in this report, the resources sector is overwhelmingly male-dominated, and this brings with it its own unique set of challenges. A community mental health worker suggested that:

[w]hen you think about the stigma that is around mental health issues and the stigma that is around signs of weakness, particularly in an industry like the resources sector with a very male-dominated culture, to be vulnerable because perhaps a relationship has ended and the

159 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 10.

*shame that goes with that and the shame of struggling, we really need to understand much more about vulnerability and shame.*¹⁶⁰

The Committee has heard that despite a shift both within the wider community and within the resources sector with regard to the stigmatisation of mental health issues, there still remains a reluctance amongst workers to 'put their hand up' and seek help for their issues.¹⁶¹

Many community mental health workers described to the Committee that their visits to sites to do either toolbox talks or to conduct physical health evaluations were often used to encourage workers to open up about their mental health. Some community mental health workers identified post-vention work after a trauma as another opportunity that some workers used to approach them about their own mental health issues. As one community mental health worker commented:

*[t]here is something about when there has been a critical incident or trauma, it makes it more acceptable, I think, for people to actually say, "Yes, I do need to talk to somebody." Although, having said that, I am very conscious when I go to sites it is like "The shrink lady is here" and there is still a lot of stigma around coming to and being seen talking with someone.*¹⁶²

In relation to overcoming stigmatisation of mental health in the workplace, the Committee was informed:

...that what we need to do is actually address the stigmatisation of mental health directly, front on. The way to do that is to recognise that what we are dealing with in the fly in, fly out sector is some individuals who will be very comfortable going to an [employee assistance program]; some individuals who will really want to go for a walk around the block of dongas at the end of their shift with the chaplain; some individuals who will want to work out really hard in order to get the endorphin rush; some workers who will want to have immediate and really thorough and well-supported access to their families back home, and to know that at a drop of a hat, they can get home if there is an emergency; some individuals who are really struggling quietly

160 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 3.

161 Ms Sue Crook, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 10.

162 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 12.

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*and will only really open up with an individual who is trained to listen to them.*¹⁶³

The Committee believes that addressing mental health stigma in resource project workplaces requires a multi-faceted approach, utilising a variety of methods for workers to seek help. This approach was described to the Committee as a ‘mosaic’ of services available for workers, based on their individual need.¹⁶⁴

The Committee is concerned that while many companies have attempted to change the culture in their workplaces in relation to mental health, the downturn in the resources sector and associated job losses may lead to a reluctance among many workers to make their employers aware of issues they may be having.

In addition to this, cultural change is slow and it may take time for attitudes to change. As a community mental health worker informed the Committee:

*[c]oming forward about a mental health issue and the stigma around that and fear of a window seat is high anyway, and you layer that now with the economic climate and the redundancies, and you have not got a hope of somebody putting their hand up and saying that they are struggling. If you are applying for a job, to disclose that you have a mental health issue—I mean, a manager said to me the other day, “If I’ve got 15 crane drivers and one of them says they have had depression, there is no way I am going to choose the one who has depression.”*¹⁶⁵

Recommendation 14

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes a provision for the development of workplace cultures that are supportive of good mental health and wellbeing.

Bullying

Bullying was identified by several submitters as being prevalent on resource sites. The Committee heard from many private submitters that bullying was widespread across sites, and that it often went unreported. One of the reasons for this, it was suggested, was that the bullying often involved a supervisor.

163 Dr Paul Pule, Co-convenor, FIFO Australian Centre of Excellence, *Transcript of Evidence*, 11 March 2015, p. 7.

164 Ibid.

165 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 9.

Where bullying did occur, the fact that workers were constantly around colleagues even when off-shift compounded the problem. AMMA acknowledged this as a problem, suggesting that:

*[t]here is one inherent risk or possible intensifying factor for bullying which is perhaps inherent in FIFO work, and that is that where interpersonal concerns occur, people not only work together, but reside in close proximity to each other – in short there is less scope to go home and avoid someone you don't like or whose actions you object to.*¹⁶⁶

However, the Committee was informed that:

*[a]ll organisations that AMMA has consulted...do not tolerate such behaviours and have internal mechanisms in place to combat them...These provide employees and third parties that could be bullied or harassed with options to independently, anonymously and confidentially disclose their allegations for proper investigation and where warranted action.*¹⁶⁷

The Committee heard that it was difficult for individuals to raise incidences of bullying due to fear of putting their employment in jeopardy by engaging in the complaints process. UnionsWA described these difficulties:

*[I]t really relies on a complaint mechanism system, so if a worker has been bullied, they will complain to a supervisor or manager, and run through the internal company procedures. If they have had an issue with how that has been handled through the internal dispute resolution or the company's internal procedures dealing with bullying, they would have the option of taking it to DMP by a complaint mechanism. Then, they are needing to come out and...name themselves to the regulator and when the regulator comes in to investigate it, they are then going to be named as the person who has made the complaint to the regulator, which is a very tricky position for a lot of workers, especially when they fear being victimised, because you can imagine what might happen to some workers who make that complaint to a regulator and what they are told when they have called the regulator by other people on site, especially if they are being bullied.*¹⁶⁸

166 Submission No. 92 from Australian Mines and Metals Association, 29 January 2015, p. 8.

167 Ibid.

168 Mr Owen Whittle, Assistant Secretary, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 7.

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The Department of Mines and Petroleum (DMP) also acknowledged bullying as an issue on resource sites. DMP suggested that:

*[t]here is a reluctance of workers to lodge formal bullying and harassment complaints with the regulator. This may be related to the toughness culture within the resources industry, and possibly also based on the fear of repercussions such as employment termination or increased bullying.*¹⁶⁹

This reluctance to raise complaints means that DMP is limited in its effectiveness in tackling this problem. The Committee was informed that:

*[i]t is difficult for the regulator to properly investigate a bullying incident if the complainant refuses to supply sufficient details. By example, 36 of the 72 bullying complaints received during 2011–14 were investigated by DMP, despite no formal bullying complaint being lodged.*¹⁷⁰

The Committee believes that the number of bullying complaints received by DMP represents the tip of the iceberg, and that many employees are reluctant to escalate their complaints beyond their own companies' internal processes. Given the closed evidence the Committee has received, there may be many FIFO workers experiencing bullying who continue to suffer in silence for fear of repercussions.

The Committee heard that the reactive nature of DMP as a regulator and its lack of resources to deal with such issues are problematic:

*[a]n organisation like the DMP...does not necessarily have a lot of those specialist skills on occupational health and safety anyway. Plus from our point of view it is very much under-resourced and primarily reactive. It is simply not going to do a very good job. That does not have to be a reflection on the people who work for it; it is...a structural issue. It is simply not going to be able to deal with those sorts of issues.*¹⁷¹

DMP reported that its inspectors undertook complaints and bullying management training, as well as recently undertaking training on psychosocial harm. DMP also reported that it 'will continue its focus on addressing bullying issues, working in

169 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 10.

170 Ibid.

171 Dr Tim Dymond, Research Officer, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 6.

conjunction with industry and unions, as well as through consultative forums such as the Mining Industry Advisory Committee.¹⁷²

Despite these efforts, UnionsWA reports that:

*where we are seeing a lack of intervention on behalf of safety regulators is on the more proactive stage, where they are coming in to have a look at the processes before they hear of a complaint of a problem, so you are not having inspectors coming in and saying, “Well, hey, let’s look at how you handled your last three bullying complaints”, and running through it. If that was the space the safety regulators were filling, you might see some contractors step up their game in terms of dealing with complaints.*¹⁷³

The more proactive approach outlined above by UnionsWA is consistent with the current approach taken towards physical health and safety issues on worksites.

Finding 23

That a continued proactive approach by regulators is required with regard to assessing companies’ complaints processes for bullying and harassment.

Despite the assertion by industry peak bodies that there has been a focus on procedures to eliminate bullying behaviour, the Committee remains concerned that the true extent of bullying in the resources sector is unknown. The Committee supports efforts made by DMP to be more proactive in addressing bullying complaints. However, the Committee is concerned that the lack of confidentiality in complaints mechanisms, and their reactive nature, contribute to difficulties in identifying and preventing this behaviour.

Recommendation 15

That the Minister for Mines and Petroleum ensures improved anti-bullying procedures be included in the Code of Practice on FIFO work arrangements, and that greater capacity be given to DMP to pursue and prosecute bullying claims.

Personal relationships

Relationship strain

The Committee heard that strain in personal relationships, particularly between partners, can significantly contribute to stress, anxiety and poor mental health in individuals. Psychiatrist Dr Simon Bryne told the Committee that:

172 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 10.

173 Mr Owen Whittle, Assistant Secretary, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 7.

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*[t]he [...] interesting fact about seeing people post overdose or in the emergency department or the acute suicidality of people in crisis is that you very quickly realise when you are doing that work that by far the commonest immediate event preceding the suicidal behaviour is some relationship disruption; it is probably 80 per cent.*¹⁷⁴

Lifeline WA suggested that ‘there are higher rates of divorced people (1 in 10 workers, compared to 1 in 12 in the general Australian population)’ in the resources sector.¹⁷⁵

The reasons for relationship breakdowns are myriad and complex, and dependent on a number of different variables. However, given its strong link with poor mental wellbeing and suicidality, the personal relationships of FIFO workers and the effect of FIFO work on these relationships needs consideration.

The fact that a FIFO worker may be absent from their partner for long periods of time can place a strain on a worker’s relationship. Workers are unable to contact partners during their shifts and are therefore unable to respond to any urgent issues which may arise. Workers have a limited window of time to contact partners and family members at the conclusion of their shifts, which may be affected by problems with communications technology.

A worker experiencing issues in their relationship may find these exacerbated by their inability to adequately address these issues. Further, where communication is lacking, mistrust and misunderstanding may develop.

The Committee has heard that a worker’s continued absence from domestic life can lead to the partner at home taking on a role and routine which is independent of that worker. Partners of FIFO workers often learn to cope effectively without that worker being present. Therefore, when workers return home at the end of a swing, they often find their presence is disruptive to their partner’s ‘normalised’ routine.

Finding 24

That working a FIFO roster can increase strain in personal relationships, particularly within families.

Communication

A worker’s ability to communicate with friends and family when on site has been described to the Committee as their lifeline.¹⁷⁶ The importance of regular, reliable communications technology allowing a worker to maintain contact with their families and support networks cannot be underestimated.

174 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 6.

175 Submission No. 94 from Lifeline WA, 29 January 2015, p. 3.

176 Submission No. 91 from UnionsWA, 29 January 2015, p. 4.

At various times throughout the inquiry, the Committee heard from numerous sources that one of the leading causes of stress and anxiety for FIFO workers arises from strained relationships with family members that remain at home while the FIFO employee is at site. Regular access to reliable and inexpensive communications, including internet and traditional telephone communication, is amongst the most important mechanisms available to FIFO workers to remain in touch with their families and home lives. Maintaining relationships in the absence of access to communications is undoubtedly more difficult.

The CFMEU suggested that ‘the provision of high quality, modern technology may assist in ameliorating some of the problems arising from isolation, loneliness, and separation from family’.¹⁷⁷

The Committee’s discussion paper highlighted some of the issues surrounding the standard of communications technology on resource projects. It identified the importance of being in regular contact with friends and family to a worker’s mental wellbeing. Multiple submitters have highlighted their frustrations with their inability to communicate regularly with their family, or to be able to do everyday tasks such as pay bills and organise medical appointments.

FIFO workers of today have greater expectations with regard to the quality and sophistication of communications technology. Many resource companies reported that they provide wireless broadband access and mobile coverage for workers in accommodation facilities. This leads to an expectation amongst workers that they will be able to use mediums such as Skype to stay in contact with their families.

BHP Billiton acknowledged some of the Committee’s comments in relation to communications technology:

*While the telecommunications capacity at some camps is more advanced than at others, all provide for communications to off-site locations at any time. The issue in some camps is the bandwidth provided by telecommunications providers to our very remote locations in the Pilbara and Goldfields regions. These issues are experienced across the community in any remote location in the country – they are not isolated to FIFO workers.*¹⁷⁸

The AMWU suggested that:

decisions relating to the standard and types of communications facilities available to workers are a financial choice that companies

177 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 7.

178 Submission No. 99 from BHP Billiton, 2 February 2015, p. 16.

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*must actively consider. Combined with the absence of mandated or voluntary minimum standards, this produces large variations in communication standards across sites.*¹⁷⁹

This variation in telecommunications standards can result in workers having an expectation that communications services will be of a similar standard when they move from site to site. Whilst the sites visited by the Committee had landlines in each room in accommodation villages, this may not be standard throughout all sites. In circumstances where the only communications available are communal public phones, there were concerns raised about the lack of privacy – particularly where a FIFO employee is attempting to deal with a personal or family problem at home.

The issue for most remote resource sites is a lack of infrastructure, necessitating significant investment in communications technology for business purposes. Mine sites themselves have significant information and communications technology (ICT) needs, and resources companies must invest in the infrastructure required to ensure their mining operations are connected to head offices. The Committee is of the view that it is not unreasonable to expect resources companies to make similar investments in ICT connectivity for the accommodation facilities to ensure a uniformly high standard of communications for their workforce.

Recommendation 16

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements emphasises the importance of providing high quality, reliable and accessible communications technology in FIFO accommodation villages.

Financial pressure

It was reported to the Committee that a major source of anxiety and relationship stress is workers' financial situation. The Committee's discussion paper highlighted some of the issues associated with FIFO which can lead to financial stress.¹⁸⁰ The Committee heard from psychiatrist, Dr Simon Byrne, that relationship disruption is a leading cause of suicidal behaviour.¹⁸¹ He indicated to the Committee that of his patients who had displayed suicidal behaviour, financial stress was an element of the relationship disruption in every case.¹⁸²

Unions and various other submitters highlighted the dangers of workers becoming trapped in the 'golden handcuffs', whereby workers overspend and accumulate debt to

179 Submission No. 96 from Australian Manufacturing Workers' Union, 29 January 2015, p. 5.

180 Legislative Assembly, Education and Health Standing Committee, *Shining a Light on Mental Health: a discussion paper*, Parliament of Western Australia, Perth, 27 November 2014, pp. 44-45.

181 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 6.

182 Ibid.

the point where continuing in FIFO is the only way to manage financially. Some submitters suggested that some FIFO workers have a lack of financial education and that companies do not assist in equipping their workers with enough financial knowledge during the onboarding process.¹⁸³

On this point, the Committee heard that:

*[t]he financial over-commitment that we see in a lot of FIFO workers is a huge problem and that could be better managed through, again, the induction onboarding process with better education around budgeting and expectations, better goal-setting within the set-up at the beginning as well for the worker so he is clear on his goals. Also, things change; maybe someone gets a divorce halfway through. That will affect their finances as well.*¹⁸⁴

Further to this one submitter informed the Committee that:

*[t]he issues stem from low financial literacy and a mindset around money that leads to spending and debt rather than saving and investing.*¹⁸⁵

An expert in assisting FIFO workers manage their finances informed the Committee that:

*[t]he issues we have seen from our FIFO clients are around finances, relationships, poor job security, fatigue, workplace competition of keeping up with the Jones [sic], and a lack of purpose. These issues are complex and multifaceted. There is no one solution to alleviate these problems. The common emotions expressed to us include the feeling of 'winning lotto' every time they are paid, having an endless supply of money and feeling like they work hard and deserve to spend. There can be guilt associated with the longer rosters – often from both partners, leading to compensating (or over compensating) for the time away by excessive and unaffordable spending. The over spending and consumer debt that results frequently leads to the family literally running out of money, creating a repetitive pattern of arguments, feelings of guilt, resentment, and the thoughts around 'is this really worth it?'*¹⁸⁶

183 Ms Ruth Murdoch, Director, Acorn Life Path Ltd, *Transcript of Evidence*, 16 March 2015, p. 3.

184 Ms Philippa Vojnovic, Co-convenor, FIFO Australian Community of Excellence, *Transcript of Evidence*, 11 March 2015, p. 10.

185 Submission No. 90 from Acorn Life Path Pty Ltd, 29 January 2015, p. 5.

186 *Ibid.*, p. 4.

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Given the strong link between financial difficulty and conflict in relationships, and the fact that relationship breakdowns are a significant contributor to poor mental health and suicidal behaviour, the Committee recognises the importance of sound financial education for those engaged in FIFO employment.

Employment volatility

The resources sector has traditionally been a volatile industry for employment, as it is reliant on the price of its product to drive growth and investment. In recent years, high commodity prices have allowed for more stability in employment for production workers, whilst growth in the number of new projects undertaken has allowed for a growth in the number of construction jobs.

However, a recent downturn in commodity prices has resulted in cancelled projects, redundancies, changes in roster patterns, and restructuring of resource company finances. This has led to a decrease in resource sector jobs and increased uncertainty in employment, particularly within construction.

This increased volatility can have a profound impact on individuals' financial situations and therefore their mental wellbeing.

Upcoming redundancies should be managed carefully, with suitable attention given to financial, employment and family support for employees.

Finding 25

The Committee acknowledges the importance of sound financial education for FIFO workers, particularly in the current volatile employment environment. Financial education should be included by companies in their onboarding/induction programs for all staff.

On-site accommodation and facilities

Accommodation

As outlined in the Committee's discussion paper, accommodation provided by resource companies for their workers can vary, depending on location. The Committee visited several accommodation facilities in the Pilbara to familiarise itself with the standards of these facilities.

The accommodation the Committee saw was similar across most sites, and matched what submitters had previously told the Committee. The Committee noted a definite distinction between accommodation for production workers and that of construction workers. Accommodation for those working production was often more permanent in nature, larger, newer, and of a higher standard. Accommodation for those in construction was often more temporary in nature (e.g. demountable) and smaller.

The Committee also observed some other notable variation amongst accommodation facilities. This included the size of beds in each of the accommodation facilities. On some accommodation sites restrictions on the size of an accommodation facility's footprint meant that rooms were small and cramped. While the accommodation was adequate, it was by no means comparable to living in a domestic dwelling.

Recreational facilities

Recreation facilities were provided at all of the accommodation villages the Committee visited. Standard facilities included cricket pitches (either indoor or outdoor and covered), basketball/five-a-side soccer courts, running/walking tracks, football ovals (usually not full size), recreation common areas containing activities such as pool, darts, air hockey, movie rooms and, in some cases, a small library/reading area.

In addition, all accommodation villages had both a wet and dry mess area, as well as at least one gym. Many submitters have identified both of these facilities as being the main focal point for socialisation and recreation. The Committee understands that the wet mess (tavern/bar) is utilised by the majority of workers at the conclusion of their shifts. A small portion of workers regularly make use of the gym facilities. During its visits to sites, the Committee was told that usage rates of the gym facilities are usually below 15 per cent.

The Committee observed that accommodation villages encouraged interaction between workers through a number of different activities. The sites visited by the Committee ran sport competitions, quiz nights, karaoke nights and had regular concerts, as well as having barbecues or nights dedicated to the foods of the various nationalities working at the location. These appeared to be a genuine attempt by facilities managers to actively encourage workers to socialise with each other in communal areas, and discourage workers from isolating themselves in their rooms at the end of a shift.

Of the sites the Committee visited, most sites reported that the gym was used as a recreation activity for workers. Some accommodation villages had multiple gyms, and some had dedicated female only gyms. These gyms are run by Active Lifestyle Coordinators (ALCs), who are mostly qualified gym instructors. At most sites ALCs are also responsible for running the social activities on site, such as quiz nights in the mess, Christmas parties, and sporting competitions.

In the Committee's interactions with ALCs on site, it became clear that they were being used as *de facto* counsellors for workers on site. Their familiarity with workers, their role in organising activities and providing health assessments, and their distance from companies and supervisors meant that workers were comfortable confiding in them when they were having problems. The Committee felt that this demonstrated that,

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given the right environment, workers on site were willing to discuss problems and seek help.

Although the Committee was impressed by the level of mental health awareness on display among the ALCs it spoke with on its tour of FIFO accommodation facilities, it was concerned that the vast majority of the ALCs have no, or only basic, mental health training as part of their gym instructor training. While the ALCs the Committee encountered were willing to assume the role of confidant, most had not undertaken any form of mental health training that may assist them in this role.

Recommendation 17

That the Minister for Mines and Petroleum ensures the Code of Practice on FIFO work arrangements includes a provision requiring that Active Lifestyle Coordinators (or their equivalents) at FIFO sites receive training in mental health.

Accommodation practices

The majority of resource accommodation facilities visited by the Committee practised some sort of room sharing arrangement or motelling. The CME informed the Committee that:

*‘motelling’ is a strategy used by companies to manage their available resources, maximise the use and functionality of existing facilities and enable flexibility to provide a range of roster types.*¹⁸⁷

The CME provided the Committee with a summary of the accommodation practices within the resources sector. This is provided in table 5.1:

187 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 16.

Table 5.1: Utilisation of accommodation practices within the WA resources sector¹⁸⁸

Accommodation Room Allocation Type	Definition
Permanent	<p>Occupant A is provided the same accommodation room from one cycle to the next.</p> <p>This can involve scenarios where; the room is not occupied by others while they are on 'R and R' or the room is occupied by others while they are on 'R and R'. In the case of the latter personal effects are packed away in a locker situated either in or outside the room.</p> <p>A limited number of personal effects may be left in the room between roster cycles.</p>
Rotational (motelling)	<p>Occupant A is allocated an accommodation room for their roster cycle. When they are on 'R and R' that room is allocated to Occupant B. When Occupant A returns to the accommodation village they are allocated a different room for the roster cycle.</p> <p>For returning occupants a limited number of personal effects may be stored on site, this is generally through lockers or in a centralised storage facility.</p>
Shared Accommodation	<p>The same room is used by two or more occupants at the same time. Separate beds are provided for the exclusive use of each occupant.</p> <p>Share accommodation will be combined with either <i>Permanent</i> or <i>Rotational</i> room allocation.</p>
Hot Bedding	<p>The same room and the same bed are used by two occupants on opposing shifts on the same day one after the other for the duration of their roster.</p> <p>For example, Occupant A is on day shift and will occupy the room and bed at night, while Occupant B is on the night shift. Occupant B will then occupy the room and bed during the day, while Occupant A is on day shift.</p>

The CME stated that permanent accommodation (the same room allocated to each employee every swing) is regularly used in accommodation villages that service

188 Extract from Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 16.

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onshore resources projects, particularly those with a permanent workforce. Further, the CME stated that where permanent accommodation is used, this accommodation is usually utilised by two workers on a 'back to back' roster.¹⁸⁹ These back to back workers often knew each other and conducted an informal hand over of the room at the conclusion of one swing and the commencement of the opposite swing. The Committee observed during its visits that where this occurred, there was some provision for workers to leave personal belongings in a secure area in the room.

However, this practice only occurs for permanent employees engaged in production on the project. The Committee noted that accommodation for construction workers on resource projects was often of a lower standard, temporary in nature, and separate from where production employees were accommodated.

The practice of motelling is described by the CME as '[t]he predominant accommodation type used in accommodation villages servicing onshore resources construction projects.'¹⁹⁰ With construction workers predominantly working a four weeks on, one week off roster, a significant amount of time is spent residing in these accommodation facilities.

Submitters to the inquiry identified several features of the motelling practice that had the potential to increase stress and the sense of isolation in workers. Workers spending significantly more time on site than at home with their family can become disconnected from a sense of place and belonging. Having a dedicated room allows workers to identify with that space, get to know their neighbours, and make it their home away from home. Representatives from the Creating Communities Australia organisation told the Committee that:

...people's preference is not to motel...one of the reasons they prefer not to motel is that notion ...[of] the consistency of place...You will see in different people's rooms, they will bring things from home – put photos up or put a rug down – to make it feel like home.¹⁹¹

The Committee heard that motelling 'disrupts the community fabric and social cohesiveness of accommodation villages.'¹⁹² Allocating workers a new room at the commencement of each swing removes a sense of certainty and ownership over their accommodation, and prevents them from socialising with neighbours. This acts as a

189 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 16.

190 Ibid.

191 Mr Carl Binning, Managing Director, Creating Communities Australia, and Mr Andrew Watt, Senior Association, Creating Communities Australia, *Transcript of Evidence*, 5 November 2014, p. 13.

192 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 11.

barrier to building support networks, which is particularly important given that males are more likely to seek support from family, friends and co-workers than formal supports such as EAPs or healthcare professionals.¹⁹³

Lifeline WA told the Committee that while motelling was not a focus of its research, a large number of research respondents spontaneously 'cited their workplace conditions as being a major challenge of the FIFO lifestyle, particularly in relation to the accommodation ("a different bed every night")'.¹⁹⁴

Workers who motel can find it difficult to establish familiarity with other workers. While some workers may know others on site from previous contracts or previous jobs, the Committee has heard from workers that accommodation villages can be lonely and isolating places. Having a regular neighbour allows for familiarity and stability. Constant reallocation of rooms does not allow for that familiarity and can result in a 'keep myself to myself' type mentality.

The issue of safety and security was also raised with the Committee in relation to motelling. Unions reported their female members had raised concerns around 'some issues with young women getting billeted close to the wet mess and having issues around potential harassment'.¹⁹⁵ This was also reported by mental health workers who provide services on site:

*we have talked to quite a few women who have felt very unsafe and we have certainly dealt with issues of sexual harassment and sexual assault [...] The only way to know who is knocking on your door is to open it because they have blackout and there is no lock on the flyscreen.*¹⁹⁶

The Committee was informed that some contractors have been offering additional wages to workers as an inducement to accept motelling arrangements. Unions have described this as 'tantamount to danger money; many workers will feel pressured to accept the change even [if it] isn't necessarily in the best interests of their mental health'.¹⁹⁷

Most resource companies utilise motelling amongst their FIFO workforce. FMG suggested that the practice has positive effects:

193 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 11.

194 Submission No. 94 from Lifeline WA, 29 January 2015, p. 4.

195 Mr Owen Whittle, Assistant Secretary, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 13.

196 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 4.

197 Submission No. 91 from UnionsWA, 29 January 2015, p. 6.

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*...we think that the sense of community, belonging, fellowship with your workmates is actually enhanced by motelling, because it does not allow people to be left in isolation or left...permanently in one dark corner of a camp; they are able to be moved around to have a more vibrant experience in terms of their life in that facility.*¹⁹⁸

It is clear that the practice has been developed by resource companies to reduce costs and maximise the use of their facilities. It enables resource companies to build the minimum amount of accommodation, and allow for the scaling back of facilities once a construction phase is complete. As the CME informed the Committee:

*To change this approach would impose a significant additional cost on companies as additional facilities would need to be constructed to meet demand for rooms.*¹⁹⁹

The Committee does not know the significance of any cost implications for resource companies should the practice of motelling end. However, one senior executive from a major resource company told the Committee that the cost difference would be 'negligible', and that the cost for provision of accommodation on mining projects accounts for between one and two per cent of total costs. The Committee acknowledges that given the recent downturn in the resources sector, measures which would bear additional costs would be unlikely to find support amongst the industry.

Given the growth of the practice, and that accommodation provision for FIFO workers is largely unregulated, the Committee was unsurprised to learn from DMP that 'motelling and hotbunking [hotbedding] are not specifically addressed in safety legislation, Codes of Practice or guidance material, as it has not previously been identified as a safety and health issue.'²⁰⁰

Despite the information from the CME that hotbedding has not been 'utilised in recent history' in WA,²⁰¹ the Committee is concerned by 'shared accommodation' practices. Sharing a small room with two beds compromises an employee's privacy. Witnesses told the Committee that workers were being offered financial incentives to accept shared accommodation (e.g. in fly camps).

The Committee is of the view that motelling and related practices which remove permanency from an individual's accommodation arrangements do constitute a safety

198 Mr Tim Langmead, Director, External Relations, Fortescue Metals Group, *Transcript of Evidence*, 16 March 2015, p. 14.

199 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 16.

200 Submission No. 86 from Department of Mines and Petroleum, 23 January 2015, p. 10.

201 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 16.

and health issue. The Committee does not accept that the practice offers any benefit to a workers' wellbeing when on site, and views the practice as a means through which companies can minimise their costs.

The Committee acknowledges that on some sites environmental factors necessitate the practice of motelling, and that cost is also a factor. The Committee feels that if other suitable supports are in place, and if workers are equipped with effective coping mechanisms, then the potential negative impacts of the practice of motelling could be reduced. Nonetheless, the practice should be minimised as much as possible, and preferably abolished.

Recommendation 18

That the Minister for Mines and Petroleum ensure the Code of Practice on FIFO work arrangements requires the minimisation of motelling accommodation practices, and where possible, its abolition. The Code of Practice should also include measures to reduce the negative impacts of the practice of motelling.

Alcohol on site

The Committee noted the variation in approach between different companies in relation to the alcohol policies on different sites. On some sites the Committee visited, workers were restricted to four cans of mid-strength beer or cider per day, strictly administered by a swipe-card system. On other sites, workers were entitled to purchase up to six mid-strength cans of beer, cider or spirits, or a bottle of low alcohol wine each day. On sites where accommodation facilities were located within a town, no restriction was placed on the amount of alcohol a worker could purchase, due to the fact that alcohol could be freely purchased from licensed premises in the town.

All sites the Committee visited required that workers undergo breath testing prior to the commencement of their shift. This requirement, it was suggested to the Committee, was most persuasive in limiting the alcohol intake of workers. On sites where alcohol restrictions were more relaxed it appeared that companies took the approach that workers were responsible for ensuring they 'blew zero' at the start of a shift. Those sites which had strict alcohol restrictions tended to also take a more prescriptive, controlling approach towards workers.

Wet messes often have strict hours of operation. Typically, wet messes will operate from the time most workers finish their shifts until shutting down for a specified dinner hour, before re-opening until closing time at around nine or ten p.m. This ensures workers can return from a shift, shower and change, have dinner and attend the wet mess before bed.

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The Committee was told that the wet mess is an important part of the FIFO lifestyle, and the venue most popular with workers for social interaction. As one mental health worker put it, 'If you want to fit in and belong in a camp, you go to the wet mess.'²⁰²

Therefore routinely drinking each day becomes normalised for workers, which can develop into habits and a means of coping when under stress or dealing with anxieties.

In its discussion paper, the Committee highlighted concerns held by some agencies, such as the Mental Health Commission (MHC), about 'permissive drinking cultures' that can exist on some sites or in some groups of workers.²⁰³ The Committee sought information from mental health professionals and community mental health workers on the issue. They described workers self-medicating with alcohol in order to cope with symptoms of anxiety or depression. This self-medication can lead to workers taking sick days while on site to avoid failing a breath test before work. Community workers also described to the Committee the mentality that workers feel they 'deserve a drink at the end of the day' due to the tough conditions of their work, and that many experienced workers were alcohol dependent.

In addition, community health workers highlighted Rostered Days Off (RDOs) as an occasion where workers often binged on alcohol as there was no requirement to pass a breath test on their RDO. Some community health workers attributed this to the boredom that arose from workers being unable to leave the accommodation facility on an RDO, meaning that sleeping off a hangover was preferable to other activities.

Alcohol can lower inhibitions and result in an individual already at risk of suicide, making an impulsive decision to make an attempt on their own life. On this, Dr Gibson informed the Committee that psychiatrists had often:

*...seen a number of people in the ED who came in suicidal and intoxicated and the following morning they are not intoxicated—they may have a hangover—and they are not suicidal anymore. They say, "I don't know what I was thinking."*²⁰⁴

Therefore, the restriction on alcohol consumption has the consequence of removing the potential for intoxication to disinhibit an individual under stress and at risk from making an impulsive decision to take their own life.

202 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 7.

203 Education and Health Standing Committee, *Shining a Light on FIFO Mental Health: A Discussion Paper*, Legislative Assembly of Western Australia, 27 November 2014, pp. 37-38.

204 Dr Nathan Gibson, Chief Psychiatrist, Office of the Chief Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 12.

The use of the wet mess as the default location for social engagement and interaction does present some challenges. Those who do not drink may feel isolated and find it difficult to socialise if they do not fit in with the culture of having a drink at the end of a shift. This can lead to people spending their evenings in their rooms, seeing this as preferable to attending the wet mess and not drinking, or engaging in other activities.

The MHC reported that ‘alcohol related problems among the FIFO community are an issue of concern’.²⁰⁵ The MHC informed the Committee that:

*[a]necdotal reports from service providers to DAO [Drug and Alcohol Office] suggest that harmful drinking is prevalent among FIFO workers when they return home ... this pattern of drinking can lead to a strain on families and relationships. ...For example, it has anecdotally been reported to DAO that some workers will binge for several days at a time when they are home, which may lead them to disappear for several days at a time. A mental health service worker reported that families often appear to be under more stress when the worker is home as family dynamics are altered during this time.*²⁰⁶

What is unclear is whether the culture at FIFO accommodation facilities, and the focus on the wet mess for social interaction, leads to harmful drinking habits in workers. According to the MHC:

*...the ready access to alcohol at worker accommodation sites and the culture of harmful drinking (even when limitations are placed on the amount of alcohol that can be purchased), results in some problems.*²⁰⁷

Another problem is the level of harmful drinking practices when workers are at home on the rest and recovery period. According to This FIFO Life:

*We know that there are alcohol and drug problems on site, but my experience has been that there is often bingeing behaviour when they are offsite, so really letting their hair down and making up for lost time. To me, that is more a symptom of people who are under stress and trying to find quick ways to unwind, relax, get together with mates and so on.*²⁰⁸

205 Submission No. 105 from Mental Health Commission, 6 February 2015, p. 1.

206 Ibid.

207 Ibid., p. 2.

208 Ms Sue Crock, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 7.

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There is concern amongst community health workers that this pattern of drinking as a coping behaviour for workers engaged in FIFO may lead to alcohol dependence, relationship problems and potential health problems.

The Drug and Alcohol Office (DAO) – a unit within the MHC - had sufficient concern regarding the alcohol consumption of workers that it set up a dedicated telephone number as part of its Alcohol and Drug Information Service which offers tailored counselling, information and referral for FIFO workers.²⁰⁹ The MHC reports this service will be expanded to include a dedicated FIFO email address and a live chat component to cater for workers who are geographically isolated. This program will be further evaluated at a later date.²¹⁰

The Committee recognises that generalising the FIFO community as engaging in harmful drinking habits is unhelpful. However, the Committee shares some concern with the MHC regarding the potentially harmful drinking habits of some of those engaged in FIFO work. If alcohol is being used as a coping mechanism for workers who are subjected to the stresses that arise from the FIFO lifestyle, then this is an issue that requires a response from industry and government. This can only be addressed if barriers to seeking help are overcome, particularly for individuals who do not recognise that they have a mental health problem. Harmful alcohol use amongst FIFO workers is an issue that requires further investigation.

The Committee recommends that the MHC's DAO undertake an inquiry into the drinking habits and alcohol consumption of FIFO workers. The Committee feels that this may lead to more FIFO workers seeking help for alcohol abuse issues, and may reduce the potential for impulsive decision making when workers are dealing with stressful situations when back at home and off shift.

Recommendation 19

That the Drug and Alcohol Office initiates an inquiry into possible harmful drinking habits and alcohol consumption of FIFO workers, and the impact on their mental health.

Control

The CFMEU informed the Committee that 'a persistent issue for our members is the often rigorous control and supervision exercised over workers while residing in

209 Submission No. 105 from Mental Health Commission, 6 February 2015, p. 2.

210 Ibid., p. 3.

accommodation villages.’²¹¹ The CFMEU quoted one of their members as saying ‘...the only decision I get to make is what I pack for lunch.’²¹²

The highly regulated nature of FIFO work, while necessary on the worksite to ensure health and safety, can impact on a person’s sense of agency and self-determination. The Committee heard that:

*...from a psychology perspective that the role of having a lack of control—a feeling that you do not have a say over what you do and when you do it in your environment—is really linked to feeling self-helplessness and hopelessness, which are both linked to both depression and suicide.*²¹³

Workers who are exposed to this intense level of control for a significant period of time can begin to lose their sense of self and purpose. Dr Paul Pule informed the Committee that ‘I have heard from some workers that they feel like they are part of an ant colony, and we all know that ants and worker bees are expendable...There is this sense of a bee or an ant colony and that can dehumanise a person.’²¹⁴

In response to the issue of control, as raised in the discussion paper, industry peak body AMMA said that it:

*strenuously disagrees with, and objects to, the reasoning and tone behind the Committee’s comment...AMMA makes absolutely no apologies for our member companies, who each day live their commitment to make the safety of their workforce their top priority. This is a matter of delivering on corporate values, creating safe working cultures and practices and complying with OHS obligations.*²¹⁵

AMMA further explained that:

[e]mployers are increasingly liable for conduct beyond rostered shifts at work, including in accommodation villages. We make absolutely no apology for, and will not take a backwards step from meeting our obligations to provide workplaces and accommodation that are safe.

211 Submission No. 117 from Construction, Forestry, Mining and Energy Union, 23 February 2015, p. 13.

212 Ibid.

213 Ms Philippa Vojnovic, Co-convenor, FIFO Australian Centre of Excellence, *Transcript of Evidence*, 11 March 2015, p. 10.

214 Dr Paul Pule, Co-convenor, FIFO Australian Centre of Excellence, *Transcript of Evidence*, 11 March 2015, p. 9.

215 Submission No. 92 from Australian Mines and Metals Association, 29 January 2015, p. 10.

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*Any perception that this is unduly controlling are misguided and irresponsible.*²¹⁶

The CME noted that ‘the controls applied at resource sector operations and accommodation facilities have been implemented based on risk to ensure the safety and wellbeing of employees and ensure compliance with duty of care obligations.’²¹⁷

The Committee notes the domestic resources sector’s reputation for being world’s best practice in safety. However, the Committee questions whether high levels of restriction and control are necessary when workers are off the job and in the accommodation facilities.

Finding 26

The inquiry found that accommodation facilities for FIFO workers are often self-contained, highly regulated and subject to considerable control measures. It is not clear that all control measures are required for worker health and safety. The Committee questions whether such high levels of control when workers are off-shift and in the accommodation facilities are necessary.

Recommendation 20

Industry should assess whether all of the controls applied to workers in the FIFO accommodation facilities are necessary in terms of health and safety. The level of appropriate control in the accommodation facilities should be addressed in the Code of Practice on FIFO work arrangements.

216 Submission No. 92 from Australian Mines and Metals Association, 29 January 2015, p. 11.

217 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 18.

Chapter 6

Challenges and opportunities for improving FIFO

This chapter outlines further challenges posed by the FIFO work system, and some of the opportunities identified for improving the system.

Over the course of the inquiry, a range of issues were raised with the Committee that pose a challenge to the resolution of FIFO's impact on mental health. The inquiry also received suggestions for possible solutions. This chapter outlines some of those further challenges and possible solutions.

Challenges

The contractor model

The contractor model used by different companies at different minesites is a complex one. The Committee received considerable evidence regarding the contractor model employed at minesites, and it is clear that there are as many systems as there are individual sites.

In its simplest form, the Committee understands that the system works in the following manner: the mine owner (usually a large company such as BHP, Chevron etc) will negotiate and enter into a contract with a contracting company to provide services at the mine site. These may range from construction services, operations and production activity, to maintenance and camp management. The head contractor then subcontracts smaller contracts to other companies to provide specialist services. For example, vehicle maintenance, haulage, mine dewatering works, cleaning, security etc. Each company and minesite has a different combination of contracts and companies working to provide the required services. Some companies may manage the mine directly, and simply contract out specialist services. Others appoint a head contractor to become the mine manager and run the entire operation on their behalf.

Given the possible complexities arising from this arrangement, the Committee was particularly keen to understand where responsibility for the care of workers' mental health sat within the hierarchy of companies.

The Chamber of Minerals and Energy (CME) made clear to the Committee that under the *Mines Safety and Inspection Act 1994* (the MSI Act), the principal company has ultimate responsibility for its own staff as well as contractor staff:

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*Existing OSH obligations under both the OSHA and MSIA deem a principal in a contracting arrangement has the same OSH obligations to its contractors and contractor's employees, as it owes to its own employees, to the extent the principal has the capacity to exercise relevant control.*²¹⁸

Some principal companies were very clear that they considered their responsibilities to employees flowed down the chain of contracts to include contractor employees. For example, Fortescue Metals Group (FMG) told the Committee that:

*[w]e support our contractors in achieving our health and safety requirements across all our Fortescue sites... This commences at the pre-tender stage where we assess the alignment of potential contractors to Fortescue values and standards and ensure their company health and safety performance history is consistent with our targets. We measure line management leadership values and management systems at the pre-mobilisation stage by reviewing management plans and commitments. Post mobilisation Fortescue's commitment with our contracting workforce is to confirm company alignment to Fortescue's culture through periodical onsite organisational culture surveys. We work with our contractors through annual health and safety audits to ensure continuous improvement and confirm pre-mobilisation commitments are completed.*²¹⁹

The Committee considers that FMG's approach of ensuring the alignment of values and culture prior to letting a contract, and then following up with contractors to support implementation and ensure they comply with the requirements is best practice.

However, not all companies seemed to take the same engaged, hands-on approach. Chevron, for example, appeared to take a relatively similar approach in setting out standards at the start of a contract:

We award major oversight contractors and Chevron has CHESM [Contractor Health, Environment and Safety Management], which is an environmental, health and safety framework, which is used for qualification of those contractors. It is a set of guidelines that we use. We require anyone who is tendering as a major contractor to Chevron to be assessed against that framework and we audit people against

218 Submission No. 112 from Chamber of Minerals and Energy, 12 February 2015, p. 13.

219 Submission No. 98 from Fortescue Metals Group Limited, 29 January 2015, p. 4.

*that framework. It has a range of health, safety and environmental factors in it...*²²⁰

However, Chevron's approach after the main contract had been let appeared to be less directly involved:

*Every company has a responsibility to look after their workforce; I do not deny that for one minute. Chevron is not the employer of the majority; we employ about 300 people on Barrow Island. We are not the employer of the 8,000 plus people on Barrow Island. Those employers are probably the people you should be talking to about their work schedules and about the health and safety of their employees. It is not up to us.*²²¹

During a hearing with the Committee, Chevron also stated that it had no input into the determination of work rosters at its work sites, particularly Barrow Island:

*... contractors have come up with their rosters with their employees generally as part of an agreement or negotiation that is between the employer and employees...Chevron is not part of those negotiations or agreements and ultimately the rosters that people work are part of an agreement between the people involved in that agreement.*²²²

The Committee finds it unacceptable that the principal company that lets the contracts would not have any input into issues on its worksite such as the rosters to be worked by contractor staff. Indeed, the point was made during the hearing that Chevron requires in its contracts that the contractor companies must have an Employee Assistance Program (EAP):

*Chevron does...make it clear to all its contractors that it has to provide an employee assistance program because, quite frankly, there are some organisations who would love not to put those peripheral things in if they can help it, or they will put in something that is very low key.*²²³

Clearly, if Chevron is able to write a provision into the contract that contractor companies provide an EAP for their staff, it could also write a provision setting requirements about rosters. If Chevron (or any other large company) wished to do so, it

220 Ms Kaye Butler, General Manager, Human Resources, Chevron Australia, *Transcript of Evidence*, 6 May 2015, p. 2.

221 *Ibid.*, p. 12.

222 *Ibid.*, p. 3.

223 Mr Michael Tunnecliffe, Clinical Psychologist, BSS Employee Assistance, *Transcript of Evidence*, 6 May 2015, p. 8.

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could write conditions into contracts relating to the nature and length of roster arrangements.

This issue is particularly relevant because the Committee received evidence from some smaller contractor companies (which spoke with the Committee on a confidential basis), that their preferred work pattern was a two week on, one week off pattern, or an even-time roster. These rosters were preferred because of the reduced impact on workers' mental health and wellbeing. However, the companies were unable to provide this roster to staff when working on some of the big projects around the state, because roster arrangements were set by the main contract, and tended to be high compression rosters. Any attempt to raise this issue with the head contractor or to renegotiate this clause was resisted.

The Committee acknowledges that the process for negotiating and entering into complex contracts for large projects is complicated and driven by many other factors, not least of which is cost. However, the Committee considers any claim that work conditions such as rosters and other conditions that impact on mental health (i.e. rosters, motelling) are beyond the influence of the principal company to be erroneous.

Finding 27

The Committee does not accept that principal companies are unable to influence work conditions such as roster compressions or motelling procedures within their agreements with contractor companies.

Finding 28

Many smaller contracting companies told the Committee that they would prefer to offer their staff lower compression rosters (such as 2 weeks on, one week off, or even-time rosters), but that they are unable to do so due to the terms stipulated by the company that let the contract.

Employment volatility and job losses, and how companies handle those events

As discussed in Chapter five, a degree of employment volatility is a common feature of the resources industry. The cyclical nature of the resources market means that the workforce goes through periods of expansion and contraction. The transition of large projects from labour-intensive construction periods to more streamlined operational workforces means that redundancies and employment terminations are a feature of the working environment.

A recent study conducted by an EAP provider, AccessEAP, found that 'job insecurity is considered the leading cause of stress in the mining sector.'²²⁴

The recent downturn in the resources industry in Western Australia has resulted in considerable job losses. As the figures provided by the CME show, at least 7,000 FIFO jobs were lost in the state between November 2014 and April 2015 (see discussion in Chapter two of this report). There have been additional media reports since April 2015 of further job losses.

International research into the relationship between employment volatility, economic conditions, and suicide rates has shown that unemployment impacts on suicide occurrence. A study conducted at the University of Zurich found that one in five of the 45,000 suicides a year worldwide could be attributed to unemployment. The study was conducted to look at the social costs of the 2008 banking crisis and economic recession. A further 5,000 deaths were attributed to the economic crisis.²²⁵

Other findings of the study included that:

*[b]eing made unemployed is devastating. The impact is not simply the economic pressure of coping with a significantly reduced income. Work, despite the negatives, provides status as well as structure to our daily lives...the link the authors attempt to make between changes in unemployment rates and suicide is causal one...one of the important findings of this work is that there is a time lag between the two: suicide rates increased in the six months prior to the rises in the unemployment rate.*²²⁶

The authors of the study argued that this foreshadowing effect of suicides increasing prior to the period of job losses was:

due to the changes and increased stresses in the work environment that occur in the run-up to people losing their jobs. These stresses might include atmospheres of tension and unease and the fact that people might work longer hours in worse conditions of employment or

224 Duffy, A., 'Miners stressed over job security', *MiningNews.Net*, 10 March 2015. Available at www.miningnews.net/storyview.asp?storyid+826945485§ionsource=s0&utm_medium=email&utm_campaign=Mnn+final+10032015&utm_content=Mnn+final+10032015+CID%5Ffa640b58baec192ed47d254cabde3df5&utm_source=campaign+Monitor&utm_term=Miners+stressed+over+job+security. Accessed on 10 March 2015.

225 Cummins, I., 'One in five suicides caused by unemployment by the lead-up to lay-off hurts most', *The Conversation*, 13 February 2015. Available at: <http://theconversation.com/one-in-five-suicides-caused-by-unemployment-but-the-lead-up-to-lay-off-hurts-most-37530>. Accessed on 18 March 2015.

226 Ibid.

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*on reduced wages in the hope that they will be able to save their jobs.*²²⁷

Given the serious impact that loss of employment can have on an individual, the Committee was disappointed to see reports of workers being sacked in circumstances where they had little or no warning. Media reports have suggested that some workers have been woken on site at three am and advised to pack their bags, while others were flown to site to commence a swing, told they were fired, and then returned home immediately.²²⁸ One worker stated, 'nobody had any pre-warning before flying up.'²²⁹

Given the documented impact of losing employment, the Committee would like to see companies taking a 'no-surprises' approach to job losses. This would mean workers could be prepared for such eventualities.

Additionally, the Committee would like to see companies providing support services for staff who lose their jobs. The Committee has received evidence of organisations being contracted to provide information and support to employees prior to redundancies.²³⁰ The Committee considers this to be a positive initiative.

Challenges for female FIFO workers

The Committee's discussion paper acknowledged the position of women who work on a FIFO basis in the resource sector. The discussion paper stated that the Committee acknowledged that 'women working FIFO have a range of specific challenges, and would welcome further information on the particular mental health issues that women face while doing this form of work.'²³¹ The Committee received further information on the situation from the Construction, Forestry, Mining and Energy Union (CFMEU), which commented that:

[i]t is imperative to note that there is still a significant gender imbalance in the construction industry and while this is not a precursor for discrimination, bullying or harassment some gender negative behaviour still exists in the construction industry. In our view, this

227 Cummins, I., 'One in five suicides caused by unemployment by the lead-up to lay-off hurts most', *The Conversation*, 13 February 2015. Available at: <http://theconversation.com/one-in-five-suicides-caused-by-unemployment-but-the-lead-up-to-lay-off-hurts-most-37530> accessed 18 March 2015.

228 Prestipino, D., 'FMG sacks workers at Christmas Creek, Cloudbreak mine sites', *WAToday*, 29 April 2015. Available at www.watoday.com.au/action/printArticle?id=98904632 accessed 29 April 2015.

229 Ibid.

230 Ms Ruth Murdoch, Director, Acorn Life Path, *Transcript of Evidence*, 16 March 2015, p. 11.

231 Legislative Assembly Education and Health Standing Committee, *Shining a Light on FIFO Mental Health: a discussion paper*, Parliament of Western Australia, Perth, 27 November 2014, p. 37.

*behaviour has the potential to be compounded by the pressures of the FIFO work arrangement.*²³²

One of the CFMEU's female members provided the following comments (identifying details have been removed):

*I have been working up north roughly...[X] years now. It hasn't been easy, maybe more like a roller coaster ride. I am nearing my limit of being mentally capable of living this lonely lifestyle. With my current job...I am the only female employed with originally roughly 80 men I've had to learn a whole new industry and justify my existence in it, and quickly...When your up there, you have no family or friends to go home to or spend time with...I have tried counselling, but there is very limited options where I am now...the company offers services, but they also have a low confidentiality history, which I can not afford to show my weaknesses to my employer. I have to prove I am capable of my job everyday, yes everyday I get reminded of my lower qualities and supposed incapability, I accept that now days...*²³³

The Committee recognises the challenges female FIFO workers face. The Committee considers that the initiatives put in place to address FIFO mental health as a whole should assist in ameliorating the situation for female FIFO workers. It is also important for companies to acknowledge the specific situation of female FIFO workers and ensure that their particular needs are taken into account.

Issues from individual submissions

The Committee received many submissions from individuals who wished to raise their particular circumstances or experiences. Due to the nature of the issues raised and individuals' circumstances, the Committee gave an undertaking to individuals to keep their submissions private and confidential. The Committee is aware of the importance of ensuring people's privacy, and also of the potential for repercussions in terms of employment. These closed submissions have therefore not been quoted in this report. However, the experiences of individuals have informed the Committee's considerations throughout the course of the inquiry.

A total of 30 closed submissions were received by the inquiry. There were several strong themes that emerged from these submissions, which have been summarised below:

232 Submission No. 10 from Construction, Forestry, Mining and Energy Union, Construction and General Division, WA Divisional Branch, 23 February 2015, p. 10.

233 Ibid., pp. 10-11.

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- 13 highlighted issues surrounding rosters (e.g. length, inability to have rosters changed);
- seven identified bullying and harassment as a concern;
- six identified fatigue as a concern;
- six highlighted problems in the way the individual had been treated by Human Resources/management;
- five cited marriage breakups/relationship problems as prevalent;
- four cited alcohol as a problem or the precipitator of problems on site;
- three stated that communications technology was inadequate;
- three had difficulty with the point of hire and travel time;
- three raised financial issues; and
- two were concerned about obesity in the workforce.

Of the 30 closed submissions, eight outlined concerns with Barrow Island specifically.

Opportunities

The inquiry received many suggestions for new programs and initiatives that could usefully be implemented to mitigate some of the negative impacts of FIFO work arrangements and improve mental health and wellbeing. Based on the evidence received, the Committee has compiled this chapter as a reference guide of suggestions that may be useful. The Committee considers these initiatives to be complementary to the Code of Practice on FIFO work arrangements, not a replacement for it.

Industry engagement with *Suicide Prevention 2020: Together we can save lives*

Given the level of concern within the community about mental health and suicide for FIFO workers, and the resources sector more broadly, the industry needs to engage more effectively with these issues. The Mental Health Commission's (MHC) recently released plan, *Suicide Prevention 2020: Together we can save lives*,²³⁴ identifies the importance of addressing mental health within the workplace:

Stressors within the workplace can have consequences for mental wellbeing, and mental illness should be given the same priority as that of physical illness and safety. Organisations across all sectors have a

²³⁴ Government of Western Australia, *Suicide Prevention 2020: Together we can save lives*, Mental Health Commission, Perth, 15 May 2015.

*responsibility to build mentally healthy workplaces and to reduce stigma and discrimination surrounding suicide and mental illness. Having a supportive workplace and meaningful employment can assist people to recover from difficulties and strengthen protective factors to reduce suicide risks in the long term.*²³⁵

The plan also details the benefits to employers of taking action on suicide:

*Employers have a legal responsibility to provide a safe and healthy workplace. Investing in mental health in the workplace also has significant cost-benefits for employers, as for every dollar spent there is an average return of investment of \$2.30, and up to \$5.70 in some industries. Untreated depression has been estimated to cost \$12.3 billion a year.*²³⁶

Given that mine and construction workers are particularly identified in the plan, along with the FIFO nature of the work role, the Committee considers that the peak bodies in the resources industry should seek to actively engage with the MHC and the suicide prevention plan. Peak bodies could work with the MHC to develop an industry-wide approach.

Suicide Prevention 2020 contains six key action areas, the fourth of which is 'shared responsibility across government, private and non-government sectors to building mentally healthy workplaces.'²³⁷ The action area has five identified tasks to achieve this:

1. Assisting organisations to fulfil their responsibilities and legal obligations for the mental wellbeing and safety of their employees;
2. developing implementation, monitoring and accreditation systems for workplace mental health and suicide prevention initiatives;
3. setting minimum requirements for mentally healthy workplaces, including training to identify and support people at risk;
4. acknowledging and disseminating best practice approaches to creating a mentally healthy workplace;

235 Government of Western Australia, *Suicide Prevention 2020: Together we can save lives*, Mental Health Commission, Perth, 15 May 2015, p. 19.

236 Ibid.

237 Ibid., p. 30.

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5. Encouraging large government and corporate organisations to have mental health and suicide prevention as a key outcome measure with adequate resources and monitoring.²³⁸

The Committee considers that this new plan provides an excellent opportunity for the resources industry as a whole to engage with suicide prevention initiatives. The Committee would like to see peak bodies such as the Chamber of Minerals and Energy (CME), Australian Mines and Metals Association (AMMA) and Australian Petroleum Production and Exploration Association (APPEA) taking the initiative to engage with and develop an industry-wide response to the plan. Individual organisations should also be encouraged to participate, but the advantages of an industry-wide approach would be significant and would help to ensure consistency.

Finding 29

The Committee would like to see industry peak bodies actively engaging with the WA suicide prevention plan: *Suicide Prevention 2020*.

Leadership and training

One of the most important first steps in addressing FIFO's impact on mental health is senior management's acknowledgement of the importance of mental health and wellbeing, and acceptance of a responsibility to support workers' mental health.

beyondblue's Heads Up program commissioned research by PricewaterhouseCoopers that clearly demonstrates that:

*where there are leaders who are committed to mental health, we have much better and more mentally healthy workplaces and more engaged employees. It has got to be not just from those coming in as new employees; it has got to be coming from the top down.*²³⁹

Some companies demonstrated to the Committee that their commitment to supporting and improving mental health within their organisation stemmed from such a commitment at the highest levels. One such company was Downer EDI Mining (Downer). Downer's approach was described as follows:

In 2008 Downer Mining adopted a systematic, formal approach to promoting health and well-being (now called the Enhancing Workforce Health [EWH] program). Much of the justification for this step was based on the age and gender profile of our workforce – mostly male,

238 Government of Western Australia, *Suicide Prevention 2020: Together we can save lives*, Mental Health Commission, Perth, 15 May 2015, p. 39.

239 Ms Julie Loveny, Consultant Social Worker, *This FIFO Life*, *Transcript of Evidence*, 25 February 2015, p. 8.

*and between the ages of 20 and 60...Underpinning our successful seven-year-old EWH program has been our partnership with QUT's [Queensland University of Technology] Institute of Health and Biomedical Innovation. Together we have developed a holistic, diversified and continuous-improvement approach to injury prevention and health management. The partnership provides us with industry best-practice guidance from internationally recognised experts. It also enables us to collaborate with QUT to develop and trial evidence-based, innovative solutions for our priority health risk areas: obesity and nutrition, musculoskeletal disorder and mental health.*²⁴⁰

As Mr Boyle from Downer explained to the Committee, the reason this program was put in place, and then sustained for a long period, was due to leadership;

*It has really been a build-up of an approach...one of the things is leadership and continuity of leadership. Frankly, the senior leadership churn in our organisation is lower than in many of our client organisations. So it means that when you start a project or an approach like this, which is values founded and really has a long run, we can stay the course.*²⁴¹

Another example of leadership at high levels was provided by Rio Tinto, where Mr Andrew Harding, Chief Executive Officer for Rio Tinto Iron Ore, is a member of the Ministerial Council on Suicide Prevention.²⁴² The Committee considers initiatives such as these demonstrate a commitment to mental health at the highest level. This commitment is an important prerequisite for supportive attitudes to permeate an organisation. As discussed in Chapter five, the culture of the resources industry is a significant issue when it comes to mental health. Stigmatisation of mental illness and other cultural features of the work environment, such as the macho/toughness approach, cannot be effectively countered if leadership is paying lip service to the importance of mental health.

Through the site visits conducted by the Committee, it became clear that different organisations and sites have quite different cultures and attitudes. At some of the sites the Committee visited, members were able to wander freely and have discussions with workers without being chaperoned. BHP Billiton at Yandi and Rio Tinto at Wickham are both to be commended on their openness and willingness for staff to discuss matters of mental health with the Committee. At other site visits, the Committee felt carefully managed and chaperoned, and found it more difficult to freely interact with workers.

240 Submission No. 95 from Downer EDI Mining, 29 January 2015, p. 3.

241 Mr Michael Boyle, Executive General Manager, Zero Harm, Downer EDI Mining, *Transcript of Evidence*, 16 March 2015, p. 10.

242 Submission No. 49 from Rio Tinto Iron Ore, 30 September 2014, p. 1.

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The trickle down of attitudes from senior management to middle management and workers is one method of cultural change within the industry. However, a more immediate method suggested in several submissions was active training in mental health to be given to middle management and supervisors, to improve their skills at managing individuals facing problems.

The FIFO Australian Centre for Excellence (FACE) stated that:

*[c]hanging workplace culture is best achieved with management buy-in, and supported by policies and procedures. However such culture change needs to be visibly supported by Management to develop a just culture approach (i.e. not punitive). Management should actively support mental health initiatives, as well as educating staff on mental health and discrimination, with a focus on how to support and communicate appropriately with their co-workers.*²⁴³

This FIFO Life submitted that a contributing factor that may lead to mental illness and suicide amongst FIFO workers is ‘a lack of sector-wide, demonstrated commitment to recognise the importance of mental health issues and a risk averse culture in the sector that combine to maintain an environment where stigma and fear about mental health are perpetuated.’²⁴⁴ This FIFO Life proposed several solutions to this problem, including the need for:

*[i]nformation and training that focuses on the importance of seeking help, recovery and prevention of mental health issues ... provided across the sector. This is particularly significant in male-dominated industries such as the resource sector and the cultural and traditional constructs of masculinity need challenging.*²⁴⁵

Additionally, This FIFO Life made the recommendation that:

*[l]eadership is provided by the resource sector and the Chamber of Minerals and Energy in collaboration with relevant government bodies to identify minimum standards and best practice guidelines for mentally healthy workplaces that can be adapted to suit the specific needs of the resource industry.*²⁴⁶

As This FIFO Life stated, ‘managers, supervisors, health and safety and human resource staff have responsibility for managing mental health in the workplace. It is essential

243 Submission No. 23 from FIFO Australian Community of Excellence (FACE), 26 September 2015, p. 19.

244 Submission No. 25 from This FIFO Life, 26 September 2014, p. 5.

245 Ibid.

246 Ibid.

they are well trained, able to respond appropriately and manage risks relating to mental health.’²⁴⁷ During a hearing with the Committee, This FIFO Life explained that the reality they see on the ground in terms of supervisor training is very different:

*There is not a day that goes by when every worker will have been exposed to information and reminders and so forth about physical health and safety, and mental health should be there too. Our experience is that a lot of companies are fearful; they do not know – especially actually on site, because whilst ... at a higher level they may have mental health strategies and say they are doing a lot, actually on the ground, supervisors, superintendents, leaders, do not necessarily know what to do. They are scared. They are caught up in the mist, if they have not had the education and awareness.*²⁴⁸

The Australian Medical Association WA (AMA) made a similar point in its submission to the inquiry:

*Appropriate education and training of Managers and Supervisors is critical in addressing the mental health consequences of the way they manage their employees. Reports from FIFO workers indicated that there is very little focus on the identification and management of employees with mental illness and Managers and Supervisors are generally ill-equipped to provide appropriate responses.*²⁴⁹

UnionsWA called for the Committee to recommend that ‘standards and targets be developed and implemented for mental health training in the resources sector, with particular attention to FIFO workers’ needs.’²⁵⁰

The Committee agrees that training for leaders, middle managers and supervisors in mental health issues, prevention and management is crucial to improving the state of mental health awareness and response in the industry. The Committee feels that the MHC has a role to play in developing best practice programs that could be utilised by industry. It is important that training programs for these issues are developed by mental health experts.

Finding 30

The Committee finds that training for leaders, middle management and supervisors in mental health issues, prevention and management is crucial to improving the state of

247 Submission No. 25 from This FIFO Life, 26 September 2014, p. 6.

248 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 8.

249 Submission No. 53 from Australian Medical Association WA, 30 September 2014, p. 3.

250 Submission No. 91 from UnionsWA, 29 January 2015, p. 10.

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mental health awareness and response in the industry. Many managers are currently ill-equipped to manage mental health issues within their teams and organisations.

Recommendation 21

That the Mental Health Commission, in conjunction with industry and non-government organisations, develop a training program for managers and supervisors in the resources industry to address mental health issues, including suicide prevention and managing mental health problems amongst colleagues and workers.

Improved mental health education and literacy for workers

A related point is the need for improved mental health awareness and education amongst workers themselves. Submissions from individuals involved in research into the mental health of resource and FIFO workers found that many workers had very low levels of mental health literacy. Lifeline WA's research into FIFO mental health found that there were three barriers that limited help-seeking with the FIFO population. The first of these was:

*Knowledge of how to identify the signs of mental illness or emotional crisis in oneself and others; [and] knowledge of what supports (eg, family, friends, diet and nutrition) and support services (eg, GP, crisis lines, EAPs) ...are available...*²⁵¹

Ms Kalaf, CEO of Lifeline WA, highlighted the importance of mental health literacy, and the low levels found within the Lifeline research:

*The literacy of mental illness and emotional wellbeing was low. Workers did not even know that things like staying hydrated can actually reduce emotional distress. Improving literacy around what emotional wellbeing is and mental health is can make a big difference as well.*²⁵²

This point was also made to the Committee during a hearing with two psychiatrists experienced with people with suicidal ideation. Dr Byrne responded to a question from the Committee regarding what a system of preventative initiatives, particularly from employers, should look like, and stated:

[o]bviously, what they now call mental health literacy...there needs to be education...there is an issue that mental health happens to all of us, not just the other bloke, and the education needs to be delivered in that format. We are all in the same boat here. It is not: are you one of

251 Submission No. 94 from Lifeline WA, 29 January 2015, p. 2.

252 Ms Fiona-Marie Kalaf, Chief Executive Officer, Lifeline WA, *Transcript of Evidence*, 3 November 2014, p. 11.

*those? Then there are warning signs: are you drinking more? Are you having too many fights at home? Have you seen enough of your kids? Are you cranky with your workmates?... I think it is important at the educational level to normalise a lot of stuff and say that this stuff could be going on, but it does not necessarily mean that the person has a mental illness, although it could put them at risk and they need to talk to someone who will then figure out what needs to be done, without that person then overreacting and saying, "Oh, he's thought of suicide, I'm going to send him to Sir Charles Gairdner Hospital." That is not helpful.*²⁵³

It is clear to the Committee that training for supervisors and workers that gives them the skills to identify mental health issues within themselves, and their workmates, family and friends, would significantly improve mental health literacy amongst this group. beyondblue's submission to the inquiry provided examples of several beyondblue programs that could be utilised for this purpose, or adapted. These include the:

- Heads Up initiative – which supports Australian businesses and workers to create more mentally healthy workplaces, i.e. workplaces that are 'considered friendly and supportive, promote a positive workplace culture, minimise workplace risks related to mental health, support people with mental health conditions, and prevent discrimination.'²⁵⁴
- 'Man therapy' website, which according to beyondblue, 'is a website for 5.5 million Australian men aged 18 to 54. The star of Man Therapy is Dr Brian Ironwood, a fictional doctor who uses humour and honest discussion to guide men through the website and provide them with the instructions and tools so they can take action against depression and anxiety.'²⁵⁵
- New Access project – 'a support service to help people tackle day-to-day pressures. This early intervention program provides easily accessible, free and quality services for people with mild to moderate depression and anxiety who are currently not accessing mental health services.'²⁵⁶ beyondblue explained that the New Access program is not currently being delivered in WA FIFO communities as it is a pilot program, but that it 'has the potential to provide preventative and early intervention services to meet the needs of FIFO workers. It can be delivered either face-to-face or over the phone, which makes it suitable for FIFO workers...[and it]

253 Dr Simon Byrne, Psychiatrist, *Transcript of Evidence*, 25 March 2015, p. 8.

254 Submission No. 44 from beyondblue, 30 September 2014, p. 5.

255 Ibid., p. 7.

256 Ibid.

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could also be delivered to the partners of FIFO workers, to help them better manage the challenges of a FIFO lifestyle.²⁵⁷

Finding 31

The Committee considers that programs that provide greater understanding of mental health for FIFO workers and their families, would be a very useful initiative. The Committee would like to see the Mental Health Commission engage with beyondblue to develop dedicated mental health literacy and mental illness prevention programs for FIFO workers, their families and other resource workers. Such a program could be funded by suicide prevention funding.

Recommendation 22

That the Minister for Mines and Petroleum ensure that the Code of Practice on FIFO work arrangements include a requirement for training in mental health literacy for FIFO workers, their families and other resource workers.

On-boarding and family induction programs

The importance of recognising the needs of FIFO families was raised frequently with the Committee during the inquiry. Many people emphasised the challenges for families with one parent (usually the father) absent for regular and extended periods.

The Lifeline survey identified several areas where FIFO workers and their families were shown to be having difficulties. For example, workers with children ‘who reported being employed to work high compression rotations [greater than two weeks on, one week off] reported the lowest relationship quality compared to all other combinations of parental status and rotation compression’.²⁵⁸ In addition, ‘an overwhelming number of respondents outlined time away from family and friends and the sense of “missing out” as being a major challenge of the FIFO lifestyle’.²⁵⁹

The Lifeline research also identified that

*... ‘stress increased and was highest in the days leading up to leaving for work, reducing steadily during their time at work towards the lowest levels during the initial days after arriving home’. This would suggest that a greater understanding of the ‘transition’ to and from home is critical to ensuring that FIFO workers stress levels are managed effectively through this adjustment phase.*²⁶⁰

257 Submission No. 44 from beyondblue, 30 September 2014, p. 8.

258 Submission No. 94 from Lifeline WA, 29 January 2015, p. 3.

259 Ibid.

260 Ibid.

As discussed earlier at Chapter three, an expert witness identified that 80 per cent of his patients who had attempted or were considering suicide were dealing with relationship issues. The Lifeline study found higher rates of divorced people working FIFO than in other industries: '1 in 10 workers, compared to 1 in 12 in the general Australian population.'²⁶¹ Lifeline commented that 'although the instance of divorce was higher in this FIFO population, it is not possible to determine if a FIFO lifestyle contributed to the marital dissolution, or if divorced males were attracted to a FIFO lifestyle post-separation or divorce.'²⁶²

The AMA's submission to the inquiry also addressed the impact of FIFO on workers and their families.

*Reports from WA medical practitioners and research findings highlight that many FIFO workers have an extremely limited knowledge of the unique factors associated with FIFO work before starting work on-site. The realities of separation from home and families are often not thoroughly considered until work on site has commenced. ...it is critical that mining companies ensure that communication is facilitated with employees and their families and friends as this is an important factor in caring for their workers' mental wellbeing...Research has shown that heightened symptoms of depression result in those FIFO employees who are missing out on important family and social events whilst they are on-site.'*²⁶³

One worthwhile model for assisting families to better prepare for and understand the FIFO experience lifestyle was BHP Billiton's on-site family days. Employees' families are able to tour operations and facilities on site. Family days are intended to enable families to gain an insight into their loved ones' working environment and to learn more about BHP's operations.²⁶⁴

FIFO Families emphasised to the Committee the need for induction programs (sometimes known as 'on-boarding') to help the FIFO worker and their family adjust to the FIFO lifestyle. According to FIFO Families, induction should include the creation of 'in-depth knowledge of the strategies to consider to effectively manage the many changes and challenges that FIFO work provides for the worker and their partners, family and friends.'²⁶⁵

The Committee agrees on the need for new FIFO workers and their families to have access to an induction or on-boarding program that would better prepare them for the

261 Submission No. 94 from Lifeline WA, 29 January 2015, p. 3.

262 Ibid.

263 Submission No. 53 from Australian Medical Association WA, 30 September 2014, pp. 4-5.

264 Submission No. 30 from BHP Billiton Western Australia, 26 September 2014, p. 8.

265 Submission No. 50 from FIFO Families and Creating Communities, 30 September 2014, p. 7.

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realities of FIFO work. The Committee finds that such induction programs will enable families to better prepare for the FIFO lifestyle, and should ensure that coping mechanisms are put in place in advance of a problem emerging.

Such inductions should also be used to ensure that families are aware of the support services available to them. Many companies have EAPs that also cater to the needs of the workers' families. Others provide access to parenting support programs,²⁶⁶ family contact points within the organisation,²⁶⁷ and other family support programs.

Finding 32

The Committee finds that FIFO workers and their families should have access to an induction or on-boarding program to better prepare them for the realities of the FIFO lifestyle. Such programs should ensure that families are made aware of the support services available to them, including EAPs, parenting and family support programs, and contacts.

Requirement for a mosaic of services

As discussed in Chapter five of this report, the culture of the resources industry exacerbates issues related to mental health. The environment was variously described to the Committee as macho, or a 'toughen up princess' style culture. Some witnesses felt that this was starting to change, with some of the old-style attitudes gradually being replaced. Nevertheless, it is clear that the cultural environment of the resources industry has in the past been a male dominated, macho environment, and that has not yet been fully replaced.

Many people made the point that because of the culture, some workers were unlikely to seek help even if they were aware that they needed it. Because of this hesitancy, it is important that a range of services and entry points are available.

The School of Psychiatry at UWA identified that the culture, stigma and fear of negative employment repercussions may prevent individuals from seeking professional help. 'To address this issue, a multiple pathways approach may be appropriate. The goal of such a system is to provide access to services via multiple entry points which may or may not be explicitly defined as mental health services.'²⁶⁸

266 Submission No. 30 from BHP Billiton Western Australia, 26 September 2014, p. 8. Submission No. 49 from Rio Tinto, 30 September 2014, p. 18.

267 Submission No. 49 from Rio Tinto, 30 September 2014, p. 20

268 Submission No. 16 from Winthrop Professor Gary Hulse, School of Psychiatry and Clinical Neurosciences, University of Western Australia, 25 September 2014, p. 3.

Other witnesses told the Committee of the need to address the stigmatisation of mental health: ‘... what we need to do is actually address the stigmatisation of mental health directly... It seems that mandating a mosaic of services is key...’²⁶⁹

The Committee agrees with the proposition that relying on only one form of service is not sufficient. Simply having an EAP is not, in and of itself, sufficient to address the issue of mental health in the workforce.

Finding 33

Due to the culture and male-dominated nature of the resources industry, many workers are hesitant to seek help for mental health issues, and may only contact a telephone employee assistance program when at crisis point. It is therefore important that a mosaic of services with multiple entry points is available to assist workers.

Peer support programs and buddy systems

Because of this hesitancy amongst workers to actively seek out assistance, programs that focus on actively providing peer based support are very important. One program raised frequently during the inquiry was Mates in Construction (MIC). MIC is a peer based support program that is based on the idea that:

‘suicide is everyone’s business’ and that if the building and construction industry in Australia is to improve the mental health and wellbeing of workers and to reduce suicide then it cannot be left to the mental health professionals, but rather everyone in the industry must play their part.’²⁷⁰

MIC is an independent charity established in 2008 ‘to reduce the high level of suicide among Australian construction workers.’²⁷¹ It is independent of both employers and unions, and works for the construction industry in general, rather than specific employers. According to its submission, MIC ‘now has a strong and growing presence in a number of remote mine construction and production sites employing FIFO workers.’²⁷²

The MIC program aims to normalise help-seeking behaviour in the workplace. The training and awareness programs ‘are delivered in a way that fits the masculine culture of construction and ensures help seeking is not associated with “weakness” but rather with self-help, personal initiative and “mates helping mates”.’²⁷³

The program involves three levels of training at a construction site:

269 Dr Paul Pule, Director, MenAlive Australia and FACE, *Transcript of Evidence*, 11 March 2015, p. 7.

270 Submission No. 37 from Mates in Construction WA Ltd, 25 September 2014, p. 2.

271 Ibid.

272 Ibid.

273 Ibid, p. 7.

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- General Awareness Training – aims to provide no less than 85 per cent of workers with a 45-60 minute presentation on suicide awareness, prevention and general mental health. It is an introductory session for workers that also describes behaviours that could indicate a workmate is at risk of suicide and provides strategies to assist.
- Connector Training – aims to train one volunteer for every 20 employees on site. ‘A Connector is a mate who can keep a fellow worker safe while connecting them to help’. They are volunteers who receive four hours additional training that teaches Connectors to be alert to the signs of suicide, how to ask about suicide and how to keep a person safe while connecting them to help.
- Applied Suicide Intervention Skills Training (ASIST) – this program aims to ensure access at every site to an ASIST worker, who has completed a two-day ASIST workshop. This training gives the worker skills to assess if a workmate needs immediate help and/or hospitalisation, emergency counselling, or connection with family and friends. ‘An ASIST worker will talk to a person contemplating suicide with the object of making this person “safe”’.²⁷⁴

Workers who have completed each level of training receive an appropriate sticker to affix to their hard hat, making them a visible contact and help source on site. ‘This creates a sense of awareness and belonging on site and significantly de-stigmatises help seeking.’²⁷⁵

Other witnesses to the inquiry commented on the Mates in Construction program as a particularly useful program in relation to awareness raising and reducing the stigma associated with mental health problems.

Witnesses also emphasised the importance of ‘buddy’ style systems, where individual workers were paired with other workers to ‘keep an eye’ on each other and provide support where needed.

Peer-based support and assistance programs have the advantage of existing within the work environment and being accessible to workers at any time. Other systems that rely on an external provider coming to site may be viewed as an external intrusion or as a stranger prying into issues that workers may be more comfortable sharing with friends and/or peers familiar with the work environment. MIC commented that ‘interventions not supported by peer based referrals will be of limited reach, and therefore

²⁷⁴ Submission No. 37 from Mates in Construction WA Ltd, 25 September 2014, p. 6.

²⁷⁵ Ibid.

effectiveness, because they do not address a reluctance to seek help, drive change in workplace culture or provide any on-site construction industry specific training.’²⁷⁶

Finding 34

The Committee finds that peer based support programs such as Mates in Construction provide a useful support mechanism on sites, as well as assisting to break down stigma related to mental health issues.

Recommendation 23

A peer-based support program such as Mates in Construction should be implemented at all FIFO sites, for both construction and production workers.

Employee Assistance Programs, onsite psychological services and chaplains

Most of the companies that made submissions to the inquiry reported that they provide an EAP for their workers. In addition, principal mining companies require their contractor companies to provide EAPs for employees.

EAPs provide telephone-based counselling services for workers (and usually also their family members), and in some cases also subsequently provide face-to-face counselling services.

The Committee observed during its visits to minesites that there was often a long list of phone numbers pinned up on notice boards or the back of the door in accommodation rooms, with different EAP providers listed for the various companies that worked on site.

Despite this, the Lifeline survey found that ‘one in five workers claimed their industry did not have on-site mental health or on-site counselling facilities and one in ten reported their industry as not having an Employment Assistance Program.’²⁷⁷ Yet, most employers advised Lifeline that they did indeed have those services in place.²⁷⁸ Clearly, lack of awareness of the programs amongst workers is a problem that needs to be addressed.

An additional problem identified with EAPs was the low take-up rate. The CME commented that there may be several reasons for this:

Given the Mental Health Commission has noted 1 in 5 employees is likely to experience poor mental health within a given year, the uptake of EAP appears to be quite low. Factors such as societal stigma, lack of

²⁷⁶ Ibid., p. 7.

²⁷⁷ Ms Fiona-Marie Kalaf, Chief Executive Officer, Lifeline WA, *Transcript of Evidence*, 3 November 2014, p. 2.

²⁷⁸ Ibid., p. 9.

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*mental health awareness, and concerns regarding confidentiality may contribute to the low uptake of these services across industry.*²⁷⁹

A mental health consultant commented in regard to EAPs that due to low help-seeking behaviour, the model may not be particularly effective:

*We know that EAP as a model is not great in terms of support. I cannot tell you how many people, when I ask them what they are doing around mental health, say, "We've got an EAP; tick that box." We know that there is a low uptake, and certainly the Lifeline research has demonstrated that help-seeking behaviour is low. The combination and the model of EAP and low help-seeking behaviour means that it is not really a very effective tool.*²⁸⁰

Another issue with the EAP model is that it tends to be accessed only once a person has reached a crisis point. 'My experience, too, having done some work for EAP, is that it is usually when there is a crisis. It is only then that somebody accesses it.'²⁸¹ While some EAPs may offer preventative training courses, it is often up to the company to consider whether to pay for this extra service. 'Unless an organisation or company is actually going to pay the EAP to come in and do training and preventative stuff and other things, it does not happen.'²⁸²

The Committee considers that while there are problems with the EAP model, including low usage rates, concerns about confidentiality, and a crisis focus, they are an important first step in the provision of mental health services for workers. However, it is clear that an EAP is not, in and of itself, sufficient.

Another model employed by some companies is to fly professional mental health workers onto the site for short periods. While psychological assistance services that fly on to site for short periods are better than nothing, the Committee notes that a regular presence working alongside workers is likely to engender a greater sense of comfort in workers seeking help. A social worker who travels to site to provide assistance commented that:

279 Submission No. 54 from Chamber of Minerals and Energy of Western Australia, October 2014, p. 11.

280 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 10.

281 Ibid.

282 Ibid.

*...I am very conscious when I go to sites it is like "The shrink lady is here" and there is still a lot of stigma around coming to and being seen talking with someone.*²⁸³

One of the better models for the provision of psychological services was demonstrated by Chevron, which advised the Committee that it had 'a back-to-back psychologist' starting in May 2015 at Barrow Island.²⁸⁴ Chevron advised that there were 8,400 people on Barrow Island, serviced by three doctors, seven paramedics, four nurses, one physio, and two health screeners. A total of approximately 1,000 consultations occur a week on the island:

*Based on the national stats, you would think that 1,700 people in that population should be suffering from mental illness in any given year. In the first quarter of 2015, 227 - that is two per cent - of all the consultations were for mental health reasons. Less than one-third of those were actual mental illness, and of those only 33 were evacuated off the island for mental health reasons.*²⁸⁵

The Committee attributes low usage rates to the various reasons given for why workers are hesitant to seek help, namely low levels of mental health literacy, fear of employment repercussions, concerns about confidentiality etc. The Committee does not think that these low usage rates at Barrow Island reflect an absence of mental health problems.

The Committee notes Chevron's decision to place a full time psychological support service on Barrow Island. The Committee considers this a significant step forward, and an example for other companies to consider on larger sites.

The Committee also notes as a good practice Chevron's decision to collect data on the number of mental health consultations conducted, as this will enable it to analyse the impact of its mental health initiatives in future.

Another model for on-site support is the chaplaincy program run by FMG. The chaplaincy program was established for the FMG Port and Rail expansion at Port Hedland in 2011, and by late 2012 had been expanded to cover all FMG operational and project sites. FMG's chaplaincy is based:

... on a preventative model rather than reactive...the Chaplains' role is to build face-to-face relationships at all levels in their area of

283 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 12.

284 Ms Kay Butler, General Manager, Human Resources, Chevron Australia, *Transcript of Evidence*, 6 May 2015, p. 6.

285 Ibid.

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*responsibility. By doing this, each individual Fortescue team member has a face they know and whom they can relate to when and if necessary to seek support for themselves or their work mates.*²⁸⁶

The Committee considers the preventative focus of the chaplaincy program to be an important factor, as well as its availability to contractors and families, and its constant availability:

*Fortescue's Chaplaincy is a dedicated pastoral care service program available to everyone in the Fortescue Family. Fortescue has six full time Chaplains and one relief Chaplain providing face to face pastoral care coverage across all sites 24/7. We have Chaplains based in Perth, at each mine site and at Port Hedland covering Rail and Port operations. The Chaplains are available 24 hours a day for Fortescue team members, contractors and their families. Our Chaplains offer empathy, support and caring to others and their service can be as simple as listening, encouraging and empowering people during difficult times and with day-to-day life decisions. They are also available to support families at home and when Fortescue team members are on site.*²⁸⁷

Many witnesses cited the FMG chaplaincy program as an innovative initiative to the Committee. The Committee considers that having individuals on site whose main role is to cater to mental health and wellbeing is an important step. Much like the active lifestyle coordinators mentioned in Chapter five, the advantage of the chaplains' role may be that they are seen to be a neutral and confidential figure. However, as with the active lifestyle coordinators, the Committee would like to see that all chaplains, and other individuals filling similar roles onsite, receive specific mental health training to enable them to fulfil the role effectively.

Finding 35

The Committee considers that all staff with a role in providing mental health support to FIFO workers on site, including chaplaincy staff, should have mental health training.

Mental health evacuation procedures

The Committee's discussion paper canvassed the issue of mental health evacuations, where workers are transferred off-site due to a mental health event, and transported either to a mental health facility, a hospital, or home. Various concerns were raised with the Committee about the procedures, including:

286 Submission No. 124 from Fortescue Metals Group Limited, 15 April 2015, p. 2.

287 Ibid.

- People removed hastily from site without an opportunity to organise onwards travel;
- Workers removed from site without an escort, or being accompanied only as far as Perth airport, not to their final destination;
- A lack of notification of family members regarding the individual's departure from site and the reason for that departure.

Several union submissions suggested that mental health evacuations are at times being used as a way to 'remove problem workers; or workers that employers are unwilling to accommodate.'²⁸⁸ As one submission suggested, 'at the moment, if a FIFO worker is no longer on site then the company can wash its hands of responsibility for any mental health issues the worker may have had.'²⁸⁹

The CFMEU shared the following experience, where there was:

*...a suicide attempt on a site in the North West, when a construction worker attempted suicide in his donga; which fortunately failed. The most concerning aspect of this story is the way in which the circumstances were allegedly handled by the employer. Following his attempt on his life in his room, the construction worker called a friend for urgent assistance. The friend immediately attended the construction worker's donga to find him distressed and in desperate need of assistance. The construction worker was not provided with medical assistance but rather, the site management attempted to send him home unaccompanied, with the EAP number.'*²⁹⁰

The Mental Health Law Centre provided the Committee with a set of procedures that it considers to be a minimum for such evacuations:

- *workers' families must be notified that the worker is leaving the site for mental health treatment;*
- *the worker MUST always be accompanied by someone responsible for their safe travel until they reach their destination;*
- *the worker's current choice of treating practitioner must be consulted before travel is undertaken...;*

288 Submission No. 117 from Construction, Forestry, Mining and Energy Union, Construction and General Division, WA Divisional Branch, 23 February 2015, p. 17.

289 Submission No. 96, The Australian Manufacturing Workers' Union WA Branch, 29 January 2015, p. 8

290 Submission No. 117 from Construction, Forestry, Mining and Energy Union, Construction and General Division, WA Divisional Branch, 23 February 2015, p. 17.

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- *the worker must be given specialist legal advice about her/his rights if civil involuntary care is being contemplated and/or if the worker has been charged with an offence committed while unwell; and*
- *companies including FIFO workers should be required to have education about rights and obligations under OHS and MH [mental health] legislation in relation to work place wellbeing and safety, in the context of mental illness.*²⁹¹

The Committee received further information from many large companies detailing the procedures in place for managing a mental health evacuation. While each company's plan was slightly different, many of them recognised the need for escorted travel, and clear advice to family members and next of kin.

The Committee agrees with the Mental Health Law Centre that a minimum standard is required for the conduct of mental health evacuations.

Finding 36

There is a need for a clear minimum standard for the conduct of mental health evacuations from FIFO accommodation sites and mine sites.

Recommendation 24

That the Minister for Mines and Petroleum ensures that the Code of Practice on FIFO work arrangements include a requirement for consistent procedures for mental health evacuations across industry, to be developed in partnership with the Mental Health Commission and the Mental Health Law Centre.

The Committee notes concerns from unions and individuals that mental health evacuations have sometimes been used as a means to remove a worker from site, and then prevent their return. This was not an area the Committee was able to investigate in any depth. However, the Committee did receive information from Chevron on the number of mental health evacuations from Barrow Island, and the outcomes for workers. The proportion of medical consultations that occur on Barrow Island for mental health reasons were as follows:

In the first quarter of 2015, 227 – that is two per cent – of all the consultations were for mental health reasons. Less than one-third of those were actual mental illness, and of those only 33 were evacuated off the island for mental health reasons...of those people who have been evacuated, over half have returned to the island...one-quarter

291 Submission No. 22 from Mental Health Law Centre (WA) Inc, 25 September 2014, p. 3.

*have resigned and the other quarter are still working for their employer, albeit not on Barrow Island at this point.*²⁹²

Given the generalised fear within the industry of being given ‘the window seat’, (i.e. losing employment and being flown off site with no chance of return), the Committee thinks it is helpful for statistics such as these to be made public. The Committee commends Chevron for keeping this form of data and for making that information available. Workers should be informed that a mental health problem that results in a mental health evacuation does not necessarily mean the end of their employment.

Finding 37

It is important for companies to provide information to workers that demonstrates that a mental health evacuation from site does not necessarily mean the end of a person’s employment.

Improved suicide post-vention services

The Committee’s discussion paper raised the issue of the policies that companies have in place to manage a suicide or attempted suicide when one occurs onsite. Evidence to the inquiry from individuals and their families suggested that some companies were either unprepared, or had rudimentary and insensitive policies in place, and that those dealing with such an incident did not necessarily know what needed to be done.

The importance of clear, well-planned and sensitive policies cannot be understated. As the MHC made clear to the Committee:

*the way in which sudden deaths, including suicides, are managed has an impact on those who are bereaved. This applies to workmates and other workers as well as family members. The shock and distress experienced following a sudden death is made worse if the situation is not managed sensitively and the psychological impact of sudden death is not understood.*²⁹³

There is also clear evidence that shows the impact of suicide: ‘people bereaved by suicide are at greater risk of developing adverse physical and mental health reactions, including prolonged grief disorders and complications to pre-existing health problems.’²⁹⁴ Additionally, people bereaved by suicide are themselves at higher risk of suicide.

292 Ms Kaye Butler, General Manager, Human Resources, Chevron Australia, *Transcript of Evidence*, 6 May 2015, p. 6.

293 Submission No. 105 from Mental Health Commission, 6 February 2015, p. 3.

294 Ibid.

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The MHC commented that the impact of a suicide may in fact be greater upon FIFO workers due to their isolation from support structures:

*The impact on other workers of a sudden death is significant and is often overlooked. A sudden death, and in particular a suicide, on site can be a stark reminder to others of their own, and their loved ones, mortality and vulnerability. Their sense of isolation from family and friends at such a time can be acute...Importantly, the way in which the situation is managed will have an impact as well, by either allaying or increasing levels of distress and concern.*²⁹⁵

The MHC has been contacted by the family members of workers who have suicided on site, who have stated that companies have not handled the situation well, and have caused greater distress to families. Additionally, EAP counsellors have advised the MHC that they have provided 'support to managers and supervisors who have stated they feel ill-equipped and unable to adequately respond to sudden deaths and suicides onsite.'²⁹⁶ Managers not trained in responding to trauma 'fear that speaking to other workers about the death will create further trauma.'²⁹⁷

As the MHC notes, this lack of clear policies and training places everyone at risk:

*Reports of the lack of appropriate responses suggest there is limited understanding of the importance of policies and procedures relating to sudden death and suicide, and highlight the need for training in trauma response and risk management. The risks are significant, both to workers' and family members' mental health and to companies' legal obligations to provide a safe work environment.*²⁹⁸

In addition to the need to manage such serious incidents carefully and sensitively, it was also suggested that service provision in the immediate aftermath of an incident could be viewed as an opportunity to engage with workers on mental health issues:

*There is something about when there has been a critical incident or trauma, it makes it more acceptable, I think, for people to actually say, "Yes, I do need to talk to somebody".*²⁹⁹

Mental health experts suggested that workers may be more receptive to mental health messages and interventions in the aftermath of such an event:

295 Submission No. 105 from Mental Health Commission, 6 February 2015, p. 3.

296 Ibid.

297 Ibid.

298 Ibid.

299 Ms Julie Loveny, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 12.

There is an opportunity when there is a trauma for companies to do some work, because blokes are more open because they have seen something happen and they think “That could have been me or it could be my family.” So it is a real opportunity and it is a missed opportunity.³⁰⁰

The Committee therefore considers that it is important that industry and companies develop and implement clear policies and procedures for handling a suicide or attempted suicide onsite (or in the accommodation). Some companies that made submissions to the inquiry already have such policies in place, but the feedback received by the MHC shows that this is not universal across the industry. Additionally, managers and supervisors need to receive training in the policy and procedure prior to an incident occurring, so that they feel adequately prepared to manage it appropriately.

Finding 38

Industry must develop clear and uniform procedures and policies for managing suicides and attempted suicides that occur on site, either in the workplace or in the accommodation facilities.

Finding 39

Managers and supervisors must be well trained in procedures to follow in the event of a suicide or attempted suicide. Such training should be practised as it is for other critical work incidents.

Recommendation 25

That the Minister for Mines and Petroleum ensure that the Code of Practice on FIFO work arrangements includes a provision requiring companies to have well developed policies in place to manage a suicide or suicide attempt within their workforce. The Mental Health Commission should be consulted in the development of such policies.

Outstanding matters for further research

Several other areas of concern were brought to the Committee’s attention during the course of the inquiry. The Committee raised these in its discussion paper, but has not come to a definitive conclusion on these matters, due to a lack of clear, conclusive evidence. The Committee has decided that these matters would benefit from further investigation and research.

300 Ms Sue Crock, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 12.

Chapter 6

Illicit drug use

The first of these areas was the extent of the use of illicit drugs by FIFO workers. Many community mental health workers highlighted the use of methylamphetamines (meth) or synthetic drugs as a significant and frequently occurring problem. One community mental health worker told the Committee:

*[w]e know that there are alcohol and drug problems on site, but my experience has been that there is often bingeing behaviour when they are offsite, so really letting their hair down and making up for lost time.*³⁰¹

Several community mental health workers and mental health professionals suggested that the use of illicit drugs was often a means of coping with other stresses or mental health problems. However, due to drug testing on site, workers tend to use substances which are either synthetic and so not detected by conventional testing methods, or that pass through the body sufficiently quickly that they are not detectable on return to site. Health workers expressed concern that use of illicit substances of this nature was spreading, and that the effects on the mental and physical health of users were devastating.

However, the Committee does not feel it has sufficient information to come to a conclusion on illicit drug use in FIFO workers, and is mindful that testing policies attempt to ensure that illicit drugs are not present or used when on site. Therefore, this may be an area for the Drug and Alcohol Office to explore further.

Recommendation 26

That the Mental Health Commission (Drug and Alcohol Office) conduct further research into the use of illicit drugs by FIFO workers, particularly the use of short-acting illicit and new synthetic substances, and the impact on mental health.

Drug testing concerns

The Committee's discussion paper highlighted union concerns that drug testing practices were causing workers on prescribed medication (particularly antidepressants) to cease their treatment for fear of it being detected in drug tests, and potentially impacting on their employment.

The Committee found that this fear appeared to be based less on reality and more on a perception that use of anti-depressants would cause problems. Information from resource companies suggested that most resource projects with testing regimes had adequately trained medical staff to administer the drug tests. They also had procedures

301 Ms Sue Crock, Consultant Social Worker, This FIFO Life, *Transcript of Evidence*, 25 February 2015, p. 7.

in place for the confidential disclosure of any prescribed medication a worker may be taking. The Committee was assured that the discovery of prescription medication that did not impact on a worker's work ability would not be a problem.

The Committee considers that this may be a problem of perception that can best be dealt with by companies providing more information and reassurance to workers regarding the drug testing regime.

Point of hire and travel time

The discussion paper highlighted that an individual's point of hire, that is, the point at which the company assumes the cost and responsibility for transporting the worker to the site, was of concern to some FIFO workers and had the potential to cause stress.

Similarly, the amount of time spent travelling to and from site during a worker's time off was cited as an area which caused considerable stress for some FIFO workers. This was especially true for workers who resided in country WA, interstate or overseas.

The Committee has heard of some companies which have split the time with workers, so that for example, travel to site is considered work time, and travel home is done on a worker's private time.

The Committee believes that travel time within Western Australia should be considered as work time. In other words, travel days should be treated as work days and the worker should be paid for this time.

Summary of provisions to be included in the Code of Practice on FIFO work arrangements

The Committee has recommended the development of a Code of Practice on FIFO work arrangements. This Code of Practice should be drafted by the Department of Mines and Petroleum (DMP) in consultation with the Department of Commerce, the MHC, industry and other relevant stakeholders, including unions.

This report has identified several areas where the Code of Practice could provide guidance to industry. This is not to say that the Code of Practice should be limited to these areas; the Committee acknowledges that additional provisions may be identified during the consultation process. However, the Committee is confident that at a minimum, the areas identified in this report must be addressed in the proposed Code of Practice. These are summarised below:

- Rosters – encourage even-time rosters, and rosters that support mental health and wellbeing such as two weeks on, one week off, or the 8 days on, 6 days off roster. Rosters of greater compression than this can result in fatigue and pose

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significant risks to workers' mental health and wellbeing, and should be reduced.

- Fatigue – An acknowledgement of fatigue's impact on mental health, and suggested controls for identifying and managing its consequences and impact.
- Addressing workplace culture – Provisions should be developed which are designed to facilitate a shift in the workplace culture of resource projects. The provisions should promote measures to encourage FIFO workers to seek help for mental health concerns, to raise awareness of mental health issues and available supports, and to encourage greater leadership and understanding at management and supervisor levels.
- Bullying and harassment – Improvement in the procedures for dealing with claims of bullying and harassment, including by the regulator, DMP. New procedures must be proactive as well as reactive, and seek to overcome the existing problems relating to confidentiality concerns by individuals. Increased powers of prosecution for the regulator may also be considered.
- Active Lifestyle Coordinators – Requirement that those engaged in ALC or equivalent roles undertake training in mental health, noting that on resource project accommodation facilities they have become de-facto counsellors for FIFO workers.
- Accommodation practices – defining acceptable practices with regards to arrangements for the provision of on-site accommodation for workers. This should include mandating the minimisation of the practice of motelling within the resources industry, and promotion of measures to mitigate the negative impacts for workers' mental health which can result from motelling.
- Communications technology – An emphasis on the importance of the provision of high quality, reliable, and accessible communications technology in accommodation facilities for the mental wellbeing of FIFO workers. Consideration may be given to imposing minimum standards for communications technology in accommodation facilities.
- Control in accommodation facilities – Consideration of the level of control exercised over workers in accommodation facilities, with an emphasis on a worker's ability to move freely around accommodation areas, and to leave site or engage with local communities on days off.
- Training in mental health literacy – training and education on mental health literacy should be provided for FIFO workers, their families and other resource workers.

- Mental health evacuation procedures – the development of consistent procedures across industry for mental health evacuations. These should be developed in partnership with the MHC and the Mental Health Law Centre.
- Suicide post-vention policies and procedures – requirement for companies to have well-developed policies and procedures in place for managing a suicide or suicide attempt on their site. The MHC should be involved in the development of such policies.

Chapter 7

The future of FIFO in WA

This chapter considers the impact of FIFO on local host and source communities, and addresses the sustainability of the work system into the future in WA.

The FIFO work practice

As a part of this inquiry, the Committee has considered the appropriateness of fly-in, fly-out work arrangements in Western Australia. The practice has seen significant growth in the past decade. The Chamber of Minerals and Energy (CME) advised the Committee that in 2004, there were 46,100 employees in the entire resources sector in WA.³⁰² Statistics are not available as to how many of these were employed on a FIFO basis. In February 2015, there were approximately 106,000 employees in the Western Australian resources sector,³⁰³ and the CME estimates that approximately 60,000 of these are working on a FIFO basis.³⁰⁴ This means that there are now more FIFO workers in WA in 2015 than there were in the entire industry a decade ago.

The necessity of FIFO

In its discussion paper, the Committee commented that:

*[i]t is clear that FIFO work practices will remain a feature of the Western Australian employment landscape into the future. There was very little indication, based upon the submissions made to the inquiry, of an appetite to end FIFO, but there was a clear view that FIFO work practices could be improved to provide better protections for workers' mental wellbeing. The Committee is also aware of concerns about the challenges created by FIFO practices for host communities.*³⁰⁵

As Creating Communities told the Committee:

FIFO is neither a good nor a bad thing; it is a workplace model. It is just about how can we actually make it work better so there is a benefit for the worker, for the host communities and their source communities,

302 Ms Nicole Roocke, Deputy Chief Executive, Chamber of Minerals and Energy of WA, *Transcript of Evidence*, 5 November 2014, p. 5.

303 Submission No. 131 from Department of Mines and Petroleum, 4 May 2015, p. 2.

304 Ms Adrienne LaBombard, Chamber of Minerals and Energy of WA, Electronic Mail, 15 April 2015, p. 1.

305 Education and Health Standing Committee, *Shining a Light on FIFO Mental Health*, Legislative Assembly, Parliament of Western Australia, Perth, 27 November 2014, p. 8.

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*and for the families. It has been a model that has enabled large workforces to be put on-site quickly to create an economic benefit, but the social planning aspect is probably not as mature as other parts of the industry.*³⁰⁶

During the course of the inquiry, the Committee became aware of a range of different types of FIFO sites and systems being utilised across Western Australia. These included:

- Workers accommodated on a rig off the coast of Western Australia for each swing, then flown back to the mainland to their usual place of residence for their time off.
- Remote FIFO accommodation camps at locations where there is no nearby established community. An example of this would be the Yandi site, which is 300 kilometres south east of Karratha. The nearest town is Newman, approximately 140 kilometres away.
- A FIFO accommodation camp located relatively close to an existing town or community, for example, the Wheatstone construction accommodation camp, built approximately 24 kilometres from the townsite of Onslow.
- A FIFO accommodation camp located within or nearby an existing town. The Gap Ridge village, built approximately 8 kilometres from the centre of Karratha, is an example of an accommodation camp located close by an existing town (essentially a suburb of Karratha), while Wickham provides an example of FIFO accommodation located within an existing town. Camps such as these may have free access and low levels of controls, or they may have controlled access and highly regulated environments.

In contrast to these forms of FIFO short term accommodation are permanent residences within towns for mine workers. Karratha and Wickham provide good examples of towns with a mix of private permanent residences, and short term FIFO accommodation.

The Committee acknowledges that FIFO work arrangements are necessary for offshore sites. FIFO is also suited to very remote sites with no nearby town or facilities, such as the Yandi site. It is also a useful mechanism for workers employed on short contracts to complete short-term projects such as maintenance work. Equally, the Committee notes the submissions that some workers and their families will prefer to live in a metropolitan or regional centre and travel longer distances to work.

Many submissions argued that FIFO work arrangements provide the flexibility to deliver large numbers of workers at short notice to sites that would otherwise be difficult to

306 Mr Andrew Watt, Senior Associate, Creating Communities Australia, *Transcript of Evidence*, 5 November 2014, p. 5.

staff. This is particularly relevant during the workforce intensive construction phase of projects.

Many industry submissions also argued that FIFO work arrangements are all about choice, with workers freely making the choice to take on FIFO roles. For example:

*A variety of workforce mechanisms are deployed during long-life operations of projects. Both residential and FIFO practices are used by our member companies. [...] Importantly, FIFO is also a response in demand from the workforce to provide flexibility for employees to choose where they work and live.*³⁰⁷

The CME also emphasised the element of choice in relation to FIFO work, stating ‘fly-in, fly-out as a lifestyle choice works for the vast majority of people doing it.’³⁰⁸

In its discussion paper, the Committee questioned ‘the parameters of that choice and whether it is the primary driver of the prevalence and proliferation of FIFO work practices.’³⁰⁹ As discussed above, FIFO as a work system has expanded considerably over the past decade. The Committee is concerned about the potential for FIFO work systems to become entrenched as the ‘normal’ work practice at resource sites, reducing the possibility of workers choosing a residential option where it could be available.

The Committee does not believe that a choice between FIFO and unemployment constitutes a genuine choice. The Committee also does not believe that a choice between a high compression roster (such as four weeks on and one week off) and unemployment constitutes a genuine choice. The Committee believes real choice is a worker being genuinely able to consider options around being a resident with their family in a local town, and/or to choose a lower (or higher) compression FIFO roster if it suited them better.

Impact of FIFO on local host communities

It is clear that for some host communities, there is a preference to limit the amount of FIFO in their community, and to encourage permanent residential placements instead.

The Committee has heard conflicting advice as to the cost of residential housing in the Pilbara. It is acknowledged that housing costs were very high during the boom period. Chevron advised the Committee that it is expecting to spend over \$1 million per house

307 Mr Stedman Ellis, Chief Operating Officer, Western Region, Australian Petroleum Production and Exploration Association, *Transcript of Evidence*, 5 November 2014, p. 2.

308 Ms Nicole Roocke, Deputy Chief Executive, Chamber of Minerals and Energy of WA, *Transcript of Evidence*, 5 November 2014, p. 2.

309 Legislative Assembly, Education and Health Standing Committee, *Shining a Light on FIFO Mental Health; a discussion paper*, Parliament of Western Australia, Perth, 27 November 2014, p. 7.

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building residential accommodation in the town of Onslow for a proportion of its operational workforce at the Wheatstone project.³¹⁰ The Committee acknowledges that not all towns in the Pilbara may have houses available; nonetheless, it was also advised that costs have changed considerably since the peak of the boom:

*Today, rents are actually in line with or less than, the mining camp 'room rate' so surely today the economic argument of FIFO workers being 'too expensive' to house in local residential accommodation does not wash.*³¹¹

The Committee does not have sufficient information in order to make a definitive assessment of the costs of residential properties across the Pilbara, but it is clear that prices have significantly reduced since the peak of the mining boom. This should enable more companies to consider the residential option as a viable choice in terms of cost.

One submission to the inquiry from a Pilbara property development company stated that:

*[t]he reality of the Pilbara is that FIFO workers are, at times, necessary due to the remoteness of mining sites. The reality however also remains that there are numerous FIFO workers forced into accommodation, often substandard, in urban centres like Port Hedland, Newman and Karratha when there are better quality residential accommodation options available – and at a cost or at least on par with the cost of FIFO accommodation. Why? Convenience, control or just a lack of consideration perhaps.*³¹²

A recent media article reported on a decision by the Minister for Lands, Hon Terry Redman MLA, to refuse the extension of a lease on a large (2,000 bed) FIFO camp on the outskirts of Karratha.³¹³ The Woodside Gap Ridge Village was set up in 2007 and the lease was due to expire in May 2017. The Minister refused to extend the lease, saying:

...after significant investment and development Karratha was now better equipped to accommodate FIFO workers in more "integrated"

310 Ms Kaye Butler, General Manager, Human Resources, Chevron Australia, *Transcript of Evidence*, 6 May 2015, p. 16.

311 Submission No. 126 from Macro Realty Development, 16 April 2015, p. 5.

312 Ibid.

313 Spriggs, E., 'Woodside denied lease extension on Gap Ridge fly-in fly-out village', *ABC News Online*, 10 April 2015. Available at www.abc.net.au/news/2015-04-10/woodside-fifo-village-lease-not-extended-in-WA/. Accessed on 10 April 2015.

*town settings... [and that] it was “not appropriate” to have a major work camp right next door to the “city of the North”.*³¹⁴

Commenting on the decision, the Mayor of Karratha, Mr Peter Long, stated that

*[w]e want to develop the town so we have a good amenity for the people and we don’t think having 10,000 construction beds, which is roughly what we have got spread around the town now, we don’t think it’s appropriate to have that... the FIFO workers in a lot of these camps, they are almost like jails, they need permission to even go into the town and so the people can’t actually join local sporting teams. They can’t go and shop as they want to, so they are actually just not part of any of our towns at all.*³¹⁵

In addition to a preference for residential workers, several communities made it clear they would like to see FIFO accommodation integrated into their town, with opportunities for workers to become actively engaged with the town’s life. The CME informed the Committee that ‘[t]he extent to which interaction with towns in proximity of site based accommodation may occur is likely to depend on a range of factors including the travel distance, fatigue policies and site specific drug and alcohol policies.’³¹⁶

The Shire of Ashburton (which includes the town of Onslow and the Chevron Wheatstone project) made a submission to the Committee, arguing for the mutual benefits of allowing FIFO workers to become involved with the local community:

...we would like to particularly highlight the existence of groups in towns that would welcome these employees into their organisations... a local fishing club, or a football club, or a service club (like a Lions or Apex). Participation in these groups would...provide an existing structured opportunity for a FIFO worker to engage with others in the vicinity of a workplace and to enable them to feel the psychological benefits of making a meaningful contribution to society [and] result in an actual improvement in the wellbeing of the community of the local area.

The Shire President of Ashburton gave an example of a recent successful activity:

314 Spriggs, E., ‘Woodside denied lease extension on Gap Ridge fly-in fly-out village’, *ABC News Online*, 10 April 2015, available at www.abc.net.au/news/2015-04-10/woodside-fifo-village-lease-not-extended-in-WA/. Accessed on 10 April 2015.

315 Ibid.

316 Submission No. 112 from Chamber of Minerals and Energy Western Australia, 12 February 2015, p. 18.

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... the Old Onslow Cemetery received a recent "make-over" - Chevron's employees kindly volunteered their time, the Shire of Ashburton provided the necessary equipment, and the result was a simple but effective weed clearing operation at the small but historic Old Onslow Cemetery. Whilst a formal survey was not conducted following the activity, as a participant in many volunteer activities, I am confident that those that took part:

a) enjoyed a change from their "normal life" at the Wheatstone Project,

b) enjoyed learning a little of the history of the district they work in,

c) enjoyed the company of others in a different way to their normal work day, and

d) enjoyed the psychological benefits of the feeling of "making a volunteer contribution".³¹⁷

Despite periodic reports of FIFO bad behaviour (e.g. 9 April 2015 in The West Australian³¹⁸), media comments indicate that the local community does not agree with restricting access. Restrictions were placed on Wheatstone workers accessing Onslow after the recent incident:

The town's business community reacted angrily to what it considered to be an overreaction by project manager Bechtel, which will hurt local service providers.... Onslow Chamber of Commerce and Industry president Geoff Herbert said business people hoped the restrictions would soon be revoked. "We would like some support from Bechtel to keep things going how they have been instead of making rash decisions," Mr Herbert said.³¹⁹

This preference from local communities has been echoed by unions representing the workers. In reference to the decision regarding the placement of accommodation for the Wheatstone project away from Onslow, UnionsWA told the Committee that:

[w]e made some media comment at the time on wanting workers to have access to the town for recreation when they have their off days,

317 Submission No. 80 from Shire of Ashburton, 21 January 2015, p. 2.

318 See for example, article by Williams, P. and Knowles, G., 'Onslow ban for gas workers', *The West Australian*, 9 April 2015, available at <https://au.news.yahoo.com/thewest/a/27024824/onslow-ban-for-gas-workers/>. Accessed on 4 May 2015.

319 Williams, P. and Knowles, G., 'Onslow ban for gas workers', *The West Australian*, 9 April 2015, available at <https://au.news.yahoo.com/thewest/a/27024824/onslow-ban-for-gas-workers/>. Accessed on 4 May 2015.

*rather than being stuck in the camp. We thought that was very important, not only for the workers to be able to escape the camp to undertake recreational activities, whatever that may be, but also to inject life and some more economy into the town – being involved, spending money and the like.*³²⁰

The Committee visited Wickham during its research trip to the Pilbara. Wickham is an established town with a mix of private residential accommodation, company owned residential accommodation and accommodation for FIFO workers. The facilities of the town are generally open to all community members, whether residential or FIFO. Driving around the community, the Committee felt like it was in a normal town, and people were able to move about freely, as in normal life. This style of integrated community seems well balanced to cater for the needs of both local residential community members and FIFO workers.

The Committee acknowledges the concerns of host communities, and maintains that where FIFO camps are located close to local communities (such as Karratha, Onslow and Newman), they should be integrated into the local community. Workers should be able to access the facilities of those towns freely and easily. This has benefits for the workers and communities alike.

Finding 40

Some mining accommodation facilities are isolated from the local community which may be in close proximity, and interaction between the two may be highly regulated and controlled.

Finding 41

Where possible, FIFO workers should be encouraged and enabled to engage with the local host community. This has benefits for the mental health of workers, and for the local community.

Recommendation 27

Where possible, FIFO workers should be encouraged and enabled to engage with the local host community.

Recommendation 28

Mining companies should engage with local host communities to ensure that the placement of accommodation facilities brings benefits to local communities, as well as benefits to the mental health of workers.

320 Mr Owen Whittle, Assistant Secretary, UnionsWA, *Transcript of Evidence*, 16 March 2015, p. 6.

Recommendation 29

That the Department of State Development investigate mechanisms to encourage resource companies to invest in providing workers the opportunity to reside in local communities in order to improve mental health.

Impact of FIFO on source communities

The Committee is also concerned about the impact of FIFO on source communities. The Committee has heard of towns where the local community groups, particularly sporting clubs, having difficulty in finding sufficient people (especially men) to undertake roles in the clubs, such as coaching football teams etc. This is because so many members of the community are working away on FIFO rosters. The Committee has also heard of difficulties for clubs such as golf clubs or gyms, where the membership mechanisms are not attractive to FIFO workers, who may not be able to access the benefits of memberships for more than half of the time due to absence. Those who wish to become involved with community activities may find it difficult to do so unless special arrangements are put into place to facilitate FIFO participation.

Some organisations in source communities are developing innovative mechanisms to facilitate FIFO participation, and the Committee considers this is an important adaptive step for source communities.

The Committee considers that it is important that the difficulties FIFO work arrangements cause for source communities are recognised. For some communities, significant numbers of their population are absent for long periods, and/or for a large proportion of the time. This has obvious flow-on effects both for the community as a whole and for the families which remain behind.

A public process of community consultation and ‘community impact assessments’

The situation at Onslow and the decision to build FIFO accommodation for the Wheatstone project away from the town was frequently brought to the Committee’s attention during this inquiry. The decision on the placement of the camp is relevant to this inquiry in terms of whether worker mental health was a factor in the decision making process.

Media reporting on the issue shows that there has been some conflict between the local community and the company on the placement of the camp.³²¹ While the community of Onslow was initially consulted on the placement of the FIFO camp, the

321 See for example, Martin, L., 'Small Pilbara town of Onslow ill-prepared for mining boom highs and lows', *ABC News Online*, 28 May 2015. Available at: <http://www.abc.net.au/news/2015-05-28/small-pilbara-town-ill-prepared-for-the-highs-of-lows-of-mining/6504996>. Accessed on 29 May 2015.

decision was eventually made, against the community's preference, to place the camp away from the town site. Media reports stated that:

*Chevron has revealed it never wanted to house its fly-in fly-out (FIFO) workers in the Western Australian town of Onslow. That is despite the company having initially agreed to build an accommodation village in the town for more than 300 of its operational staff on the Wheatstone project. It was revealed [in August 2014] that the company now plans to accommodate those workers at an existing camp at the Ashburton North Strategic Industrial Area (ANSIA), outside of Onslow.*³²²

According to the Wheatstone Project Manager, the decision to house FIFO workers away from the town was:

largely based around safety concerns. "It will cut out a significant amount of commute time for them on a daily basis"...by taking the 65 minutes a day of commute time, that actually adds up to 15 hours over the two-week rotation...it will remove road safety concerns at high-risk dawn and dusk time frames and it just makes good business sense to use a facility that's already built, rather than build a new facility in town."³²³

Having travelled from Onslow to the Wheatstone project site, the Committee was not convinced by this 'safety' argument. The project is 28 kilometres from Onslow. Travelling in a company bus, the Committee found that the entire journey took just over half an hour. This may not seem a particularly onerous commute to work for the many people who live and work in the metropolitan area who have much longer commutes through heavy traffic to work each day. Being able to live in the Onslow community, on either a permanent residential basis, or in a less isolated FIFO camp, would surely see a significant improvement to workers' mental health and wellbeing. It would also have positive flow on effects for the Onslow community.

Finding 42

Evidence to the Committee showed that living in a local community significantly benefits mental health and wellbeing. The Committee feels that these benefits of living in a community far outweigh considerations such as the possible impact of a 30 minute bus ride to the worksite.

322 Bell, L., and Spriggs, E., 'Chevron never wanted to house FIFO workers in Onslow, company reveals', *ABC News Online*, 3 September 2014. Available at <http://www.abc.net.au/news/2014-09-03/chevron-never-wanted-to-house-fifo-workers-in-onslow/5716852>. Accessed on 27 May 2015.

323 Ibid.

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At a hearing in May 2015, Chevron advised the Committee that it still intended to build 100 houses in Onslow in order to house part of its operational workforce. These workers will reside in town during their weeks off-swing, and at the camp while they are on-swing.

One reason given by companies for not locating accommodation camps close to established towns is the fear of the town being swamped by an influx of mine workers.³²⁴ Given that workers work long shifts and have only occasional rest days, the Committee notes that only a proportion of the workforce would frequent the town and its facilities at any time. This would make accessing the town a more viable and manageable proposition.

The conflict over the decision on where to place the FIFO camp emphasises to the Committee the need for transparent assessment and decision-making processes for these sorts of decisions. All stakeholders, including local communities, must be consulted during the development of plans for FIFO accommodation for resource projects. This could be done through the development of a public ‘community impact assessment’. Decision-making processes need to demonstrate how community concerns have been taken into account, and reasons for decisions that go against community preference should be made clear.

The Committee also feels that elements such as worker mental health must be factored into decision-making processes. It must be demonstrated that worker mental health is an important consideration right from the start of the development of a resources project. Given the impact of these types of decisions on the WA community as a whole (particularly host communities and workers), decision considerations should be made public. Communities would then be able to understand why such decisions have been made. The Department of State Development should develop an open strategic plan for the process of how such decisions are made, which includes a public community impact statement, where relevant.

Recommendation 30

The Department of State Development should develop a strategic plan for the decision-making process for the placement of FIFO accommodation camps, which must include consideration of workers’ mental health and access to local communities. Such a plan should include a community impact assessment.

The future of FIFO in Western Australia

Research has demonstrated that FIFO as a work system is more prevalent in WA than anywhere else in the country. It has proliferated in a largely unregulated way over the

324 Ms Kaye Butler, General Manager, Human Resources, Chevron Australia, *Transcript of Evidence*, 6 May 2015, p. 24.

last decade, and has reached the point where it impacts directly on the lives of approximately nine per cent of the Western Australian community. Its indirect impact touches a much larger section of the community.

This means that WA is uniquely placed to address the problems of FIFO, and can lead the way in making it a more sustainable system of work. It is clear that FIFO as a work system will always be needed to some extent. The challenge is to ensure that its continued usage and development is done in a way that minimises its negative impacts, and maximises its benefits for workers, community and industry.

The Committee has sought to find a middle road in this report in relation to managing the negative impacts of FIFO. The recommended Code of Practice on FIFO work arrangements should be developed to ensure that the main factors that impact negatively on workers' mental health are addressed. The other recommendations of this report will help both to monitor the impact of FIFO as a system of work, and to assess what improvements can be achieved through the initiatives of the Code of Practice.

The Committee would like to see a change in emphasis with regard to FIFO work arrangements. Rather than attempting to assess workers to profile and select those who are 'tough enough' to withstand the challenges of FIFO, the system of work should be modified to take into account the mental health needs of workers. This would go a long way towards ensuring that FIFO becomes a more sustainable work arrangement.

Ensuring the better integration of FIFO accommodation camps into local communities, as well as improved occupational safety and health coverage for those camps, will also improve the sustainability of the system.

The Committee hopes that government and industry will take a positive and proactive approach to the recommendations of this report, for the benefit of workers, community, industry, and the state as a whole.

A handwritten signature in black ink, appearing to read 'G.G. Jacobs', is written over a series of horizontal lines.

DR G.G. JACOBS, MLA
CHAIRMAN

Appendix One

Inquiry Terms of Reference

That the Education and Health Standing Committee inquire into:

- a) the contributing factors that may lead to mental illness and suicide amongst FIFO workers;
- b) the current legislation, regulations, policies and practices for workplace mental health in Western Australia; and
- c) current initiatives by government, industry and community, and recommend improvements.

Appendix Two

Committee's functions and powers

The functions of the Committee are to review and report to the Assembly on:

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

Appendix Three

Submissions received

No.	Name	Position	Organisation
1	Closed submission		
2	Closed submission		
3	Closed submission		
4	Closed submission		
5	Closed submission		
6	Mr Rod McNamara	Approvals Manager	OSD Pty Ltd
7	Closed submission		
8	Closed submission		
9	Mr Gary Cooper	Principal Registrar	Coroner's Court of Western Australia
10	Closed submission		
11	Lisa Laschon	Western Australia Manager	Inspire Foundation
12	Multiple authors		Bunbury Counselling
13	Mr Tony Holland	Chief Executive Officer	OzHelp Foundation
14	Ms Monique Williamson	Chief Executive Officer	Mental Health Fellowship WA
15	Closed submission		
16	Prof Gary Hulse	Professor of Addiction Medicine	University of Western Australia
17	Mr Richard Sellers	Director General	Department of Mines and Petroleum
18	Closed submission		
19	Dr Jennifer Bowers	Chief Executive Officer	Australasian Centre for Rural and Remote Mental Health
20	Dr Keith Hampson	Chief Executive Officer	Sustainable Built Environment National Research Centre
21	Closed submission		
22	Ms Sandra Boulter	General Manager	Mental Health Law Centre (WA)
23	Multiple authors		FIFO Australian Community of Excellence
24	Mr Peter and Mrs Anita Miller		
25	Ms Julie Loveny and Ms Sue Crock		This FIFO Life
26	Mr Brian Bradley	Director General	Department of Commerce
27	Mr David Perich	Director	Volunteering WA

No.	Name	Position	Organisation
28	Mr Michael Tunnecliffe	Director	BSS Employee Assistance
29	Mr Lance McCallum	National Policy Officer	Electrical Trades Union
30	Mr Julius Matthys	Vice President Corporate Affairs	BHP Billiton Western Australia
31	Ms Meredith Hammat	Secretary	UnionsWA
32	Mr Stedman Ellis	Chief Operating Officer – Western Region	Australian Petroleum Production and Exploration Association
33	Mr Tim Langmead	Director External Relations, Approvals	Fortescue Metals Group
34	Mr Simon Bennison	Chief Executive Officer	Association of Mining and Exploration Companies
35	Mr Steve McCartney	State Secretary	Australian Manufacturing Workers' Union (WA)
36	Ms Trudi Horler		Perth Positive Psychology Practitioners
37	Mr Godfrey Baronie	Chief Executive Officer	Mates in Construction WA
38	Dr Andrew Harper	Occupational and Public Health Physician	
39	Mr Mick Buchan	State Secretary	Construction, Forestry, Mining and Energy Union (WA)
40	Ms Helen Robinson	Manager Mental Health	Mercy Care
41	Dr Peter Connaughton	Occupational Physician	
42	Ms Vanessa McDonald	Corporate Planning Officer	City of Karratha
43	Closed submission		
44	Ms Georgie Harman	Chief Executive Officer	beyondblue
45	Ms Sabina Leitmann	Branch President	Australian Association of Social Workers (WA)
46	Mr Roger Martin	Vice President of Corporate Affairs	Woodside Energy Ltd
47	Dr Karl O'Callaghan	Commissioner	Western Australia Police
48	Mr Tristan Menalda	Senior Industry Policy Advisor	Australian Mines and Metals Association
49	Mr Andrew Harding	Chief Executive, Iron Ore, China, Korea and Japan	Rio Tinto Ltd
50	Mr Andrew Watt and Ms Nicole Ashby		Creating Communities and FIFO Families
51	Ms Linda Morich	Occupational Health and Safety Advisor	Maritime Union of Australia
52	Mr Peter Fairclough	General Manager Policy Government and Public Affairs	Chevron Australia
53	Dr Michael Gannon	President	Australian Medical Association

No.	Name	Position	Organisation
54	Ms Adrienne LaBombard	Manager Workplace Health and Safety	Chamber of Minerals and Energy Western Australia
55	Mr Tim Shelton	Director	Energy and Minerals Institute
56	Ms Jodie Holbrook	Policy Manager – Community	Western Australian Local Government Association
57	Mr John Nicolau	Chief Officer, Member Services and Advocacy	Chamber of Commerce and Industry
58	Closed submission		
59	Mr Damian Doherty	General Manager HSSE/SP	Shell Development Australia
60	Mr Bill Townsend	General Manager External Affairs and Joint Venture	INPEX Operations Australia Pty Ltd
61	Mr Tim Marney	Mental Health Commissioner	Mental Health Commission
62	Closed submission		
63	Mr Simon Ridge	Executive Director, Resources Safety	Department of Mines and Petroleum
64	Mr Brian Bradley	Director General	Department of Commerce
65	Mr Simon Bennison	Chief Executive Officer	Association of Mining and Exploration Companies
66	Mr Michael Tunnecliffe	Director	BSS Employee Assistance
67	Mr Simon Ridge	Executive Director, Resources Safety	Department of Mines and Petroleum
68	Ms Julie Loveny and Ms Sue Crock		This FIFO Life
69	Closed submission		
70	Closed submission		
71	Closed submission		
72	Closed submission		
73	Ms Ruth Murdoch	Director	Acorn Life Path Pty Ltd
74	Closed submission		
75	Closed submission		
76	Closed submission		
77	Closed submission		
78	Dr Jill Harris	Senior Research Officer	Minerals Industry Safety and Health Centre, University of Queensland
79	Mr Brian Bradley	Director General	Department of Commerce
80	Ms Kerry White	Shire President	Shire of Ashburton
81	Mr Grahame Marshall	Chief Executive Officer	Royal Flying Doctor Service Western Australia
82	Mr Roger Martin	Vice President Corporate Affairs	Woodside Energy Pty Ltd

No.	Name	Position	Organisation
83	Ms Wendy Attenborough	A/Chief Executive Officer	Workcover WA
84	Closed submission		
85	Mr Bill Townsend	General Manager External Affairs and Joint Ventures	INPEX Operations Australia Pty Ltd
86	Mr Richard Sellers	Director General	Department of Mines and Petroleum
87	Prof Fiona Haslam McKenzie	Professor	Curtin Business School
88	Mr Simon Bennison	Chief Executive Officer	Association of Mining Exploration Companies
89	Dr Herbert Briggs and Dr Keith Hampson		Sustainable Built Environment National Research Centre
90	Ms Ruth Murdoch	Director	Acorn Life Path Pty Ltd
91	Ms Meredith Hammat	Secretary	UnionsWA
92	Mr Tristan Menalda	Senior Industry Policy Adviser	Australian Mines and Metals Association
93	Dr Peter Connaughton	Consultant Occupational Physician	
94	Ms Fiona Kalaf	Chief Executive Officer	Lifeline WA
95	Mr Mike Sutton et al	Chief Operating Officer, Open Cut West	Downer EDI Mining Pty Ltd
96	Mr Steve McCartney	Secretary	Australian Manufacturing Workers' Union WA
97	Mr Richard Wiltshire	Director	Workplace Chaplains International
98	Mr Tim Langmead	Director External Relations	Fortescue Metals Group
99	Mr Julius Matthys	Vice President Corporate Affairs	BHP Billiton Western Australia
100	Mr Peter Fariclough	General Manager, Policy, Government and Public Affairs	Chevron Australia Pty Ltd
101	Ms Tania Hohaia		Safe Balance
102	Mr Paul Ryan	Upstream Communications Manager	Shell Australia
103	Closed submission		
104	Mr Tony Holland	Chief Operating Officer	OzHelp
105	Mr Timothy Marney	Mental Health Commissioner	Mental Health Commission
106	Mr Stedman Ellis	Chief Operating Officer – Western Region	Australian Petroleum Production and Exploration Association

No.	Name	Position	Organisation
107	Dr David Cutts	Consultant Psychiatrist	Nickol Bay Hospital, Karratha
108	Mr John Nicolau	Chief Officer, Member Services and Advocacy	Chamber of Commerce and Industry WA
109	Closed submission		
110	Mr Andrew Harding	Chief Executive, Iron Ore, China, Korea and Japan	Rio Tinto
111	Mr Patrick Gilroy	Secretary	Occupational Health Society of Australia (WA Branch)
112	Mr Reg Howard-Smith	Chief Executive	Chamber of Minerals and Energy Western Australia
113	Ms Melanie Stutsel	Director – Health, Safety, Environment and Community Policy	Minerals Council of Australia
114	Mr Michael Tunnecliffe	Director	BSS Employee Assistance
115	Mr Craig Jones	Executive General Manager, Australian Operations and Projects	Newcrest Mining Ltd
116	Mr Wimpie Du Toit	Vice President and Head of Human Resources Australasia	Gold Fields Australia Pty Ltd
117	Mr Michael Buchan	State Secretary	Construction, Forestry, Mining and Energy Union WA
118	Dr Jennifer Bowers	Chief Executive Officer	Australasian Centre for Rural and Remote Mental Health
119	Closed submission		
120	Mr Gary Cooper	Principal Registrar	Office of the State Coroner
121	Closed submission		
122	Closed submission		
123	Closed submission		
124	Mr Tim Langmead	Director External Relations	Fortescue Metals Group
125	Mr Ken Pettit	Senior Counsel	Francis Burt Chambers
126	Ms Veronica MacPherson	Chief Executive Officer	MACRO Realty Development
127	Mr Richard Sellers	Director General	Department of Mines and Petroleum
128	Closed submission		
129	Ms Natalee Connor	Government Relations Advisor	BHP Billiton Western Australia
130	Mr Jamie Bennett	Executive Officer	Outdoors WA

No.	Name	Position	Organisation
131	Mr Richard Sellers	Director General	Department of Mines and Petroleum
132	Mr Richard Sellers	Director General	Department of Mines and Petroleum
133	Mr Lyndon Anlezark	Health and Lifestyle Coordinator	

Appendix Four

Hearings

Date	Name	Position	Organisation
22 October 2014	Mr Simon Ridge	Executive Director, Resources Safety	Department of Mines and Petroleum
22 October 2014	Mr Lex McCulloch	Executive Director	Department of Commerce (WorkSafe)
	Mr Ian Munns	Director, Policy and Education	
	Ms Jean Mangharam	Principal Scientific Officer/Inspector (Human Factors and Ergonomics Team)	
3 November 2014	Ms Georgie Harman	Chief Executive Officer	beyondblue
3 November 2014	Mr Steve McCartney	State Secretary	Australian Manufacturing Workers' Union
3 November 2014	Mr Simon Bennison	Chief Executive Officer	Association of Mining Exploration Companies
	Mr Graham Short	National Policy Manager	
3 November 2014	Ms Fiona Kalaf	Chief Executive Officer	Lifeline WA
5 November 2014	Ms Nicole Ashby	Founder and Director	FIFO Families
	Mr Carl Binning	Managing Director	Creating Communities
	Mr Andrew Watt	Senior Associate	
	Mr Nicholas Fitzgerald	Research Director	
5 November 2014	Mr Godfrey Baronie	Chief Executive Officer	Mates in Construction
5 November 2014	Mr Michael Buchan	State Secretary	Construction, Forestry, Mining and Energy Union WA
	Mr Graham Pallot	Assistant State Secretary	
5 November 2014	Ms Nicole Roocke	Deputy Chief Executive	Chamber of Minerals and Energy Western Australia
	Ms Adrienne LaBombard	Manager – Workplace Health and Safety	

Date	Name	Position	Organisation
	Mr Emmanuel Hondros	Manager – People Strategies	
	Ms Jennifer Rumbles	Policy Adviser – People Strategies and Workplace Health and Safety	
5 November 2014	Mr Stedman Ellis	Chief Operating Officer	Australian Petroleum Production and Exploration Association
	Mr Andrew Woodhams	A/Director – Safety, Environment and Skills	
12 November 2014	Mr Peter Miller		
	Ms Anita Miller		
25 February 2015	Ms Julie Loveny	Consultant Social Worker	This FIFO Life
	Ms Sue Crock	Consultant Social Worker	
25 February 2015	Dr Jennifer Bowers	Chief Operating Officer/Managing Director	Australasian Centre for Rural and Remote Mental Health
11 March 2015	Ms Philippa Vojnovic	Co-convenor	FIFO Australian Community of Excellence
	Dr Paul Pulé	Co-convenor	
	Ms Libby Brook	Executive Committee Member	
	Dr Suzanne Bahn	Adjunct Senior Lecturer, Edith Cowan University	
16 March 2015	Mr Owen Whittle	Assistant Secretary	UnionsWA
	Dr Tim Dymond	Strategic Research Officer	
16 March 2015	Ms Ruth Murdoch	Director	Acorn Life Path Pty Ltd
16 March 2015	Mr Tim Langmead	Director External Relations	Fortescue Metals Group
	Mr Robert Watson	Group Manager Health and Safety	
16 March 2015	Mr Mike Boyle	Executive General Manager Zero Harm	Downer EDI
	Ms Donna Viner	Health Advisor Employee Support	
	Ms Natasha Palethorpe	Regional Health Advisor	

Date	Name	Position	Organisation
25 March 2015	Dr Nathan Gibson	Chief Psychiatrist	Department of Health
	Dr Simon Byrne	Psychiatrist	
20 April 2015	Closed Briefing		
20 April 2015	Closed Briefing		
20 April 2015	Closed Briefing		
22 April 2015	Closed Briefing		
6 May 2015	Ms Kaye Butler	General Manager of Human Resources	Chevron Australia
	Mr Michael Tunnecliffe	Director	BSS Employee Assistance

Appendix Five

Legal Opinion



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Western Australia 6000
Telephone: (08) 9220 0556
My Ref: FIFO

15 April 2015

Mr Peter J McHugh
Clerk of the Legislative Assembly
Attention: Ms Liz Kerr, Clerk Assistant
Parliament House
PERTH WA 6000

Dear Mr McHugh,

EDUCATION & HEALTH STANDING COMMITTEE – FLY IN FLY OUT WORKERS

Instructions

By letter of the Clerk of the Legislative Assembly dated 30 March 2015, my opinion has been sought on four questions:

1. Does employees' accommodation (provided by employers on mining tenements) fit within the definition of a mine/mining operation for the purposes of section 9 of the *Mines Safety Inspection Act 1994* ("MSI Act")?
2. Do the duties imposed on employers by section 9 of the MSI Act (or by any other section of the MSI Act) apply to employees who are 'off shift' and using the facilities solely for accommodation purposes?
3. If a death in an accommodation facility is not classed as a death 'in the workplace', is there a requirement for the death to be reported to or investigated by the Department of Mines and Petroleum (DMP)? If so, does this apply equally to non-fatal suicide attempts? If a suicide or suicide attempt occurs in an accommodation facility provided by an employer on a mining tenement, would that suicide/suicide attempt be covered by the reporting requirements provided by section 76 of the MSIA?

Liability limited by a Scheme approved under the Professional Standards Legislation

4. Would FIFO work practices¹ constitute, for the purposes of section 9(1)(a) of the MSIA, a 'system of work' that creates duties for an employer using that system of work?

Mines Safety Inspection Act 1994

Objects of MSI Act

The objects of the MSI Act will assist in the interpretation of its provisions (see s 18 *Interpretation Act*). The objects expressed in s 3 are:

- a) to promote, and secure the safety and health of persons engaged in mining operations; and
- b) to assist employers and employees to identify and reduce hazards relating to mines, mining operations, work systems and plant at mines; and
- c) to protect employees against the risks associated with mines, mining operations, work systems at mines, and plant and hazardous substances at mines by eliminating those risks, or imposing effective controls in order to minimize them; and
- d) to foster and facilitate cooperation and consultation between employers and employees, and associations representing employers and employees, and to provide for the participation of those persons and associations in the formulation and implementation of safety and health standards and optimum working practices; and
- e) to provide procedures for employers and employees to contribute to the development and formulation of safety legislation for mines and mining operations and to consult regarding its administration.

From s 3, the objects of the Act are variously confined to "mining operations", "mines", "work systems" and "plant at mines" and "plant and hazardous substances at mines". Some of those terms are defined in s 4.

Definitions for MSI Act

"Mining Operations" means "any method of working by which the earth or any rock structure, coal seam, stone, fluid, or mineral bearing substance is disturbed, removed, washed, sifted, crushed, leached, roasted, floated, distilled, evaporated, smelted, refined, sintered, pelletized, or dealt with for the purpose of obtaining any mineral or rock from it for commercial purposes or for subsequent use in industry, whether it has been previously disturbed or not," and includes a list of mostly unremarkable activities, and a

¹ References to FIFO "work practices" mean the requirement for workers to regularly leave their usual residences and be accommodated by employers in facilities under the employer's control adjacent to the location of the work, and typically on the same mining tenement as the mine itself, for extended and regular periods of time. The Committee's discussion paper provides additional information about the features of FIFO work practices, in particular at chapter 3.

list of exclusions.

Included in the definition is “(k) *operation* of residential facilities and recreational facilities and the ground used for that purpose, where such facilities are located on a mining tenement and are used solely in connection with mining operations;”.

Excluded from the definition is “(s) [the *operation* of] residential facilities and recreational facilities and the ground used for the purpose where such facilities are not located on a mining tenement and directly associated with mining operations;”.

Paragraph (k) refers to the “operation” of the facilities, rather than to their use, which means that only the cleaning, maintenance and repairs etc. are relevant, not their use for sleeping etc. Paragraph (k) requires the residences to be both on the tenement and used solely in connection with (other) mining operations. The definition includes the kind of accommodation usually associated with FIFO, provided the accommodation is on the tenement (see footnote 1 above).

Paragraph (s) is also confined to the “*operation of*” residential facilities, not the use of them for residing. The reason paragraph (s) does not exclude residential use (for sleeping, eating TV etc.) is that those uses are not in the definition in the first place, not being part of (k). The point of paragraph (s) appears to be to exclude the operation of residences that are both off-tenement and not directly associated with (other) mining operations, such as local hotels, motels and private billeting.

One effect of paragraphs (k) and (s) is that, to the extent that “operations” in respect of residences are within “mining operations”, the operations are included only if the residences are on the tenement. This means, for example, that a village built and operated by a mining company exclusively for FIFO, but off-tenement, is not within “mining operations”, which appears anomalous. It is likely that it was a realisation of this anomaly that led to the 2004 addition of s 15D MSI Act (see below).

In any event, it is clear that “mining operations” do not include residential use of any residences, whether off-tenement or on-tenement, whether solely or partly devoted to mining employees.

“Mine” means a place at which mining operations are carried on ...; and “*to mine*” includes to carry on any manner or method of mining operations;”.

This means that on-tenement residences and recreational facilities, for use by mining employees, are also “mines” and the operation of those residential and recreational facilities is “mining”, but the residential use of them is not “mining”. Hence, “work systems at mines” includes work systems in residential and recreational facilities on the tenement. Similarly, “plant and hazardous substances at mines” includes plant and hazardous substances in residential and recreational facilities on the tenement. But, to repeat, that does not make residential use of residences “mining operations”.

The expression “workplace” is not within the list of the MSI Act objects, but appears elsewhere. It is defined in s 4 as follows:

“Workplace” in relation to a mine, means a place, whether or not in a vehicle, building, or other structure, where employees or self-employed persons work or are likely to be in the course of their work, but does not include catering, residential, or recreational facilities for employees or self-employed persons except in the case of persons who are employed to service and maintain those facilities.

In summary, an on-tenement residence is a “mine”, and maintaining/cleaning the residence is “mining”, and people working on residences (cleaners, maintenance crews) are at their workplace on a mine, but people living in the residences are not “mining” and are not at their “workplace”.

Therefore, my answer to the first question is as follows: employees’ accommodation (provided by employers on mining tenements) is within the definition of a “mine” and the operation of the accommodation is within the definition of “mining operation”, including for the purposes of section 9 MSI Act. However, that question and answer do not much assist in deciding the precise obligations of mining employers in respect of FIFO workers.

There are three further expressions used in the MSI Act, which are undefined. These must take their full meaning from their ordinary meaning, from the context in which they are used and from the objects of the MSI Act. The clear object behind the definition of “mining operations” is influential, but not definitive. The three expressions are “working environment”, “system of work”, and “occupational”.

Because of the definitions in s 4, a reference in the MSI Act to a “working environment” is likely to be a reference to the environment in a workplace; not the environment at places where mining operations are conducted. This means that “working environment” will include the environment in a residence where the subject matter is work (“operations”) at the residence, but will not include the environment at a residence in respect of residential uses (eating, sleeping and watching TV). In other words, an on-tenement residence will be a working environment for cleaners etc., but not a working environment for residents.

This becomes important because some duties of an employer are confined to the employees’ workplace, and some are not.

The word “work” as used in the MSI Act is clearly a reference to the carrying out of mining operations. A “system of work” means a system for carrying out mining operations, and will include, for example, long shifts that might cause fatigue. But it does not extend to a system for residing in a residence away from home.

Therefore, the answer to the fourth question is that FIFO work practices (essentially the practices of living away from home in employer-provided accommodation for extended periods) do not constitute a “system of work” as that expression is used in the MSI Act.

Use in the MSI Act of “occupational” is always within the expression “occupational safety and health”. In that context, it is clear that “occupational” is confined to matters relating to work, and does not include residential activity.

Section 9 MSI Act

Under s 9(1)(a) MSI Act:

“An employer must, so far as is practicable, provide and maintain at a mine a working environment in which that employer’s employees are not exposed to hazards, and, in particular but without limiting the generality of that general obligation, an employer must ...”,

and s 9(1) then sets out a list of more particular obligations.

The obligation set out in this chapeau is not expressly confined to the “workplace”, but is expressly confined to the “working environment”. My observations above about “working environment” apply here.

Therefore, an employer must provide a hazard-free working environment in and around on-tenement residences for the benefit of the cleaners, electricians etc who maintain and repair the residences, but it does not apply for the benefit of the residents.

That distinction would only cause a practical problem if some aspect of the environment was hazardous to residents but not to cleaners, electricians etc working on the residences. An example might be noise or light that caused sleep deprivation, and hence fatigue or mental health issues for residents, but no harm to the on-shift cleaners, electricians etc. In that example, such noise and light would not be a hazard in the working environment at all under s 9.

In other cases, the omission of obligation to residents may have little consequence. For example, a residence constructed with asbestos will be a “hazard” to the maintenance crew, and thus caught by s 9, and will be sealed or removed. While not a “hazard” under s 9 to the residents, they will be incidentally protected.

The first particular obligation in s 9(1) is to:

“(a) provide and maintain workplaces, plant, and systems of work of a kind that, so far as is practicable, the employer’s employees are not exposed to hazards;”.

The obligation to provide a hazard-free *workplace* does not include providing a hazard-free residence for residents. And the obligation to provide a hazard-free “*system of work*” does not include providing a hazard-free system for residential use of a residence.

The second particular obligation is to:

“(b) provide such information, instructions and training to and supervision of employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards;”.

This does not apply to residents in a residence, because they are not then performing their work. In particular, s 9(1)(b) MSI Act does not oblige an employer to provide information etc. to employees in respect of hazards in the employees' sleeping quarters. There may be a common law duty to do so, but no duty under this provision of the MSI Act.

The third particular provision is to:

“(c) consult and cooperate with safety and health representatives, if any, and other employees at the mine where that employer's employees work, regarding occupational safety and health at the mine;”.

Because “mine” includes on-tenement residences, this obligation to consult etc includes consultation in respect of occupational safety and health in and about residences, but only insofar as the issues are “occupational”. This means that consultation etc. is required for issues relating to the work of cleaners and electricians etc. at residences, but not to issues relating to residence in the residences.

The fourth particular provision is to:

“(d) where it is not practicable to avoid the presence of hazards at the mine, provide employees with, or otherwise provide for the employees to have, such adequate personal protective clothing and equipment as is practicable to protect them against those hazards, without any cost to the employees;”.

Because this is focussed on the “mine” it includes on-tenement residences, and because it is not otherwise confined it appears to include residential use of residences. However, the practical extent of the obligation will not address FIFO issues.

The fifth and final provision is to:

“(e) make arrangements for ensuring, so far as is practicable, that —
(i) the use, cleaning, maintenance, transportation, and disposal of
plant; and
(ii) the use, handling, processing, storage, transportation, and
disposal of substances,
at the mine is carried out in such a manner that that employer's
employees are not exposed to hazards.”

This also applies to residential use of residences. It will cover for example the maintenance of domestic appliances (see definition of “plant”) and the storage of hazardous cleaning products or insecticides in an on-tenement residence. But this is of little utility in respect of the particular FIFO issues under consideration.

The answer to the second question is that some of the duties imposed on employers by section 9 of the MSI Act do apply, and some do not apply, for the benefit of employees who are ‘off shift’ and using the facilities solely for accommodation purposes.

Other residences

Section 15D MSI Act also applies to residences provided by a mining employer for mining employees. The operative provision is s 15D(2), which requires a mining employer, so far as is practicable, to maintain such residences “so that the employees are not exposed to hazards at the premises”.

Section 15D(2) does not apply within the metropolitan area or a town or city and it does not apply if the employee’s occupancy is pursuant to a landlord-tenant letting agreement.

Significantly, it does not apply to any residence that is covered by paragraph (k) of the definition of “mining operations”. That part of s 15D is difficult to interpret, because paragraph (k) does not relate to the *place* of a residence, but to *operations*, so that a place of a residence is sometimes and for some purposes the place of an operation and sometimes is not. Nevertheless, in my view and despite that difficulty, the Legislature simply intended that s 15D is to apply to a residential place that is for mining but is not on the tenement.

Where it applies, s15D only touches upon “hazards”; it does not expressly extend to “work practices” or “systems of work”. It will obviously, and intentionally, apply to the benefit of FIFO workers during residential use of residences.

In light of ss 9 and 15D, the MSI Act intends to cover all mining-related residences other than in cities, towns and the metropolitan area. But it draws several distinctions between such residences, a justification for which is difficult to discern. In particular, the point of s 15D is to obligate the employer in respect of the *residential use* of a residence, whereas s 9, relying on the definitions, is not generally concerned with residential use, (although some provisions such as s 9(1)(e) do incidentally apply to residential use). In other words, it seems odd that the MSI Act provides more protection for residential use off-tenement, than for residential use on-tenement.

The Parliamentary Explanatory Memorandum² for section 15D reads as follows (with my emphases):

“Duties of employers to maintain safe residential premises

29. *The Bill introduces new provisions requiring an employer to ensure*

² Mines Safety and Inspection Amendment Bill 2004, Explanatory Memorandum.

that residential premises provided in connection with work are safe for the employee. The duty applies only in limited circumstances, that is, where the following three conditions apply:

- *there is no alternative accommodation available;*
 - *the accommodation is outside a city or town; and*
 - *there is no written agreement containing terms that might reasonably be expected to apply to the letting of residential premises (such as a lease).*
 - ***does not include residential facilities located on a mining tenement and that comes within the definition of "mining operations" under the MSI Act.***
30. *The application of the duty extends to land and outbuildings that are intended to be used in connection with the occupation of the premises. This is necessary to provide protection to employees undertaking the sorts of activities that would be expected as part of staying in the premises. For example it might apply to external toilets and laundries, and the pathways between them. Only where there is a clear nexus with the occupation of the premises will the duty extend to land and outbuildings.*
31. *Importantly, this duty, similar to existing duties in the Act, applies only "so far as practicable".*
32. *Penalties will apply in accordance with the penalty regime introduced later in the Bill.*
33. ***This new duty requiring an employer to maintain safe residential premises gives rise to some considerations not present in the case of existing duties. An employee in his or her own time is not subject to the same direction and control of the employer that he or she would be during work time. Further, the duties on an employee under the MSI Act apply only when he or she is "at work". In recognition of these considerations, the Bill provides a defence in proceedings against an employer in cases of serious injury or death, if the employer proves that the serious injury or death would not have occurred if the employee had taken reasonable care to look after his or her own safety and health at the premises.***

The 2004 Explanatory Memorandum can't be used to explain the pre-existing legislation, but it can be used to assist with the intention behind the amendment.

The Memorandum makes clearer that s 15D was intended to apply only to residences off-tenement (see first emphasised passage). But it seems clear also that this was not because it was thought that on-site residences were already covered – see second emphasised passage.

The Memorandum thus tends to confirm the oddity of giving more protection to off-tenement residences than to on-tenement residences, and yet the Amendment did not remedy it. It also confirms that one should not rely on s 15D to interpret s 9 in a manner that gives equal protection to on-tenement residences.

“Practicable”

Further, other than under s 9(1)(d), the obligations in s 9(1) are imposed only “so far as is practicable”. “Practicable” is defined in s 4 as:

“practicable means reasonably practicable having regard, where the context permits, to —

(a) the severity of any potential injury or harm to health that may be involved and the degree of risk of such injury or harm occurring; and

(b) the state of knowledge about —

(i) the injury or harm to health referred to in paragraph (a); and

(ii) the risk of that injury or harm to health occurring; and

(iii) means of removing or mitigating the potential injury or harm to health;

and

(c) the availability, suitability, and cost of the means referred to in paragraph (b)(iii);”.

Therefore, even if, contrary to my opinion above, a “workplace” or a “system of work” included the FIFO system as it relates to residential use of residences in s 9(1)(a), nevertheless the section would not impose an obligation on an employer to provide a different system of work unless the different system were “practicable”, as defined. That is a question of fact, to be examined case-by-case, but it seems a difficult hurdle to surmount for remote mines.

Other provisions of the MSI Act

Section 10 MSI Act deals with the correlative obligations of an employee for his/her own safety and health, and for others’. Section 10(1)(a) provides that:

“An employee at a mine must take reasonable care —

(a) to ensure his or her own safety and health at work”.

This obligation is imposed for all places and all situations in the area that is the “mine”, including on-tenement residences, but only while “at work”. In other words, each employee is obliged to ensure his or her own health and safety in and around the residences only to the extent he or she is working on maintenance etc. on a residence, not in respect of residential or recreational use of the residence. This matches the employer’s obligations, and supports the above interpretation of s 9.

Reporting suicide and suicide attempts

Section 11 deals with reporting obligations. Section 11(1) provides:

- “(1) Every person working in a mine must report immediately to the person in immediate authority over that person —*
- (a) any potentially serious occurrence that arises in the course of or in connection with that person’s work; and*
 - (b) any situation at the mine that the person has reason to believe could constitute a hazard to any person,*
- and a person receiving a report under this subsection must convey the information in that report immediately to the manager of the mine or to a person designated for the purpose by the manager.”*

An attempted suicide is a “potentially serious occurrence”. An attempt made during a residential use of an on-tenement residence will be within the geographical reach of s 11(1)(a) because a residence is part of the “mine”. However, s 11(1)(a) is engaged only if an attempt occurs in the course of, or in connection with, the person’s work. If the attempt is made during a residential use of an on-tenement residence, the attempt will not be in the “course of” the person’s work.

It is possible that an attempted suicide during a residential use of an on-tenement residence is “in connection with” the person’s work. That will be a matter of fact. If, for example, the attempt was on account of workplace bullying or intimidation or notice of dismissal or of disciplinary action, then it may be “in connection with” work. If, on the other hand, the attempt was because of marital disharmony arising from absence from home through FIFO arrangements, then the “connection” with the person’s work is dubious. The section requires a connection with the person’s “work”, and it is not sufficient for s 11(1)(a) that the attempt be connected to the person’s absence from home for the purposes of his/her work.

It has to be noted also that 11(1)(a) requires a report by a person of something that occurs in the course of *that* person’s work. In other words, to apply s 11(1)(a) to suicide attempts appears to mean that the suicidal person is obliged to self-report his attempt, and face criminal sanction for failing to do so, which is unlikely to be the intention of the Legislature. Where another person discovers that a co-worker has attempted suicide in a residence, it is hard to see how that discovery would be in the course of or in connection with *his* work (even if it was in connection with the work of the suicidal person).

That difficulty arises because the principal focus of the MSI Act is to deal with physical and process dangers to health (including mental health), which are inherent in the workplace, and not principally with dangers from within an employees’ mind or body. Nevertheless, while arguable, and despite that difficulty, I think that the s 11(1)(a) reporting obligations will require a co-worker to report an attempted suicide where the co-worker is aware the attempt was related to a work occurrence such as bullying.

More pertinent to the topic, I do not think there is any reporting obligation under s 11(1)(a) on a co-worker to report a suicide attempt arising from non-work causes, and I include as non-work the fact of living away from home.

Section 11(1)(b) is arguably more widely framed. It might arguably cover any situation at a mine that is believed could constitute a hazard to any person. This might cover clinical depression, or suicidal thoughts, whether within a residence or anywhere else on the “mine”. However, in my view, a Court would not interpret s 11(1)(b) in that manner, for the following reasons.

First, under the definition in s 4, the word “hazard”, “in relation to a person, means anything that may result in injury to the person or harm to the health of the person.” It is not clear that a person’s state of mind is “anything” for this purpose.

Second, the reporting obligations in OS&H legislation would usually extend only to the *working* environment, and within the employer’s control, not the state of mind of a worker. In this case, s 11(3) requires the reporting of a suicide only if the death was in connection with *work* at the mine. The reporting provisions are intended to match the prevention obligations, so s 11(3) suggests that non-work related states of mind are not included in either type of obligation.

Third, s 11A MSI Act shows that the “situation” as reported has to be investigated and action has to be considered by the mine manager, which inclines against an interpretation that “situation” includes an employee’s state of mind, unrelated to the working environment.

Last, and relevant to each point, s 11 is a penal provision, which will be used to prosecute individuals who breach its provisions. A tenet of statutory interpretation is that, where doubt fairly exists as to the extent of a penal provision, the doubt is resolved against extending the criminal category.³ In this case, on the prosecution of a person for failing to report a co-worker’s depressed state of mind in his/her sleeping quarters, a Court is unlikely to hold that s 11(1)(b) requires reporting of that as a “situation at a mine” within s 11.

The reporting obligations in s 11 are to report to the person’s superior or to the mine manager. A mine manager is not a public servant: see s 33 MSI Act. Hence, s 11 does not include any obligation to report to an inspector.

Section 76 MSI Act deals with duties of a mine manager to report to the district inspector the occurrence of any “injury in an *accident* at a mine”, which does not cover suicides or attempted suicides. Section 78 has similar reporting requirements in respect of a list of events, which do not capture suicide unless, incidentally, the suicide was effected by gas, poisoning or electric shock. Section 79 has similar reporting obligations for “any occurrence at the mine” that had the potential to cause serious harm, which

³ *Beckwith v R* (1976) 135 CLR 569 at 576; *Deming No456 Pty Ltd v Brisbane Unit Development Corporation Pty Ltd* (1983) 155 CLR 129 at 145.

textually may apply to an attempted suicide in a residence, particularly if related to events at work.

In the result, there is no directly expressed obligation to report attempted or successful suicides during residential use of a residence. And there is no general obligation on inspectors to investigate a suicide during residential use of a residence. The extent that there is an obligation to report and investigate, it is incidental and uncertain.

Suicides on a mine will be reported to the Coroner or a police officer, if the death is a "reportable death" under the *Coroners Act 1996*. A death will be reportable if it "appears to have been unexpected, unnatural or violent or to have resulted, directly or indirectly, from injury".

Conclusions

Question 1: Employees' accommodation (provided by employers on mining tenements) is within the definition of a "mine" and the operation of the accommodation is within the definition of "mining operation", including for the purposes of section 9 MSI Act.

Question 2: Some of the duties imposed on employers by the MSI Act do apply, and some do not apply, for the benefit of employees who are 'off shift' and using the facilities solely for accommodation purposes. Those that do apply do so incidentally.

Question 3: The answers to this question are complicated and uncertain, principally because the MSI Act is not concerned with suicides and attempted suicides unless they are work related. Where they are work-related, reporting obligations are likely to arise under ss 11(1)(a), 78 and 79.

Question 4: FIFO work practices (essentially the practices of living away from home in employer-provided accommodation for extended periods) do not constitute a "system of work" as that expression is used in the MSI Act.

Yours faithfully,



K M Pettit

Appendix Six

List of acronyms

ABS	Australian Bureau of Statistics
ACRRMH	Australasian Centre for Rural and Remote Mental Health
ALC	Active Lifestyle Co-ordinators
AMA	Australian Medical Association (Western Australia)
AMEC	Association of Mining and Exploration Companies
AMMA	Australian Mines and Metals Association
AMWU	Australian Manufacturing Workers' Union
ASIST	Applied Suicide Intervention Skills Training
CFMEU	Construction, Forestry, Mining and Energy Union
CHESM	Contractor Health, Environment and Safety Management
CME	Chamber of Minerals and Energy
DAO	Drug and Alcohol Office
DIDO	Drive-in, drive out
DMP	Department of Mines and Petroleum
Downer	Downer EDI Mining
EAP	Employee Assistance Program
ECU	Edith Cowan University
EWB	Enhancing Workforce Health
FACE	Fly-in, fly-out Australian Community of Excellence
FIFO	Fly-in, fly-out
FMG	Fortescue Metals Group Limited
FTE	Full Time Equivalent
ICT	Information Communications Technology
LNG	Liquefied Natural Gas
MHC	Mental Health Commission
MHF	Major Hazard Facility
MIC	Mates in Construction
MSI Act / MSIA	Mines Safety and Inspection Act 1994
NCIS	National Coronial Information System
OSH	Occupational Safety and Health
OSH Act	Occupational Safety and Health Act 1984
QUT	Queensland University of Technology
RDO	Rostered Day Off
RIS	Regulatory Impact Statement
SC	Senior Counsel

WA Coroners' Court	Coroner's Court of Western Australia
WHO	World Health Organisation
WHS Model Act	Model Work Health and Safety (WHS) Act 2011 (Commonwealth)
WHS(R) Act	Work Health and Safety (Resources) Act
WHS(R) Bill	Work Health and Safety (Resources) Bill