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13 August 2021

Community Development and Justice Standing Committee
Legislative Assembly
Parliament House 4
Harvest Terrace
WEST PERTH WA 6005

Via email: lacdjsc@parliament.wa.gov.au

Dear Sir/Madam

Re: Inquiry into sexual harassment against women in the FIFO mining industry

Thank you for the opportunity to make a submission to the Community Development and Justice Standing Committee in relation to the inquiry into sexual harassment against women in the FIFO mining industry.

Enclosed is a submission on behalf of Roy Hill. If we can be of any further assistance, please contact Damien McAlinden, General Manager External Affairs, on _____ in the first instance.

Yours sincerely

Gerhard Veldsman
Chief Executive Officer

About Roy Hill

Roy Hill is an independent, world-class integrated iron ore mining, rail, and port operation in the Pilbara region with Western Australian majority ownership, chaired by Mrs Gina Rinehart.

Roy Hill directly employs approximately 2,800 people, with the majority of our mine and port workforce on even time fly-in fly-out (FIFO) rosters. Our Port and Rail management and their families live in the town of Port Hedland and are active members of this community. About a quarter of our workforce are women and we have proactive policies to increase this further. Our Chairman, Mrs Gina Rinehart is a strong supporter of women in the mining industry and was recently recognised as a finalist in the Women in Mining's Industry Advocacy Award.

Terms of Reference

I. Is there a clear understanding of the prevalence, nature, outcomes and reporting of sexual harassment in FIFO workplaces?

- FIFO workplaces are unique in that our people work and live together in close proximity over extended periods of time. At Roy Hill, we treat all aspects of physical and psychosocial safety as an integral part of our workplace environment.
- Our people have multiple reporting options available to them if people wish to report harassment. These range from direct reports to leaders or HR personnel, to confidential or anonymous reports if people prefer. We do not tolerate sexual harassment at our workplaces and disciplinary outcomes are commensurately severe.
- In addition to relying on reporting, our sites employ adequate lighting, engage male and female security personnel, utilise CCTV cameras, and provide security hotlines. Roy Hill also offer separate male and female gymnasium facilities, including specified female only usage times for the privately fenced off Olympic sized swimming pool.
- We are confident that our people feel safe to report any incidents of sexual harassment.

II. Do existing workplace characteristics and practices – including but not limited to workplace cultures, rosters, drug and alcohol policies and recruitment practices – adequately protect against sexual harassment?

- Protecting our people from sexual harassment is an obligation Roy Hill takes extremely seriously and understands the importance of an ongoing vigilant approach.
- Roy Hill is a values-driven business (**Lead, Think, Care, Perform**) and this is reflected in our workplaces and practices. Our values are strongly promoted through our recruitment process and throughout every level of the business. This sets the agenda for the type of people we employ, ones that are aligned to our culture and will amplify the right set of behaviours. This value proposition also drives the standards that sets up Roy Hill's expectations of contractor partners and suppliers who we welcome to our sites.
- Roy Hill's criteria for management positions include the requirement that managers have a demonstrated understanding of, and ability to, deal with discrimination and harassment issues as part of their overall responsibility for human resources. They are then held accountable for these through their performance appraisal schemes.
- We have a strong focus on protecting our people from sexual harassment. This requires a multi-faceted approach that we constantly review over time to ensure it always remains fit for purpose.
- Our approach includes well publicised policies and procedures that clearly define unacceptable behaviours. Our people receive regular training to protect against sexual harassment within a FIFO workplace. The service of alcohol is limited and tracked and we make available a free employee assistance provider if any of our people need professional counselling or emotional support. We also strongly promote a sense of community at our workplaces, for example with family site visits, our Thriving Mining Families Program, and social clubs and activities.
- Roy Hill's sexual harassment policy has been developed in consultation with employees at various levels enabling a broad range of perspectives to be incorporated into its formation, promoting alignment between business and employee expectations.

III. Are current legislation, regulations, policies and practices adequate for FIFO workplaces in Western Australia?

- Department of Mines, Industry Regulation and Safety advises that *“any incidences of physical or sexual assault or the threat of physical harm of any form covered under The Criminal Code ... should be reported to the Western Australian Police”*¹. The Criminal Code does not impose any positive obligation on industry members to report these matters and it can often be against the express wishes of the individual. Disregarding these wishes is more likely to discourage people from coming forward in the future and makes it harder to provide a safe environment.
- If the affected person wishes a criminal investigation to occur this role should always be performed by the WA Police.
- The role of the industry members and their investigative activities should be focussed on the workplace environment and identifying what factors have contributed to the incident so processes, procedures and resources can be reviewed and adapted as required to continually reduce the risk of incidents occurring.
- This then allows industry members to perform its statutory obligations, and keep their obligations to respect the wishes and privacy of potentially vulnerable people who do not want a criminal investigation to occur.
- Legislation should support workplaces to be able to freely choose, without consequences, to instantly dismiss, a person, in the circumstance where an internal investigation or that of WA Police finds sexual harassment and/or sexual assault to have occurred.

IV. What actions are being taken by industry and government to improve the situation and are there any examples of good practice?

- Over recent years, the FIFO mining industry has taken a much more proactive role in increasing the diversity of its workforces and protecting its people from sexual harassment. Best practices are often shared through industry forums, such as the Chamber of Minerals and Energy of Western Australia (CME). Roy Hill will continue to strongly advocate for this important work to continue into the future.
- In collaboration with the CME and Lifeline WA Roy Hill launched its Peer Support Program in June to promote psychological safety and wellbeing at our sites. 90 Roy Hill staff will be trained to have ongoing wellness conversations with their peers across our Mining, Processing, Port and Rail operations to help our people develop new knowledge and skills and establish positive, life-long habits and behaviours. Participants are required to complete five core modules with other additional training made available. They’ll also benefit from monthly coaching sessions with a Lifeline WA crisis support worker.
- At Roy Hill, we’re committed to a multi-faceted approach to keep our people safe, such as:
 - values-driven recruitment and training;
 - actively promoting our community culture and values including ongoing investment into our programs, such as such;
 - Monthly family site visits to the mine site and
 - Thriving Mining Families educational sessions to provide FIFO families with practical advice and tools to support them ensure work and home life are in harmony
 - A healthy calendar of social clubs and activities that engage our FIFO staff and their partners and families
 - appropriate and enforced policies and procedures;

¹ <https://www.dmp.wa.gov.au/Safety/How-can-bullying-be-addressed-5099.aspx>

- responsible service of alcohol;
- women only facilities, such as gym facilities;
- security personnel and infrastructure (including security hotlines, CCTV cameras, and lighting);
- multiple reporting options and a free employee assistance provider;
- a commitment to premium recreational facilities at our sites that provide multiple activities for employees to engage in out of hours such as 50m Olympic sized swimming pool, which is fenced off for extra privacy, beach volleyball areas, large gymnasium, dedicated auditorium for movies and guest speakers and entertainment (in the past we have had female targeted content such as themed around National Breast Cancer Month)
- We welcomed the Federal Government's amendments to the *Fair Work Act 2009* and *Fair Work Regulations 2009* to confirm that sexual harassment can be a valid reason for dismissal in determining whether an employee has been unfairly dismissed, as well as to include sexual harassment in the definition of 'serious misconduct'.