

Construction, Forestry, Mining and Energy Union, Construction and General Division, WA Divisional Branch

**Supplementary Submission to the Education
and Health Standing Committee of the Western
Australian Legislative Assembly inquiry into the
mental health impacts of FIFO work
arrangements**

January 2015



Dr Graham Jacobs MLA
Education and Health Standing Committee
Parliament House
PERTH WA 6000

By email: laehsc@parliament.wa.gov.au

Dear Dr Jacobs

Supplementary Submission to the Education and Health Standing Committee Inquiry into mental health impacts of FIFO work arrangements

I write regarding the inquiry entitled *Inquiry into mental health impacts of FIFO work arrangements (the inquiry)* that received unanimous support in the Western Australian Parliament on 20 August 2014 and tabled its interim Discussion Paper 'Shining a Light on FIFO Mental Health' (**Discussion Paper**) on 27 November 2014. The Construction, Forestry, Mining and Energy Union - Construction and General Division-WA Divisional Branch (**CFMEU**) has already raised a number of issues of critical importance to our members in our preliminary submission to the inquiry where we detailed the key considerations and threshold issues with FIFO work practices in WA. The Education Health and Standing Committee (**the Committee**) extended an opportunity to provide supplementary information in the form of a written submission following the release of the Discussion Paper. While we continue to rely on the threshold issues we raised in our preliminary submission, the CFMEU thanks the Committee for the opportunity to provide supplementary information to this important inquiry.

The CFMEU is the principal union representing workers and their industrial interests in the construction industry in Western Australia, including thousands of workers that are required to fly-in fly-out (FIFO) for their employment. The CFMEU remains extremely concerned about the impact of FIFO employment on workers and their families. As previously submitted, with the rapid growth of the resource economy, particularly in Western Australia, it remains the case that many of our members have no other option than to pursue employment through FIFO. The CFMEU continues to make it a key priority to scrutinise FIFO practices as a part of advancing and representing our members' interests in Western Australia.

As previously submitted, the CFMEU is concerned that there is currently little specific regulation or parameters placed on companies using FIFO work arrangements in Western Australia that recognise the unique nature of FIFO work arrangements. For FIFO to be utilised in a successful and beneficial manner requires a strong focus on prioritising the health, safety and wellbeing of workers, which includes a substantial focus on mental health. The CFMEU is of the view that both the Federal and State Government's need to take immediate action to address the challenges associated with FIFO employment. This is particularly significant in Western Australia, where FIFO work arrangements are widespread.

This supplementary submission will provide a response to the Committee Comment in the Discussion Paper by drawing on our extensive experience of FIFO throughout the State. The CFMEU submits that mental health and wellbeing is a significant workplace health and safety issue and the Discussion Paper supports some of our concerns with the unique challenges associated with FIFO work arrangements as they are currently operating in Western Australia. This inquiry is of critical importance to our members, their families and the broader Western Australian community and I encourage the Committee to give careful consideration to our supplementary submission.

FIFO WORK ARRANGEMENTS

Committee Comment:

It 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.

(Ch. 1, p.8)

CFMEU Response:

The CFMEU acknowledges that FIFO work arrangements will remain a key feature of the Western Australian employment landscape into the future. As previously submitted, the CFMEU does not view this inquiry as a mechanism to focus on the merits of local employment versus FIFO work arrangements. In our view, this inquiry offers a genuine opportunity to investigate how we can practically improve and optimise a widespread employment arrangement in WA for the benefit of FIFO workers, their families and the broader community.

While FIFO work practices are now a common employment condition in WA, it is particularly salient to acknowledge that FIFO emerged when resources companies started to favour this work practice as a mechanism to meet labour requirements in a more "cost effective" manner. FIFO is now the preferred labour force model for those working in the resource industry and although FIFO workers are consistently characterised as a homogenous group, it is important to make the distinction between the construction workforce, which regularly mobilises and demobilises on projects for the duration of the construction phase and the production or operations workforce, that are employed on a more permanent basis for the production phase of the project. It follows that re-location is generally not an option for construction workers.

In appreciating that FIFO work arrangements are an important component of the WA employment landscape, it is important that they not be 'normalised.' That is to say, workers should be given greater choice based on an individual's circumstances. It is pertinent to note that FIFO employment is more than a form of employment; it encapsulates a lifestyle that brings with it a unique set of challenges for the worker, their family and the community at large.

The CFMEU remains extremely concerned about the impact of FIFO employment on workers and their families and while it is difficult to make generalisations around the characteristics of a varied workforce, the CFMEU is of the view that FIFO employment is impacting on the mental health and wellbeing of FIFO workers and, in our view, this impact is exacerbated by employment conditions utilised by companies.

As outlined in our preliminary submission to the inquiry, for FIFO to be utilised in a successful and beneficial manner requires a strong focus on the health and safety of workers, this includes a strong focus on the mental health and wellbeing of FIFO workers and their families. Currently companies are largely left to self-regulate FIFO work arrangements. The incentive to do this appropriately, often conflicts with their interest in focusing on profit margins and project completion dates. Promoting mental health and wellbeing and ensuring that FIFO workers have better protections, including adequate independent mental health support structures must be accepted as an integral part of

requiring workers to spend extended periods away from their homes and usual support structures. As outlined above, companies favour FIFO as an alternative to large scale investment in local communities. However, FIFO employment has costs associated with it that must be viewed as non-negotiable, that is taking care of workers mental health and wellbeing. In our view, the provision of mental health support services should not be considered in any other context than to support the most vulnerable and at risk workers on site. The CFMEU submits that the State Government has an obligation to ensure the mental health and wellbeing of FIFO workers is prioritised and that best practice is adopted in Western Australia.

THE FIFO WORKFORCE

Committee Comment:

The resources industry predominantly employs people in the age-range that is most at risk of mental illness and particularly those mental illnesses described as “affective disorders”, including depression.
(Ch. 2, p.15)

The resource industry’s reliance upon male workers results in the employment of individuals with a heightened risk of suicide compared to female workers.
(Ch. 2, p.17)

Even with regard to the variability of data on the issue, the resources industry predominantly employs people in the age-range that is most at risk of suicide.
(Ch. 2, p.19)

The Committee notes that the resources industry employs large numbers of people with education levels and occupational profiles identified as at risk of mental health problems and suicide, such as construction workers, labourers, and skilled tradespeople.
(Ch. 2, p.21)

CFMEU response:

The Committee’s comments correctly establish that there is an assessable risk factor for mental health problems and suicide among the FIFO workforce. However, acknowledging that the FIFO workforce is primarily male-dominated and is comprised of a specific demographic that may be at greater risk of mental health issues should not be considered in any other context other than ensuring companies and employers have a greater obligation to proactively address mental health and wellbeing as well as mitigate suicide risks within the FIFO workforce. The CFMEU finds the current lack of specific regulation on FIFO work practices simply astounding, particularly in light of the unique relationship that exists between a FIFO employer and FIFO worker.

As previously submitted, the conditions of employment for FIFO workers place their employers in a unique position of control in the FIFO relationship and these conditions must remain a primary consideration for the Committee as the inquiry progresses. For FIFO workers, their unique conditions of employment render their employer responsible for their accommodation, transport, camp access, sleeping patterns, meals, communication access and medical care. This is a critical point when considering mental health and the adequacy of existing support structures that are in place for FIFO workers. To elaborate, if there is deficient mental health care on site or available to a FIFO worker, then vulnerable workers do not have adequate access to the support they require when they require it. The CFMEU again submits that the unique nature of this employment condition places a greater obligation on companies to provide a high level of care to their workforce given that they are isolated from their usual support structures, including family and friends. It is unacceptable for an employer to simply meet the basic requirements of their workforce when a construction worker on a typical FIFO roster will be under their employer’s care and control for 80% of the year. In our experience, the provision or lack of provision of on-site services can have a substantial impact on a worker’s experience of FIFO arrangements.

While the Committee provides an accurate assessment of the demography of the FIFO workforce, it is simply unacceptable to utilise this information for any reason other than to stipulate that resource companies and employers have a greater responsibility and duty of care to their workforce. The CFMEU strongly supports the introduction of an enforced regulatory regime, which mandates mental health support and roster length as well as accommodation standards that exclude motelling.

Characteristics of the FIFO Lifestyle

The length of time spent on site contributes to the remoteness and social isolation experienced by workers. A worker on a lower compression roster (for example, eight days on and six days off, or an even time roster) will have more time at home, and greater opportunities to be connected with family and friends, than a worker operating under a higher compression roster (for example, four weeks on and one week off).

Limited time spent away from site also limits opportunities to seek mental health assistance away from site.

(Ch. 3, p.25)

Travel time has the potential to encroach on the amount of time that a FIFO worker spends with family and friends and may therefore be a factor contributing to risks of disconnection and social isolation.

(Ch. 3, p.25)

CFMEU Response:

The CFMEU supports the Committee's comment. In our experience, there is a direct correlation between the length of time spent on site (and time at home) and a workers' experience of social isolation and stress. It follows that roster length is a key variable that contributes to stress for FIFO workers. This point is especially salient when evaluating the key contributing factors that lead to mental health issues and suicide in the FIFO workforce. It is crucial to recognise that there is a substantial variance among FIFO rosters throughout Western Australia. As previously mentioned, FIFO workers are consistently categorised as a homogenous group, yet there is a significant disparity between the roster cycles of construction workers when compared to production workers employed for the production phase of a project. The pretence for this disparity is the transient nature of the construction workforce with the regular demobilisation and mobilisation of workers that are based on a project during the construction phase. While it is evident that FIFO construction workers are mobile, the idea that construction workers are short term workers does not accurately depict the reality of many construction workers experience. It is common for construction workers to move from project to project and be employed FIFO for years. It follows that the CFMEU considers that there is a genuine need to give greater consideration to the mental health and wellbeing of FIFO workers when developing rosters for the FIFO workforce. To elaborate, higher compression rosters should not be the accepted standard for construction workers under the pretence that they are mobilised on site for a short period. In our view, lower compression rosters should be the accepted standard in the industry. It follows that rosters should be considered as a health and safety issue and subject to industry wide standards or an enforced regulatory regime to set out enforceable limits on roster arrangements (lengths) to prevent compression creep and accumulated fatigue. The CFMEU supports the Committee's comment on travel time. As previously submitted, travel time should be properly taken into account as part of working hours and this should be taken from the usual place of residence of the FIFO worker, and not the point of hire.

The Committee would welcome additional information about the impact of FIFO work arrangements on families, as well as the risks associated with reduced engagement with family life upon the mental wellbeing of FIFO workers.

(Ch. 3, p.27)

Given the impact of rosters on the ability of workers to remain engaged in their family and social lives, and given the documented psychological consequences of social disconnection and isolation, the Committee is of the view that good communications services are essential to the mental health and wellbeing of the FIFO workforce.

(Ch. 3, p.29)

CFMEU Response:

The CFMEU welcomes the opportunity to provide additional information about the impact of FIFO work arrangements on FIFO workers and their families. The CFMEU is aware of a plethora of cases in Western Australia whereby FIFO workers have experienced relationship breakdowns, stress, depression, mental health issues and tragically suicide. Our members consistently tell us that they experience loneliness, isolation, family pressures, guilt, fatigue and burn out. Since the release of the Discussion Paper, the CFMEU has been inundated with FIFO workers and their families offering to share their stories and experience of the challenges associated with FIFO work arrangements in the hope that this inquiry will lead to real change for FIFO workers. The following story was recently brought to the CFMEU's attention, it accurately epitomises the impact of FIFO work arrangements on families as well as the FIFO worker:

"I had a good marriage before FIFO work commenced. Speaking for myself, it was hard work & at times devastating raising teenagers single handed for most of the time & extremely concerning seeing my husband slip further away from a close bond with his children...so used to living away from me in his own routine...I knew we seemed better off than most other FIFO's who were divorced or separated and I never thought we would join that status but 'ceasing' to be a FIFO after many years & working a 'normal job' changed that...obviously it is more profitable to do the FIFO option for employers but in the long run...is the country going to be better off with the fracturing of too many families or young FIFO workers finding it hard to 'form' relationships due to absence?"

The CFMEU is aware through our vigorous representation of members that the continued adjustment and readjustment cycle for FIFO workers and their families can result in feelings of guilt and turmoil for individual FIFO workers, as well as placing stress on the wider family unit. In our view regulating for shorter roster lengths will go a long way to enabling FIFO construction workers to spend more quality time with their family, thus providing FIFO workers with more opportunity to actively participate, be engaged and remain connected with their family and friends. In our view, this can only be beneficial for the mental health and wellbeing of FIFO workers and their broader family unit. The importance of roster length was recently reaffirmed by union members and non-members alike when an Enterprise Agreement was rejected by over 80% of construction workers on Barrow Island on the basis of workers requesting shorter more family and worker friendly rosters, which will effectively deliver a pay reduction for FIFO workers.

The CFMEU agrees with the Committee's comments on the importance of good communication services. In our preliminary submission, we submitted that the adequacy and accessibility of on-site technology is of critical importance to FIFO workers. In our view, the provision of high quality modern technology may assist in ameliorating some of the problems arising from isolation, loneliness and separation from family. We stand by our points on the importance of high quality communications for

FIFO workers that rely on on-site technology to communicate with their friends and family when they are away. Indeed phone and internet services are an important link to home and the impact of consistent service disconnections when on site can exacerbate a worker's stress, isolation and sense of disconnection from their social networks when working in remote locations. It follows that companies that operate and build major resources projects do not accept isolation as a reason to fail to invest in corporate and business related communications services. The provision of high quality communications that can cope with demand is an essential part of overcoming social isolation and this should be given a high degree of priority given the mental health risks of FIFO work. In response to the Committee's observations, we submit that minimum standards be introduced to ensure adequate communications facilities in accommodation villages.

On the evidence made available to the Committee, a stigma associated with mental health pervades the resources sector, particularly because of the 24x7 nature of FIFO. This stigma is a significant workplace cultural issue and is a major barrier to encouraging help seeking behaviour amongst the FIFO workforce.

(Ch. 3, p.31)

The problem for the resources sector is that the perception of adverse consequences associated with reporting mental health concerns is reportedly preventing employees from taking action to address their problems.

(Ch. 3, p.33)

It has been reported to the inquiry that people have stopped taking their anti-depressant medication, or have not commenced taking it, as a result of fear of adverse consequences for their employment should their use of medication be discovered.

It is essential that stigma and the associated fear of disclosure of mental health problems are eliminated from the workplace and that FIFO workers are able to get the treatment they require for their illness.

The Committee intends to gather further information on drug screening procedures and processes during the next phase of the inquiry.

(Ch. 3, p.34)

The CFMEU agrees with the Committee Comment on the stigma associated with mental health pervading the resources sector, particularly because of the 24 x 7 nature of FIFO. While we accept that the stigma associated with mental health issues are not constrained to the FIFO workforce the unique nature of the FIFO employment relationship, combined with the "macho culture" and fear around job security exacerbates this stigma. However, recognising that there is still an overwhelmingly dominant culture and social stigma persistent on site is not a valid reason for failing to confront the issue of mental health in the workplace. Conversely the CFMEU is of the view that it requires an unwavering commitment to addressing these issues, irrespective of their complexity.

As previously submitted, FIFO workers are increasingly concerned about their job security and the fear of getting "the window seat" is a significant deterrent to FIFO workers accessing formal support structures including EAPs. As we previously submitted, the overwhelming majority of the WA Unions survey respondents referenced in our original submission considered job security a primary concern

for workers and there is a perception that EAP access may not remain confidential and may well jeopardise a worker's employment. As the labour market becomes increasingly competitive and jobs become sparse, apprehension concerning job security will continue to rise. Even more alarming is this concern extends to accessing support systems outside of the workplace. The CFMEU was recently contacted by a member that wanted to share his story after he experienced a mental health issue when he was employed FIFO:

"I was recently working fifo [sic] on the....project. My employment was terminated because i [sic] had a mental breakdown, which i [sic] believe was due to a chain of events that were not investigated to see the cause. Instead i [sic] was told that they were a remote site with limited medical resources. From being fit for employment to being terminated for a mental breakdown in the industry, being made to wait 10 weeks for them to decide weather [sic] they would have me back or not. I feel this is not consistant [sic] with normal working situations. I feel it can have adverse effects on people's mental health when the person's mental state is in control in general."

The CFMEU is aware of other similar cases. While we do not view this inquiry as a mechanism to discuss individual cases of discrimination or unfair dismissal, this example highlights the attitude of some employers to mental health issues on site. At no time is it acceptable that an individual experiencing a mental health issue is not returned to site under the guise that it is "a remote site with limited medical resources." In our view this example reinforces the need to address the significant stigma associated with mental health issues on site.

To that end, it is simply unacceptable to state that there are programs available, but they are underutilised-as if that is the end of the employer's responsibility. The issues associated with FIFO work arrangements are not unknown and the industry should have a comprehensive strategy to address mental health issues amongst the FIFO workforce. In line with our original submission, the CFMEU recommends that employers facilitate the provision of independent support services to ensure that there is a distinct separation between workplace hierarchies and mental health support services. We also support best practice service delivery models to meet the needs of the FIFO workforce.

The CFMEU expressed the view that more should be done to protect individuals in camp arrangements from bullying and harassment. Given the reluctance of many employees to make formal complaints to DMP, this is not an exclusively regulatory problem. The reluctance of employees to come forward is connected to the same workplace cultural problems that create fear and stigma about mental health issues.

Addressing bullying will require collaboration between employers, employees, unions, and the regulator.

(Ch. 3, p.36)

CFMEU Response:

The CFMEU thanks the Committee for acknowledging our concerns around bullying, harassment and intimidation in accommodation villages. We are concerned that more needs to be done to protect individuals in camp arrangements from bullying and harassment. While bullying and harassment is

never acceptable, a proactive approach to addressing these issues is especially salient given the unique nature of FIFO work arrangements where workers are operating under pressure in harsh environments isolated from their usual support structures.

In our experience, on site issues, including bullying are not confined to the 'workplace' or limited to work hours. While these issues unfortunately take place in many workplaces, FIFO work arrangements can exacerbate the stress and stigma associated with bullying, intimidation and harassment. While we acknowledge that some workers are reluctant to report such instances, there are questions to be asked regarding the effectiveness of State regulators when it comes to FIFO workers in accommodation villages.

The CFMEU would welcome the opportunity to collaborate with employers, employees and the regulator to address and mitigate the issue of bullying for the benefit of FIFO workers. A critical aspect of this is allowing unions' access to members. It is important to note that some employers use weaknesses in the current Right of Entry Laws to impede a union official's ability to meet with members in accommodation villages or at their workplace at a time and place of their choosing. As one CFMEU member recently summarised:

"The only protection and support we have is the union...companies' feel they have a right to treat you as they want...we are told...If you don't like it leave."

As previously submitted, unions play an important role in supporting our members through these issues and we thank the Committee for recognising this. This extends to connecting our members to independent mental health support if required. The CFMEU would welcome the opportunity to provide further input on this matter.

The Committee acknowledges 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.

(Ch. 3, p.37)

CFMEU Response:

The CFMEU thanks the Committee for the opportunity to provide further input on the specific challenges for women while working FIFO. The CFMEU agrees with the Committee's comment 'that women find working within a male dominated environment particularly challenging.' It 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 behaviour has the potential to be compounded by the pressures of the FIFO work arrangement. The CFMEU was recently contacted by one of our women members that illustrates the additional pressures that she experiences as a FIFO worker:

"I have been working up north roughly...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 [sic] 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 [sic] up there, you have no family or friends to go home to or spend time with. Unfortunately the majority of people in your home place think you live an easy life, food and beds made for you and more money than you deserve. Unfortunately their main concerns

are which coffee was available from the local coffee shop that morning. Not there [sic] fault but you become very withdrawn. Myself and many others eventually [sic] rely on their work mates and Pilbara friends to become your mental release. With how transit [sic] the job is, it does not last long.

I have tried counselling, but there is very limited options where I am now...The company offers services, but they also have low a 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...

There are a lot of lost and lonely souls that enjoy working hard, earning the right to live comfortably but have no definitive home. A lot of people living double lives that can not comprehend living only one or the other - lose their family or lose their freedom their fifo [sic] jobs create. Without fifo [sic] we cannot have the best of both lives, money and family/friends. If they move up there they gain their immediate family but lose so many other qualities like friends, birthdays, christenings and the 'reality' that the populations give and mine towns cannot."

The Committee has made mention of the lack of information on the FIFO workforce generally, and in our view, information on women in FIFO needs to be as comprehensive and accurate as possible. To that end, consideration should be given to workforce demography and composition as a part of effectively dealing with mental health issues on site.

The practice of motelling reduces the sense of community in accommodation facilities in the FIFO sector and this loss of community potentially contributes to the feelings of isolation and loneliness experienced by some FIFO workers. A sense of community helps to build resilience amongst workers.

(Ch. 3, p.40)

CFMEU Response:

The CFMEU agrees with the Committee Comment on motelling and the concerns that we raised in our original submission. The CFMEU again submits that standards of accommodation, in particular motelling, disrupts the community fabric and social cohesiveness of accommodation villages. This is particularly important when evaluating FIFO workers access to peer support structures when mobilised on site and is especially salient for positive mental health and wellbeing. The CFMEU has been consistently arguing for a review of motelling practices on sites throughout Western Australia. The CFMEU remains concerned about the potential health and mental health implications of motelling on FIFO workers. We are aware that FIFO workers have an overriding reluctance to seek external mental health support, preferring to seek support from their friends, family or co-workers. This preference for seeking support from friends or co-workers legitimises the CFMEU's concerns with motelling presenting a significant barrier to establishing a home away from home, which in our view is critical to a worker's sense of belonging. It is important to note that some of our women members have expressed additional concerns with motelling disrupting the sense of security provided by knowing your neighbours.

This inquiry should recommend that the State and where applicable, Local governments establish a set of standards reflecting a base standard of accommodation which excludes motelling and double bunking, and provides for adequate leisure facilities and a dignified environment for workers living in camps.

The Committee queries whether Lifestyle Coordinators are currently meeting the psychosocial needs of the FIFO workforce.

(Ch. 3, p.42)

CFMEU Response:

In our view, Lifestyle Coordinators, as their roles are currently conceived, need a much expanded conception of their role. They need to concern themselves with positive mental health and wellbeing as well as physical health, and should be appropriately trained and qualified, as well as resourced, to fulfil this role. While the CFMEU appreciates that Lifestyle Coordinators are not counsellors better equipping Lifestyle Coordinators with the ability to provide a strong focus on positive mental health and wellbeing may help to reduce the stigma associated with mental health on site and better meet the psychosocial needs of the FIFO workforce. However, this should not be considered at the expense of independent mental health support structures or qualified mental health professionals.

The Committee intends to further explore the connection between fatigue and mental health and welcomes further engagement from stakeholders on this issue.

(Ch. 3, p.42)

CFMEU Response:

As previously submitted, the CFMEU considers fatigue a key concern for our members and in our view of critical importance to this inquiry. Construction workers that are based on resource projects generally work compressed shifts and long hours. A number of studies have suggested that fatigue increases 'risk taking behaviours' and that FIFO employees working longer hours are more likely to:

- engage in risk taking behaviours;
- exercise inappropriate risk assessment and make an inaccurate prediction of consequences;
- and
- have difficulty controlling mood and behaviour.¹

All of these are significant health and safety issues for construction workers that perform work in high risk environments that necessitate quick reaction times and the ability to respond to a consistently changing work environment. The CFMEU submits that accumulated fatigue arising from long rosters is a significant contributor to stress for FIFO workers and is in all probability a key contributor to mental health issues for the FIFO workforce. In acknowledging the growing evidence of fatigue impacting on mental health, we encourage the Committee to recommend rosters be subject to industry wide standards or a regulatory regime to set out enforceable limits on roster lengths to prevent compression creep and accumulated fatigue impacting on workers mental health and wellbeing. While the CFMEU acknowledges that there is a Code of Practice around Working Hours, we submit that the unique nature of FIFO work arrangements and the impact of these arrangements on the mental health

¹ (Keown, 2005) cited in Lifeline WA Report *FIFO/DIDO Mental Health Research Report 2013* accessed via <http://www.lifelinewa.org.au/download/FIFO+DIDO+Mental+Health+Research+Report+2013.pdf> page 27 and (Heiler, 2002) and (Harrison and Horne, 2000 cited in Dawson, McCulloch and Baker 2001) page 16

and wellbeing of workers requires enforceable and specific regulation around optimum roster length for FIFO workers.

The extreme level of control exercised over FIFO workers while they are on site may heighten the risk of mental ill-health amongst the workforce. This level of control varies between camps but seems to have increased over time.

(Ch. 3, p.44)

CFMEU Response:

As previously submitted, while there are significant variables when addressing the broad issue of camp management and mental health, a persistent issue for our members is the often rigorous control and supervision exercised over workers while residing in accommodation villages. The CFMEU submits that the modality of supervision, and in some cases restrictions on workers entering town, can further the isolation experienced by many FIFO workers and in turn heighten a worker's stress levels. For FIFO construction workers, they are placing themselves completely into the care of their employer for weeks at a time. Employees are completely dependent on their employer for basic sustenance, accommodation, transport, sleeping patterns, communication and most importantly, medical care. As one of our members recently summarised:

"They hold a lot of power over you...everybody suffers up there...there is a massive stigma to do with mental health on site...when there are redundancies there is more stress on the workforce. Although it is financially rewarding, my life is on hold...and I question whether I am doing the right thing...the only decision I get to make is what I pack for lunch."

Employers or employer associations should not use any recommendations from the inquiry as an excuse to increase the level of control over FIFO workers lives in order to 'detect' mental health issues before they become problematic. Rather they need a comprehensive and fully resourced strategy to address FIFO workers mental health needs when they are away from their usual support structures and not individualised screening that may lead to individual cases of discrimination. This should include facilitating peer support structures. One of our members recently contacted us to inform us that one of his work mates had attempted to initiate a peer support group on site, however his employer was unwilling to support this. Again, we recommend that peer support is promoted and better fostered as a practical way in which FIFO workers can support each other; this may be in the form of training and better equipping peers to identify if their co-worker is in distress.

Financial stresses often mean that the only choice for a FIFO worker is to continue in a FIFO role despite possible impacts on their health and wellbeing.

(Ch. 3, p.45)

CFMEU Response:

While the CFMEU will not attempt to make generalisations around the characteristics of a varied workforce and individual FIFO workers circumstances, we submit that changing circumstances in the workplace should be treated with a 'no surprises' principle. This means that employers must take seriously their legal and moral obligations to regularly and fully consult with their FIFO workers and their representatives with respect to workplace change. This would assist in making sure workers are not caught out by the 'golden handcuffs' and may also assist in ameliorating the additional stress experienced by FIFO workers when redundancies are taking place.

Overwhelmingly, the evidence submitted to the inquiry from the resources sector downplayed the impact of FIFO work practices upon individual psychological wellbeing. There was little acknowledgement of contrary information.

(Ch. 4, p.51)

The Committee would be reluctant to give credence to the estimated rates of suicide by FIFO workers based on the publicly reported suicides. As later sections of this report make clear, there remains significant uncertainty about the rate of suicide amongst these workers.

(Ch. 4, p.52)

For the various reasons already discussed in this section, the amount of research regarding the prevalence of mental illness amongst FIFO workers brought to the Committee's attention by submitters was limited. Having said that, with the exception of the Lifeline WA report, the absence of definitive research does not indicate the absence of a problem.

(Ch. 4, p.53)

CFMEU Response

The Committee should disregard the 'evidence' provided by companies and industry bodies. The evidence is inevitably partisan and cannot be verified given the abovementioned lack of independent research into the FIFO workforce. It follows that the CFMEU has been extremely disappointed with the resource sector and industry group's commentary and response to this important inquiry into the impact of FIFO work arrangements on the mental health and wellbeing of the FIFO workforce. Instead of focusing on the legitimate issues being addressed by this inquiry, industry groups have sought to downplay and cast doubt on the issues. This is unacceptable when you are dealing with matters as serious as psychological wellbeing and suicide.

INDUSTRY RESPONSE AND INITIATIVES

It is the Committee's view that Rio Tinto's position underplays the impact of the unique aspects of FIFO work practices upon an individual's mental health. While it could be argued that FIFO is not a direct cause of suicide or mental ill-health, it does not mean it is not a causal factor and that it is not significant.

As the extended discussion in chapter 3 has made clear, there are a number of stressors that directly result from the requirement that FIFO workers be accommodated away from home. It would therefore be naïve in the extreme to argue that there is no connection between the nature of FIFO work arrangements and the mental health of those working under these arrangements.

(Ch. 4, p.57)

The Committee's view is that without the research, those who employ fly-in, fly-out workers cannot be said to be meaningfully identifying psychological hazards or adequately responding to them. The Committee has no doubt that the policies that employers are instituting are well-intentioned, and that they may even be effective, but without the research outlining the nature of the psychological hazards posed by fly-in, fly-out work, there is no way to be sure of the effectiveness of the industry's current response to the issue.

In the Committee's view, research is needed 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 as a result.

The resources sector is experienced in identifying hazards, assessing risks and implementing systems of work that enhance worker safety. Identifying mental health and wellbeing hazards should be the same when delivering safe and healthy workplaces.

(Ch. 4, p.58)

CFMEU Response

We agree with the Committee's comment, in particular the reference to the stressors that result from requiring FIFO workers to be accommodated away from home for their employment. As previously stated, the higher suicide risk profile of FIFO workers is known and should be treated as such by industry. It follows that there is a clear obligation for employers and employer associations to identify specific hazards or causal factors that might impact on the mental health of the workforce in order to provide a safe system of work. The CFMEU supports the Committee's view on escalating mental health considerations to the levels of physical safety on site.

These examples also reinforce the need for impartial statistics and research to inform policy responses to mental health issues in the FIFO industry. The CFMEU recommends that the Committee give consideration to the most appropriate entities to take carriage of this research. In our view, research collaborations are best placed to ensure the impartiality of research findings and availability to the broader community.

Industry Initiatives

The Committee would be interested to know what proportion of the workforce is able to access these programs, and what proportion actually does use them. The level of engagement amongst the workforce with these sorts of programs would be a very relevant statistic. It is worth drawing a parallel at this point with the physical safety induction/on-boarding programs run by companies that are mandatory. Many, if not all of the programs identified above would be a voluntary initiative. A measure of how many people are actually using each service would assist companies, and the Committee, to understand how much support employees are receiving. In addition, it would be useful to know how many employees are actually aware of the range of services their company provides.

The Committee would also be interested to know how many companies run initiatives such as the 'FIFO Families workshops' and the family visit days. These would appear to be useful initiatives for families, but it is not clear how many people are able to access them.

(Ch. 5, p.62)

The Committee would be interested to know what the access rate of the general workforce is for use of an EAP; what percentage of resource workers uses their company's EAP across each company; and what percentage of FIFO workers accesses the EAP.

This information is of interest because of the nature of the service provided by EAPs. Namely, they provide services to people who already feel like they might be in crisis or experiencing difficulty. They are not, generally speaking, a preventative mechanism that promotes mental health and wellbeing amongst the workforce.

(Ch. 5, p.63)

Without further detail and statistics, the Committee cannot draw a conclusion on this information, other than to state that it believes that the EAPs run by companies may find even greater rates of usage amongst resource workers if greater effort is made to promote these to workers.

(Ch. 5, p.64)

CFMEU Response:

The CFMEU has already highlighted our concerns with the effectiveness of EAPs. We reiterate that many FIFO workers do not have faith in the confidentiality aspect of EAPs and thus will not turn to EAPs for support, irrespective of the quality of the support provided. We strongly encourage the Committee to give this great consideration when assessing the efficacy of the support structures available to FIFO workers. In line with our original submission, we encourage the Committee to recognise the importance of encouraging peer support structures for FIFO workers.

The Committee has received no detailed information on the procedures companies have in place for a mental health evacuation, including details of the provision of an escort for someone experiencing a mental health crisis. The Committee would like to receive further information on what is considered to trigger a mental health evacuation, what exactly is involved in such an evacuation, and how far companies feel their duty of care extends to their employee (i.e. as far as Perth airport, or as far as the employee's home).
(Ch. 5, p.66)

CFMEU Response

The CFMEU is concerned that 'mental health evacuations' are at times being used as a way to 'remove problem workers' or workers that employers are unwilling to accommodate. The case that we included earlier in the submission provides a prime example of a worker being removed from site and not returned as a result of a mental health issue. At the moment, if a FIFO worker is no longer on site then the employer can absolve itself of responsibility for any mental health issues the worker may have had.

We are also concerned that mental health evacuations are not always being managed in an appropriate manner. Perhaps the most harrowing story that has recently been brought to the CFMEU's attention 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. This turn of events reinforces the need for systems and processes to ensure on-site mental health issues are handled in an appropriate manner. Furthermore this example highlights the need to provide greater clarity for employers around their duty of care in the case of a mental health evacuation.

The Committee would be interested to learn of the policies in place for staff when dealing with the immediate aftermath of a suspected suicide, including securing the location, handling the deceased in a respectful manner, informing the family and the workforce of the death and arranging for counselling and other supports.
(Ch. 5, p.67)

The Committee is aware of the many mental health first aid training programs that are offered by a variety of providers, but it is not known how extensive such training is in the resources sector. The Committee would be interested in further detail about the prevalence, use and effectiveness of such training in the resources sector.
(Ch. 5, p.68)

CFMEU response

The Committee should recommend that standards and targets be developed and implemented for mental health training in the resources sector, with particular attention to FIFO workers' needs. In our view this mental health first aid training should also extend to better equipping peers with the ability

to identify if their co-worker is in distress. Mates in Construction is a notable example of a program developed to equip 'mates' with the skills, ability, resilience and capacity to deal with individual situations that may result in suicide. Mates in Construction have made a measurable difference to individual workers, employers and the broader FIFO workforce through working to effect positive change around mental health in the construction industry.

REGULATION

The Committee notes that there is currently a proposal under consideration to transfer regulatory responsibility for major hazard facilities, such as LNG plants, from WorkSafe to DMP. The current arrangements, particularly with respect to how they relate to construction activities on Barrow Island would seem to be less than ideal, both from the perspective of the workers the regulation is intended to protect, and the employers who must grapple with multiple regulatory jurisdictions on the one site.

In the Committee's view, regulation must be efficient in addition to its fundamental requirement of effectiveness. At the very least it is difficult to see how the current arrangements with respect to Barrow Island could be efficient given the inevitable confusion over which agency has jurisdiction and the likely necessity to duplicate regulatory expertise and effort across more than one agency.
(Ch. 6, p.74)

Given the connection between the employment and the employee's presence in the accommodation facility, the arbitrary distinction between the workplace and non-workplace settings in the MSI Act appears not to have regard for the unique nature of FIFO work arrangements.

Unfortunately, the Department of Mines and Petroleum did not provide further elaboration about how it had come to develop its understanding of the intent of the legislation. The Committee notes that "catering, residential, or recreational facilities for employees or self-employed persons" are specifically excluded from the definition of workplace in the MSI Act, although exceptions are made for those who are employed to service or maintain those facilities. DMP's interpretation of the intent of the provisions is therefore consistent with the definition of workplace established in the legislation. The Committee notes, however, that the objects of the MSI Act, at section 3(1)(a), make no reference to limiting the promotion and securing of safety and health to those in the workplace, and extends the objective of the Act to those engaged in mining operations, which specifically includes residential and recreational facilities.
(Ch. 6, p.77)

CFMEU response

The CFMEU is concerned that "confusion" over which agency has jurisdictional responsibility for accommodation facilities between WorkSafe and DMP may leave workers vulnerable. The CFMEU is concerned that neither regulator is taking responsibility for accommodation facilities and that the "confusion" caused by multiple regulatory jurisdictions may result in a lack of accountability. In our view, DMP and WorkSafe are not adequately resourced to investigate mental health issues. Additional resources should be allocated to safety agencies and specialised mental health staff should be employed in these agencies.

As previously discussed, the DMP is reliant on companies reporting to it in the first instance before investigations can even occur, let alone be effective. The DMP is not an effective regulator in this regard, and the Committee's recommendations should address this issue by recommending that additional resources are provided to WorkSafe and the DMP to be pro-active inspectorates and that legislation is updated to reflect the unique nature of FIFO work arrangements.

The purpose of section 15D is somewhat lost on the Committee, as it seems unlikely that many residential facilities would fall within the definition provided, particularly given that it excludes any

accommodation provided on a mining tenement itself. The existence of section 15D also gives rise to questions as to differing obligations attaching to the operators of accommodation depending upon the type of facility they operate (i.e. under section 4 or under section 15D).
(Ch. 6, p.78)

It would appear that there is an inconsistency in the level of regulatory protection provided to workers depending upon their employment in the mining industry or the petroleum industry. It is not clear why such an inconsistency should exist, or what it means for the effective protection of the occupational safety and health of the mining workforce in comparison to their colleagues in the petroleum industry.
(Ch. 6, p.78)

CFMEU Response

The Committee should recommend a review of the legislation relating to the accommodation of FIFO workers to address any inconsistencies that do not reflect the modern and unique nature of FIFO work arrangements. Given that accommodation is such a basic requirement and an important part of working FIFO it is astounding that there are inconsistencies with respect to the laws relating to the obligation of operators.

The problem with reliance upon the common law duty of care in situations such as this is that it is an entirely reactive approach, relying upon an injury to occur to a person before an attempt can be made to recover damages. Regulation is obviously the more attractive protection for workers because it is, by its very nature, proactive and seeks to prevent the occurrence of injury.
(Ch. 6, p.79)

CFMEU Response

The Committee should recommend that regulation be drawn up in consultation with the FIFO workforce, employee representatives, unions and employers. The CFMEU submits that relying on common law duty of care is neither a realistic nor a practical remedy for workers. The reliance on common law duty of care is inadequate for the reasons the Committee outlines.

The Committee will consider whether motelling would be a feature of modern FIFO work practices if employers were required by law or regulation to give regard to psychological and mental health factors when designing the operation of the accommodation facilities.
(Ch. 6, p.80)

CFMEU Response

As the CFMEU stated earlier in the supplementary submission around motelling, this inquiry should recommend that motelling be replaced by a strategy of building and maintaining a sense of community and cohesiveness in FIFO accommodation to better foster peer support as a practical way in which FIFO workers can support each other. The Committee should recommend that the State and where applicable, Local governments establish a set of standards reflecting a base standard of accommodation, which excludes motelling and provides a dignified environment for workers living in camps.

From the evidence received by the inquiry, and also from the data made available through the research undertaken in the area, there would appear to be a view that FIFO accommodation facilities are in need of additional on-site services that cater for the psychosocial needs of the workforce.

The Committee will consider whether additional on-site psychosocial supports and services would be a feature of modern FIFO work practices if employers were required by law or regulation to give regard to psychological and mental health factors when designing the operation of the accommodation facilities.

(Ch. 6, p.81)

CFMEU Response

As previously submitted the CFMEU is of the view that independent on-site psychosocial supports and services should be a feature of modern FIFO work arrangements. Promoting mental health and wellbeing and ensuring that FIFO workers have better protections, including adequate independent mental health support structures must be accepted as an integral part of requiring workers to spend extended periods away from their homes and usual support structures.

The Coroner's Office advised the Committee that all coronial investigations are thorough, and that if there was evidence of bullying associated with a suspected suicide, that evidence would be reported. The Committee does not know if DMP is provided with copies of coronial reports once they have been completed in order for DMP to ascertain whether workplace factors were identified by the Coroner as contributing to the suicide. This is an issue on which the Committee would welcome further input.

(Ch. 6, p.83)

CFMEU Response

In our view, DMP is not adequately resourced to investigate mental health issues. Additional resources should be allocated to safety agencies and specialised mental health staff should be employed in these agencies.

It is noteworthy that the only reports of suspected suicides in DMP's records correspond to the period when discussions about this inquiry began appearing in the media. Clearly, the publicity surrounding this inquiry has prompted mine site managers to begin reporting suspected suicides in accommodation facilities. This is, of course, a good thing but a number of issues are raised.

...

It is also important to keep in mind that not all workers who commit suicide as a result of FIFO-related distress will do so on site. If a worker were to commit suicide at home, it would be reported to the Police and the Coroner for investigation. It is unclear whether the possible role of FIFO in that suicide would be a feature of the investigation.

It is therefore possible that a degree of under-reporting of suicides in connection with FIFO will be unavoidable.

(Ch. 6, p.85)

CFMEU response

While the CFMEU acknowledges that suicide is an extremely complex issue, and appreciates the Committee's concern that there will always be uncertainties and likely under-reporting of suicides in relation to FIFO, this is no different to the broader community. The lack of timely, consistent and accurate data collation with respect to suicides is an issue in itself and acts as a significant impediment to analysing the demography and causal factors around suicide.

In our view this puts the onus on the industry to proactively take the initiative in addressing this issue as well as looking to greater reporting requirements for companies rather than relying on a narrow reading of reported incidents to avoid proactively addressing and dealing with the issue.

Conclusion:

It is true that FIFO operates in isolated and harsh environments and we accept that some factors that may contribute to mental health issues are difficult for employers to control. However, while the physical rigours of construction employment are well recognised, there continues to be a persistent reluctance to address mental health with the same vigour. Fewer issues could be more important for resource companies than to immediately address this issue for the thousands of workers that FIFO for their employment.

The CFMEU has previously outlined a number of employment conditions that we believe contribute to stress and mental health issues for FIFO construction workers in our preliminary submission to the inquiry and while the variables and impact of these conditions will vary for individuals, the conditions that we have identified as contributing factors to stress are informed by our ongoing representation of our member's interests.

While we continue to rely on the threshold issues we raised in our preliminary submission, the CFMEU thanks the Committee for the opportunity to provide supplementary information to this important inquiry and we strongly encourage the Committee to give consideration to our response.

If you wish to discuss this submission in further detail, please do not hesitate to contact Mia Onorato-Sartari, Strategic Co-ordinator, at the Union office on 9228 6990.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Buchan', with a stylized flourish at the end.

Michael Buchan
State Secretary

REFERENCES

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