

The Australian Manufacturing Workers' Union *WA 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
Chair
Education and Health Standing Committee
Parliament House
PERTH WA 6000

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

Dear Dr Jacobs

Please find attached the AMWU's supplementary submission to the Education and Health Standing Committee's Inquiry into the mental health impacts of FIFO work arrangements.

We welcome the long overdue focus your Committee has brought onto the FIFO industry and the opportunity to put forward our members views both in writing and through my appearance at last year's hearing.

Employee input is key to making the necessary changes that we believe can save lives and I hope you will find this supplementary contribution useful to your work. If I can be further assistance, please do not hesitate to contact me.

Kind regards

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

Steve McCartney
WA State Secretary
The Australian Manufacturing Workers' Union

Committee Comments

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)

AMWU response

The AMWU supports workers having the choice to live residentially or fly in fly out, depending on the most suitable arrangement for them and their families. We reiterate that FIFO was initiated and has grown at the behest of mining companies for a variety of reasons, not least that it is far cheaper than establishing company towns. However such a choice also comes with its own costs and obligations, especially when it comes to medical care and services in the remote, isolated and harsh environments where companies require employees to travel.

We submit that while FIFO has grown exponentially in recent years, Western Australia is still coming to grips with its impact on communities, families and individuals. On behalf of the tens of thousands of Western Australian workers who depend on the system, we applaud the Committee's role in investigating these issues and bringing them to light. As we learn more about the impact, we submit that Government has an obligation to ensure that people's health and wellbeing are prioritised and that best practice is ascertained and adopted in respect to FIFO mental health.

Mental health demographics and the FIFO workforce

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)

AMWU response

We are pleased that the Committee has identified these risks and placed them on the public record. If certain demographic characteristics are prevalent in a workforce, we submit that there is an obligation for an employer to take that into account when making decisions regarding medical

services on site. This point is vitally important in the FIFO context, where an employee is totally dependent on the services an employer chooses to provide or otherwise.

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)

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)

AMWU response

The AMWU strongly supports shorter compression rosters and shorter lengths of time away from home. The strong sentiments of our FIFO members are that shorter roster lengths are their overwhelming industrial priority. In line with our members wishes, AMWU officials and workplace delegates have pursued shorter rosters through Enterprise Bargaining processes. However, in part due to a concerted campaign by employer groups, we have met with strong resistance from employers during bargaining.

Given what we now know about the ramifications of excessively long periods away from home, the AMWU submits government must step in with mandated maximum allowable times away from home and minimum periods for breaks. In the same way that physical safety has been deemed too important to be left to the vagaries of Enterprise Bargaining, we believe the same standards should apply to mental health and that roster lengths should be capped through legislation. We also agree that shorter amounts of time at home reduce the ability of workers to find alternative medical support or fully utilise informal support networks.

We also strongly support the concept that a number of days off should be actual days off to recover and recuperate from a physically demanding job and lifestyle. Days spent travelling to or from site are not days that recovery and recuperation can occur and should be treated as part of the employment period.

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)

AMWU response

The AMWU strongly agrees with the Committee's observation regarding the importance of communication in combating isolation and social dislocation. Our members tell us long swings make it incredibly important to remain in touch with family and friends when physically isolated for long periods of time. We reiterate that decisions relating to the standard and types of communication facilities available to workers are a financial choice that companies must actively consider. Combined with the absence of mandated or voluntary minimum standards, this produces large variations in communication standards across sites. In response to the Committee's observation, we submit that minimum standards be created to ensure a basic levels of communication services in FIFO camps.

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)

AMWU response

The AMWU strongly believes that the dependent employer-employee relationship inherent in FIFO creates a moral and legal imperative to provide best practice in terms of mental health support. This does not mean simply providing an EAP with a brochure and a phone number and hoping the service is used. It means proactively ascertaining if the services are being used, what can be done to improve accessibility and utilisation and adopting best-practice service delivery methods.

As we argued in our original submission, we believe a layer of separation between service providers and employers is essential in ensuring the integrity of mental health services. However, in our experience, employers are very reluctant to confer the degree of independence to onsite medical services necessary to ensure employees feel confident to use them without the fear of adverse consequences.

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)

AMWU response

As the evidence provided to the Committee by the DMP and Worksafe indicated, there are serious questions to be asked regarding the effectiveness and jurisdictional coverage of State Government regulators when it comes to FIFO workers while in camp. This problem is especially acute given workers' desire for an independent body to report incidences of bullying and harassment, as well as sensitive health issues. While these issues unfortunately occur in many workplaces, the FIFO environment exacerbates the challenges of isolation, helplessness, stress, stigma and bullying.

We are pleased that the Committee has acknowledged the role of unions in supporting our members through these issues. The AMWU welcomes greater opportunity to act as a genuine third party support to our members in these difficult situations and calls for a collaborative approach with employers with respect to advocacy on site.

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)

AMWU response

The AMWU agrees that women in the male-dominated FIFO industry face specific challenges. As the evidence to the Committee from Lifeline showed, gender plays a significant role in the variation between the types of issues that arise for workers on site, and the preferred methods of dealing with them.

We submit this is another factor that employers must take into account when considering how to provide care for employees. Taking into account workforce demography is a vital part of what the AMWU considers a proactive and effective approach to 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)

AMWU response

The AMWU has always been staunchly anti-motelling for the reasons in our original submission. Our members do not support it because removing an individual's permanent room takes away one of the few methods a FIFO worker has to exercise control over their life while away on swing. We submit that regularly disrupting camp communities also has a negative impact on developing and accessing informal support networks. We are pleased that the Committee has recognised this as a serious issue in the context of this inquiry.

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

(Ch. 3, p.42)

AMWU response

While lifestyle support roles on site are to be welcomed, we submit these are not a replacement for qualified counsellors with medical and mental health expertise. There are currently no regulations or voluntary codes regarding minimum numbers of qualified counsellors or other mental health professionals on site, another symptom of an unregulated industry. The AMWU supports minimum government standards when it comes to the appropriate ratios of medical personnel to employees on site.

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)

AMWU response

We believe that the evidence presented so far indicates fatigue is an area which should be treated as a contributory factor to poor mental health. As we submitted originally, there is a dearth of genuinely independent research into the connections between FIFO, mental health and a host of independent variables which may impact on mental health.

The AMWU would also welcome further research on the connections between fatigue and mental health. However, we note the vast majority of resource companies treat fatigue seriously as a physical health issue at present, so it should not be burdensome to err on the side of caution when it comes to potential connections between fatigue and mental health.

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)

AMWU response

Our survey, as well as anecdotal evidence from AMWU members, strongly suggests camp control is a significant factor in stress. Links between deprivation of control over circumstances and stress in humans are well established.

While a degree of regimentation is to be expected in FIFO camps, the Committee's observation that this varies greatly between camps is consistent with our experiences.

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)

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)

AMWU response

The AMWU was disappointed about some of the mathematical contortions some employer groups erroneously used to downplay the incidence of mental health issues in the FIFO industry. This approach is counterproductive to their members' interests and shows a remarkable indifference to the health and wellbeing of employees.

We are also disappointed that certain employers are not be more proactive in seeking to understand and promote mental health within their workforces, which are economically as well as socially beneficial.

These examples highlight the AMWU's original point that unions, business and government are in dire need of reliable and impartial statistics and information to plan adequate policy responses to understand and combat mental health issues in the FIFO industry.

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)

AMWU response

The AMWU strongly agrees with the Committee's point that mental health considerations should be escalated to the levels of physical safety on site.

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)

AMWU response

As previously mentioned, having an EAP does not guarantee its use and unless these services are promoted and actively used by workers, companies have more work to do. There needs to be regular monitoring of these programs to ensure their usage and effectiveness. If workers are not utilising these services it should be suggested that another tool is used such as an independent third party company that allows workers support free from prejudice, whether real or perceived. EAPs services are accessible through phones and computers and as mentioned in our summary the connection for both of these tools on sites is highly variable.

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)

AMWU response

The AMWU is concerned that 'mental health evacuation' is just being used as way to 'remove problem workers' by companies. 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.

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)

AMWU response

The AMWU believes Mates in Construction is the optimal model due to its emphasis on peer-support and reputation for genuine independence. We believe both of these aspects are critical to the success of any mental health support program.

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)

AMWU response

The jurisdictional gap in FIFO oversight between Worksafe and the DMP must be addressed as an urgent priority. At present the AMWU is seriously concerned that neither regulator is taking responsibility for FIFO camps, meaning government is without a mechanism to ensure compliance with even basic standards. The patchwork of local government, Worksafe, DMP and Commonwealth laws is unacceptable and leads to a lack of accountability.

Further, the AMWU submits that DMP's role as both a regulator and promoter of the resources industry is an irreconcilable conflict of interest. The AMWU's position is that resources industry

health and safety oversight should be incorporated into a properly funded Worksafe and that legislation is updated to reflect the modern realities of FIFO work. As genuinely independent workers' representatives, unions should be able to exercise Federal Right of Entry into FIFO camps.

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)

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)

AMWU response

Common law is not a realistic or practical remedy for workers, for the reasons the Committee has highlighted above. The AMWU supports minimum regulatory standards as a proactive, preventative method of ensuring basic standards for FIFO workers.

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)

AMWU response

As we have previously stated, motelling is one of the most common complaints from our members. The AMWU strongly opposes motelling because the practice:

- destroys any hope of cohesive communities developing in camps;
- reduces the likelihood of peer support networks developing, which our members tell us are one of the most useful coping methods for personal issues;
- removes one of the few mechanisms of control over personal circumstances;
- reduces the amount and type of personal possessions workers can have with them on swing, many of which are vital to reducing boredom and feelings of isolation;
- adds to the sense of transience and commodification of human beings; and
- offers a false economy to employers.

We reiterate that motelling is destructive to workers' mental health and general wellbeing and has no place in a modern, 21st century FIFO industry. We submit motelling would not be a feature of any accommodation system that had workers' mental health and wellbeing in foremost consideration.

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)

AMWU response

As we learn more about the destructive impacts of poor mental health, we have an obligation to ensure that future practices on mine sites hold the psychosocial needs of the workers in a paramount position. Currently mental health support on-site is highly variable and the committee should consider recommending independent third party providers of mental health services to workers on-site. This will promote confidentiality and allow workers to seek help free from actual or perceived prejudice. All workers, no matter the site should have access to mental health services and these services are necessary at all camps.

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)

AMWU response

The AMWU submits that while underreporting is a potential factor in any statistical measure, it should not deter the government from ensuring policymakers and stakeholders have the best possible information with which to respond to crises such as the spate of FIFO suicides that led to this inquiry.