

2 February 2015

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

Dear Chair

SUBMISSION: PARLIAMENTARY INQUIRY INTO THE MENTAL HEALTH IMPACTS OF FLY IN FLY OUT (FIFO) WORK ARRANGEMENTS

Thank you for your letter dated 2 December 2014. On behalf of BHP Billiton in Western Australia (WA) I thank you for your invitation to further assist the Education and Health Standing Committee in its Inquiry by addressing the issues outlined in Attachment One to your letter and the issues raised in the discussion paper "*Shining a Light on FIFO Mental Health: A Discussion Paper*".

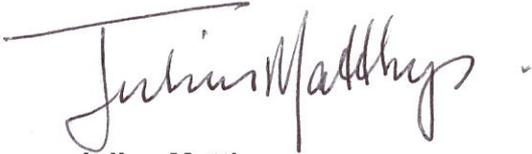
BHP Billiton welcomes the Committee's acknowledgement of the necessity of FIFO to the viability of the WA resources sector. BHP Billiton is committed to supporting the mental health and well-being of our entire workforce. Our FIFO and residential workforces are critical to the ongoing success of BHP Billiton in WA and we will continue to offer terms and conditions to ensure we attract and retain a skilled and talented workforce. We recognise the need to continuously improve our workplace practices that are within our control to minimise the risks to physical and mental health and safety that are associated with our operations.

Our submission consists of two parts: an open submission and a separate document containing commercially sensitive and personal information which we request be considered as closed evidence.

I look forward to hosting your visit to Yandi on 4 February 2015. We hope that this site tour will provide the Committee with valuable first-hand experience of our operations and accommodation facilities, as well as the opportunity to learn more from our people about the policies, procedures and programs BHP Billiton has in place to support the wellbeing of its FIFO workforce.

If any further assistance is required, please do not hesitate to contact Mark Donovan, Head of Government Relations and Public Policy in the first instance, by phone on 6321 3154 or by email to Mark.F.Donovan@bhpbilliton.com .

Yours sincerely

A handwritten signature in black ink that reads "Julius Matthys". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Julius Matthys
Vice President Corporate Affairs
BHP Billiton Western Australia

Introduction

This submission contains BHP Billiton's perspective on the issues identified in the Education and Health Standing Committee's discussion paper "*Shining a Light on FIFO Mental Health: A Discussion Paper*" (the Discussion Paper), and addresses the issues raised in the Committee's letter of 2 December 2014. This submission should be read with BHP Billiton's submission of 26 September 2014. While some points in this submission include information on all our Western Australian (WA) businesses – Iron Ore, Petroleum, Nickel West and Worsley Alumina – we have addressed most sections on behalf of our largest business, BHP Billiton Iron Ore.

Putting health and safety first, being environmentally responsible and supporting our communities is at the core of *Our BHP Billiton Charter* and fundamental to every aspect of the way we do business. We are committed to achieving industry best practice in health and safety.

In our previous submission to the Inquiry we:

- Recognised the significant impact that poor mental health can have on individuals, their families and on communities;
- Acknowledged that our workforce demographic aligns with the cohort at risk of mental health issues;
- Confirmed we are committed to understanding and implementing practical measures to assist employees who may be at risk or experiencing mental health problems cognisant that these issues can adversely affect workplace performance and impact on safety; and
- Outlined the extensive health and safety management systems in place to support the physical and psychological health of our workforce.

We are committed to continuous improvement to ensure all workplace risks to employees' physical and mental health and safety are minimised so far as is reasonably practicable. Through this focus on continuous improvement, we understand that mental health is multi-dimensional in nature, influenced by a range of interacting biological, environmental and psychological factors. BHP Billiton is committed to mitigating the risks to mental health that are within our control as an employer, supporting our employees with mental illness and addressing factors impacting on the health and wellbeing of our host communities through our corporate social investment program.

The issues highlighted in the Discussion Paper, including social isolation, mental health stigma, relationship issues and alcohol abuse, are not necessarily unique to FIFO workers in the resources sector or their working arrangements. Rather these factors are reflective of the mental health issues facing the broader community in WA. This is not to downplay the importance of addressing these factors in the resources sector. It is simply important to acknowledge that the resources sector is not different to other sectors of our economy. To do so ignores the opportunity to positively influence mental health outcomes across the entire community. For this reason, we urge the Committee to consider the issues within a broader societal context and to develop its recommendations with the aim of positively influencing mental health outcomes for the WA community.

We believe the approaches to workplace health and wellbeing undertaken by BHP Billiton set a positive example for other workplaces and can assist more broadly to drive better mental health outcomes for the WA community. BHP Billiton is of the view that comprehensively addressing mental health issues in WA requires further detailed research and collaboration between government, the medical profession, academia and industry, not just the resources sector. As a Company we are willing to support the necessary research and collaboration required to address this important societal issue.

In the first section of this submission, we submit the reasons for why we consider the current work health and safety legislation adequately addresses mental health and why FIFO work practices are already adequately regulated.

In the second section of this submission we explain how BHP Billiton Iron Ore defines and implements a range of concepts, procedures and policies relating to matters of interest or concern to the Committee, specifically:

- the Safe System of Work (SSOW) framework;
- the processes and concepts associated with Fitness for Work;
- the procedures followed in the event of a mental health evacuation;
- our approach to suicide post-vention; and
- our return to work policies.

The third section responds to concerns raised during the course of the Inquiry relating to characteristics of FIFO work practices by:

- explaining the approach to handling workplace bullying and harassment;
- addressing issues relating to terms of employment including rosters, travel time, unscheduled departures and compassionate leave;
- providing additional information in relation to the availability and utilisation of mental health wellbeing programs offered; and
- by offering additional information on matters relating to FIFO accommodation such as non-permanent room allocation (or 'motelling'), service of alcohol, telecommunications and the rules applied to workers residing in these facilities.

The fourth and final section outlines BHP Billiton's understanding of the current statutory reporting obligations as they relate to suicides and attempted suicides on mine sites and associated accommodation facilities.

1. Health and Safety Regulation in Western Australia

BHP Billiton considers that the current health and safety legislation adequately addresses mental health issues and that FIFO work practices are already adequately regulated by the current legislative regime that apply to our WA Businesses. For BHP Billiton's mining operations, this includes the requirements of the *Mines Safety and Inspection Act 1994 (WA)* (the MSI Act) which applies to all its mining operations. For the rail operations that support its mining operations this includes the requirements of the *Occupational Safety and Health Act 1984 (WA)* (the OSH Act) and the *Rail Safety Act 2010 (WA)*. For BHP Billiton's Petroleum operations, this includes the relevant petroleum work health and safety legislation¹.

BHP Billiton understands that the current legislative regime applies 'end to end' coverage ensuring that a relevant duty holder owes a duty to employees and contractors whilst they are in the course of the work. This is because the OSH Act and the MSI Act interact so that the OSH Act applies to all work situations where its operation is not excluded by the operation of another Act.

BHP Billiton considers that the current legislative regime addresses mental health because the term 'safety and health' includes mental health. The *Model Work Health and Safety Bill 2014 (WA)* (the Green Bill) is more explicit in that it explicitly defines 'health' to mean 'physical and psychological health'. We think this makes it abundantly clear that employers are required to consider mental health as well as physical health.

This submission details the policies, processes and systems developed by BHP Billiton to support the physical and physiological (mental) health of its workforce. BHP Billiton considers its approach has proven reasonably effective in ensuring any member of its workforce experiencing mental health difficulties are connected to appropriate treatment and support. We are also committed to continuous improvement to ensure all workplace risks to physical and mental health and safety are minimised so far as is reasonably practicable.

The development of our policies, processes and systems has been enabled by the existing work health and safety legislation in WA and the principles which underpin these instruments, specifically:

- a risk-based and outcomes-focused approach which supports innovation and continuous improvement while providing for self-regulation through a statement of principles that guides duty holders as to their responsibilities; and
- the concept of control over a workplace, which ensures that duties are owed by the party that has control over a particular matter.

In order to positively comply with the legislative regime, it is necessary for BHP Billiton to identify hazards, assess risks arising from those hazards and to implement measures to eliminate or, where it is not reasonably practicable to eliminate risks, to minimise risk to a level that is as low as reasonably practicable. BHP Billiton does this through its safety management system and risk management process. The risk management process seeks to ensure that all risks to health and safety - including mental health - are identified and assessed.

'Self-regulation' through a statement of principles that guides duty holders as to their responsibilities has been a guiding principle in the development of work health and safety legislation across multiple countries. The proposed WA Green Bill, is also crafted on this principle. As far as BHP Billiton is aware, there is no precedent nationally or internationally for the specific regulation of FIFO work practices or accommodation. Mental health and wellbeing is instead addressed on a holistic basis, rather than focussing on a particular sector of the workforce.

Another guiding principle in WA's existing work health and safety legislation is the concept of control over a workplace. It ensures that duties are owed by the person that has control over a particular matter and that it is therefore best placed to take steps to eliminate or mitigate risks to health and safety. It would be unreasonable for duties to be imposed on parties that do not have control over certain matters and that

¹ *Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth)*, *Petroleum Submerged Lands Act 1982 (WA)*, *Petroleum and Geothermal Energy Resources Act 1967 (WA)* and *Petroleum Pipelines Act 1969 (WA)*.

therefore cannot take steps to address risks to health and safety. In relation to mental health, it should be acknowledged that these issues are multi-dimensional in nature, influenced by a range of interacting biological, environmental and psychological factors. BHP Billiton is committed to mitigating the risks to mental health that are within our control as an employer and addressing factors impacting on the health and wellbeing of our host communities through our corporate social investment program.

BHP Billiton considers that there is no need for legislative amendment or additional prescription relating to FIFO work practices and accommodation. We suggest that it might be appropriate for guidance materials to be developed by regulators in conjunction with industry and other stakeholders that could give examples of best practice and could be updated easily but do not suffer from the potential constraints associated with Regulations or Codes of Practice. There is a potential risk with Regulations or Codes of Practice that are overly prescriptive and which potentially are unable to keep pace with technological change or which otherwise stifle innovation and which detract from principles of the general duties in work health and safety legislation.

The resources sector leads the development of health and safety standards, and historically many of its approaches to occupational health and safety have been adopted to benefit a range of other industries. An example is the development and adoption of comprehensive safety management systems in the oil and gas industry in response to 'self-regulation' requirements following the Piper Alpha disaster in the UK sector of the North Sea and the Ekofisk Bravo blowout and Alexander L Kielland incidents in the Norwegian sectors.

The following section explains the range of policies, processes and support systems that BHP Billiton uses to ensuring our people are not exposed to risks to their safety and health, including mental health, so far as reasonably practicable.

2. Our Policies, Processes and Support Systems

We recognise that the health and safety of our people comes first. This is core to *Our BHP Billiton Charter* and to every aspect of our business. We take a risk-based approach to ensuring, so far as reasonably practicable, that our people are not exposed to risks to their safety and health, including mental health. This approach is supported by a range of policies and processes for controlling risks in our workplaces that also enable us to proactively and continuously identify the hazards and risks and implement the measures necessary to mitigate the factors within our control so far as reasonably practicable. Our approach is consistent with the principles underpinning modern work health and safety legislation across multiple jurisdictions including WA, being non-prescriptive, risk-based and outcomes focussed to support innovation and continuous improvement.

Another guiding principle in workplace health and safety legislation is the concept of control over a workplace. It ensures that duties are owed by the person that has control over a particular matter and is therefore best placed to take steps to eliminate or mitigate risks to health and safety. Consistent with this principle, in developing systems to support the wellbeing of our people, BHP Billiton has focussed on addressing the risks and hazards within our control as an employer, cognisant that mental health is complex, multi-dimensional and influenced by multiple factors external to the workplace.

BHP Billiton is seeking to assist the Committee to understand how the operation of the current legislation is interpreted and to provide practical experience of how effective systems have been developed to support the mental health of its workforce within the current legislative and regulatory regime.

Safe System of Work

The Discussion Paper states "*a system of work which seeks to minimise mental health hazards should be the same in principle as a system of work that prevents people from falling from heights.*"²

² Education and Health Standing Committee (2014), *Shining a Light on FIFO Mental Health: A Discussion Paper*, p57

The general duty of care applying to employers under work health and safety legislation requires comprehensive and integrated safe systems of work to be implemented in the workplace to ensure activities are conducted in a safe manner. The scope of this requirement is not prescribed in the legislative regime, enabling duty holders to develop risk-based systems suited to their specific operations.

BHP Billiton Iron Ore applies a standard Safe System of Work (SSOW) framework for executing work consisting of four interrelated elements: Planning, Equipment, People and Change. All four of these aspects ensure that the hazards and risk associated with an activity are adequately addressed, thereby maximising the health and safety controls for any activity being performed.

The SSOW framework considers People to be the most important of the four elements, as it is behaviour which will ultimately determine overall effectiveness.

The People element of the SSOW framework establishes the requirement for our workforce to have the appropriate training, information, instruction, supervision and desired behaviours including Fitness for Work. Fitness for Work encompasses all elements of physical and mental wellbeing to ensure employees and contractors are fit to perform the duties of their role before commencing a task.

In applying this approach, BHP Billiton Iron Ore does not separate mental health from any other SSOW. This approach is consistent with the work health and safety legislation under which “health” encompasses physical and mental health.

Fitness for Work

All BHP Billiton workplaces are required by Company-wide health standards³ to minimise incident, illness and injury risk by managing the factors that impact on Fitness for Work, by undertaking risk-based medical assessments; implementing a risk-based drug and alcohol management program; and implementing a fatigue management plan. Our standards also require case management of injury or illness to minimise any long-term health impacts on our workforce.

In response to the Committee’s comments regarding fitness for work and its desire to better “*understand the processes and concepts related to it*,”⁴ we provide the following additional detail related to BHP Billiton Iron Ore’s WA operations.

Medical Assessment

BHP Billiton Iron Ore takes a risk-based approach to identifying roles requiring medical assessment, taking into consideration the work to be performed and the work environment. This is impacted by certain statutory requirements which mandate that medicals be undertaken for certain work. For example, the rail safety legislation requires that rail safety workers undertake a medical assessment and are certified fit for the relevant category of rail work on a regular (usually annual) basis. An evidence-based medical assessment process, specific to the roles identified, then indicates whether a worker is fit to meet the requirements of the role.

All candidates undertaking high-risk roles at BHP Billiton Iron Ore must undergo a pre-employment medical which includes a detailed medical history questionnaire, K-10 Psychological Questionnaire and an alcohol audit questionnaire. Shift work history and experience is also taken into account. This information is reviewed by an occupational physician who determines the suitability of a candidate against the physical, social, emotional and mental demands of the proposed role. Job modification requirements are also taken into consideration prior to making the proposed candidate an offer of employment.

Drugs and Alcohol

³ Group Level Document .011 Health, provided as Attachment 3 to our previous submission

⁴ Education and Health Standing Committee (2014), *Shining a Light on FIFO Mental Health: A Discussion Paper*, p57

BHP Billiton strives to create a safe and healthy work environment free of hazards that may be associated with the use of alcohol and drugs, and prohibits the possession and use of illegal substances at all workplaces and activities undertaken in conjunction with the Company. At the same time, it is recognised that alcohol and drug dependency is an illness and any member of the workforce identified with such a condition will be supported in the same way as with any other illness or injury through the case management and Employee Assistance Program (EAP) processes. The following details are provided in relation to the drug and alcohol management system implemented at BHP Billiton Iron Ore in WA.

To be Fit for Work on a BHP Billiton Iron Ore site, employees, contractors and visitors must not have:

- a Breath Alcohol Concentration greater than 0.000g of alcohol in 210L of breath;
- urine levels of drugs which are greater than the applicable confirmatory target concentrations for those drugs set out in Australian Standard 4308 'Procedures for specimen collection and the detection and quantification of drugs of abuse in urine' (Australian Standard), as amended from time to time; or
- urine levels of drugs that may not be set out in the Australian Standard, but which may compromise workplace safety.

BHP Billiton Iron Ore provides periodic education and awareness sessions to its employees and contractors to ensure that they are aware of the requirements of its drug and alcohol management program, the effect of drugs and alcohol on Fitness for Work and long-term health, as well as the supports available to them for substance-related issues.

In terms of testing frequency, as outlined above, drug and alcohol screening is conducted as part of BHP Billiton Iron Ore's pre-employment medical assessment process. Subsequently, throughout the course of employment a random drug and alcohol testing program is conducted at all sites, applicable to all employees, contractors and site visitors. For cause testing is also carried out on all employees, contractors and visitors directly involved in vehicle accidents, incidents resulting in injuries requiring medical treatment, reportable near misses and property damage. In addition, testing may be initiated by a Supervisor where there is reason to suspect an employee, contractor or visitor is affected by drugs or alcohol.

Employees whose test results exceed the permitted levels, are required to attend compulsory counselling through BHP Billiton Iron Ore's confidential EAP and monthly re-testing for a period of six months. If an employee records a second positive test result for alcohol or drugs within two years of the first positive result, they are subject to disciplinary action up to and including termination of employment. Contractors who breach permitted levels are managed in accordance with their employer's Fitness for Work policy which is required to be of an equivalent standard to that which applies to BHP Billiton Iron Ore's employees.

BHP Billiton Iron Ore requires employees and contractors to declare their medication at the time of a drug screening test. It is the employee or contractor's responsibility to seek doctor's advice on whether any medication they are taking could compromise their ability to perform their job safely and to inform their Supervisor and site Injury Management Advisor if their performance may be affected. Supervisors are also notified of any potential Fitness for Work impacts of medications declared by their team members during a drug screening test. Where medication impacts upon a worker's Fitness for Work, the Supervisor and Injury Management Advisor will develop a safe and suitable working agreement.

The concerns raised in the Discussion Paper about the fear and stigma surrounding disclosure to Supervisors of prescribed medication for mental health issues and the perception that reporting mental health issues may have adverse consequences on a person's ongoing employment are noted.⁵ The number one priority of keeping our workforce safe must be balanced with the flexibility required to accommodate the particular circumstances of each worker. Short-term restrictions associated with medications impacting Fitness for Work are generally accommodated through a Return to Work program. However, due to the safety critical nature of many roles associated with our operations, it is not possible to accommodate long-term or permanent work restrictions, with vocational redeployment options explored in these circumstances.

⁵ Discussion Paper, pp31-33

BHP Billiton is of the view that line management must be informed of any Fitness for Work restrictions so that they may ensure appropriate controls are implemented in the work area. Supervisors are the most appropriate first point of contact for workers' Fitness for Work issues because of their close contact with the workforce and knowledge of suitable duties and supervision available in the work area. Limiting these disclosures to testers and health personnel would not enable these conversations with management to occur and may potentially result in supervisors unknowingly exposing the person concerned and their colleagues to risk.

BHP Billiton believes that a safe and open environment where workers feel comfortable having these conversations with their line management is critical. Our leaders are aware of their obligation to maintain discretion and confidentiality in line with our *Code of Business Conduct*. Our workforce has multiple avenues available to raise any concerns they may have about whether their circumstances are being dealt with appropriately, including through our business conduct advisory service EthicsPoint.

Fatigue Management

The approach to fatigue management taken by BHP Billiton has been established to ensure the health and safety of our people in line with our obligations under a myriad of legislation and associated regulations that apply to mining and petroleum operations in WA. The following details are provided in relation to the fatigue management program implemented at BHP Billiton Iron Ore in WA.

BHP Billiton Iron Ore's fatigue management program is compliant with the *Rail Safety Act 2010 (WA)*; the *Code of Practice: Working Hours (2006)*; and the obligations contained in the OSH Act and MSI Act. Its program is based upon the WA *Code of Practice: Working Hours (2006)* which was developed following extensive studies in the field of fatigue risk management and control.

BHP Billiton Iron Ore recognises that the workplace must design working hours that enable sufficient time for adequate rest and recovery prior to the next shift. Fatigue is managed using a number of controls, including roster management, training and education, supervision, monitoring and reporting. In turn, workers have a personal responsibility for managing their fatigue, ensuring that they have sufficient rest after each shift and advising their supervisor of anything which may affect their alertness. This individual duty of care includes looking out for peers and we encourage our people to raise their concerns with any individual showing signs of fatigue or the relevant supervisor.

Supervisors support fatigue self-management and peer management and are required to consider fatigue risks when planning work tasks. Consideration must be given to the physical and mental demands of the type of task being performed as well as workplace conditions such as heat, humidity and noise which can impact upon an individual's alertness.

Fatigue breaks are made available upon request to individuals who report feeling fatigued; where the supervisor identifies individuals may be fatigued and when extreme heat is present or heavy work scheduled. This may include an unscheduled meal break, a walk around or change of environment for a brief period away from active work.

Where workers demonstrate ongoing or a repeated pattern of behaviour where fatigue is highlighted as a major contributing factor, their Supervisor will engage the site Injury Management Advisor to manage the case. This generally involves an appointment with a physician to diagnose whether an underlying medical condition is contributing to the fatigue, and if identified, the worker is supported by their Supervisor and site Health team to manage their condition through a Health Management Plan or Return to Work Plan.

Case management

In our previous submission we described BHP Billiton Iron Ore's Injury and Illness Management Procedure which sets out the requirements for the effective management of work-related and non-work related injuries and illnesses for employees and contractors, including mental illness.

Initiation of case management occurs when an injury or illness is sustained whilst performing work related duties or a non-work related condition is identified which affects the worker's ability to safely perform the full requirements of their role. The following Fitness for Work issues are recommended for case management under the BHP Billiton Iron Ore Injury and Illness Management Procedure, and encompass cases caused by an event or exposure in the workplace (work-related issues) as well as those resulting from an event or exposure that occurs outside the work environment but involves signs or symptoms that may emerge at work (non-work related issues):

- Diagnosed medical conditions;
- Long-standing medical conditions;
- Mental health conditions;
- Fatigue / sleep disorder concerns;
- High frequency of injuries/illnesses;
- Concerns relating to weight; and
- Medication concerns.

At BHP Billiton Iron Ore, case management referral can occur through the worker's Supervisor, site Health and Human Resources teams, a medical practitioner or self-referral by the worker. Upon referral of the case, the site Injury Management Advisor will organise a medical assessment by an occupational physician to provide guidance on management of the condition. Employees must agree to undergo a medical assessment relating to their Fitness for Work and, if arranged, consent to relevant results of the assessment being accessible to those at BHP Billiton Iron Ore who require it.

While the above range of policies, programs and procedures are in place to ensure our people are Fit for Work, employees and contractors are ultimately responsible for ensuring that they are physically and mentally capable of performing the requirements of their role without posing any risk to themselves and others. Obligations to be Fit for Work are articulated in section 10(1) of the MSI Act and section 20(1) of the OSH Act, both of which require workers to take "reasonable care to ensure his or her own safety and health at work; and to avoid adversely affecting the safety or health of any other person through any act or omission at work."

However, we recognise that due to the very nature of mental illness, an individual's ability to self-evaluate and self-report may be impaired, which is why we are progressively expanding our supervisor and peer training initiatives to enable our workforce to recognise and support co-workers experiencing psychological issues impacting on their workmates' Fitness for Work.

The Committee has requested additional information about the Company's return to work policies for workers who have had time away from work due to a mental health issue. This matter falls within the ambit of our broader case management approach.

BHP Billiton in WA applies the same return to work policy whether a worker is returning to work following a physical or psychological injury or illness and whether the injury is work related or non-work related. Company-wide health policy seeks to optimise return to work outcomes through early reintegration into the workplace and a preference to return workers back to their pre-injury role to the extent possible, consistent with the recommendations of WorkCover WA.

Prior to returning the employee to work, appropriate medical certification is sought to ensure there is no risk to the employee or other workers. A Return to Work Program (RTWP) is then developed by the relevant Injury Management Advisor in collaboration with the ill/injured worker to assist them in reintegrating into the workplace. The goal is to ensure that suitable duties are meaningful and maintain the employee's association with their usual work area or are connected to the role that the employee will be returning to once they have reached their best level of recovery. Where the employee's work capacity is restricted, suitable duties are reasonably accommodated wherever practicable. Where suitable duties are required to assist an employee to return to work, the factors taken into consideration include:

- The employee's medical work capacity (physical and mental) as certified by the treating doctor;
- The employee's education, skills and experience to ensure that they are provided with work appropriate to their skill level;

- The key critical physical demands of each task required in their role such as bending, lifting and reaching; and
- The work environment, including working at heights, working alone and working remotely.

The Injury Management Advisor is responsible for continually monitoring the progress of the RTWP, updating or making amendments to the program where necessary in conjunction with the employee, their Supervisor and the treating physician. The RTWP remains in place until the employee is able to return to their pre-injury duties. Should this not be medically appropriate in the longer term, vocational redeployment options are explored with medical advice and the support of Human Resources.

Mental Health Evacuation

At BHP Billiton in WA, mental health is managed in the same way as other injury or illness. During sickness or injury, the on-site medical team will assess each case individually based on risk and severity to determine the necessity for the worker to leave site for treatment. The following details are provided in relation to BHP Billiton Iron Ore.

BHP Billiton Iron Ore's procedure for evacuating personnel commences when a worker requires medical assistance and it is determined that appropriate care cannot be provided at site. When any injury or illness case is opened at a BHP Billiton Iron Ore medical centre, the patient - whether that be an employee or contractor - falls under the care of the medical director of the Company. Our operations have access to medics, paramedics, critical care paramedics, doctors, psychologists and psychiatrists to enable escalation to a suitable level for medical assessment. Based upon the advice received, the site Injury Management Advisor will arrange a medical evacuation via our fleet of ambulances, medical evacuation helicopter or charter flight. The method of evacuation will depend on the location of the event, particularly where public hospital systems are in close proximity as is the case with our Port Hedland or Newman operations.

The worker is accompanied throughout their evacuation by medical staff and a support person of their choice until they are assessed by a medical practitioner as no longer requiring direct medical supervision or attention. Each case is assessed according to risk and then controls put in place to protect the individual. For some cases, the doctor may deem the person suitable to return to Perth or other regional centre via a commercial or chartered flight either unescorted or accompanied by a support person of their choice. For complex mental health cases, the patient is evacuated via our fleet of ambulances or medical evacuation helicopter accompanied by a senior Health team member

A case-by-case determination is made in relation to where accompanied travel ceases based upon where the best treatment and family support may be located. The employee's next of kin would be notified by the relevant Human Resources team. If the person is a contractor, the contracting company would undertake this responsibility.

Post-evacuation, if appropriate the EAP provider is also notified and with consent will make follow-up contact with the employee to assess what assistance can be provided for either the employee or family members, via EAP services.

Critical Incident Post-vention

The Committee has specifically requested further information about BHP Billiton's suicide post-vention approach. A suicide-related event is treated as a critical incident on site. Critical incidents are defined as unexpected events that place extreme emotional and mental pressure on the people involved or associated with them, and encompass incidents such suicide, attempted suicide or self-harm of a worker on or away from site; other work and non-work related deaths; explosions; fires and near-misses.

Following a critical incident at any BHP Billiton operation in WA, the relevant Business will request its EAP provider to mobilise suitably qualified personnel to provide crisis support to the site. Additional Human Resources support is also generally mobilised to the site following a critical incident to provide another avenue of support.

The EAP crisis counsellors are deployed to the accommodation facilities and operational sites in order to gain direct access to impacted employees and contractors, with coverage across day and night shifts. One-on-one counselling sessions are organised for priority individuals and their immediate work team members and witnesses, as well as group debriefing sessions for associated supervisors, crews and site leadership team. Alternatively, if individuals are evacuated to Perth immediately following an incident, the EAP will contact them directly the following day. Through their line leadership, all workers at the impacted site are reminded that the EAP provides a 24-7 telephone counselling service to enable those who are not comfortable accessing in-person support on-site to seek alternative assistance.

In terms of on-going support, the EAP will proactively contact identified impacted employees with a follow-up call in the weeks subsequent to the incident. Contractors are able to access on-going support through their employer's own EAP provider.

BHP Billiton EAP representatives are deployed to site to provide ongoing support as work resumes in the affected area and when associated crews return to site. During the weeks immediately following a critical incident, line-management typically place a strong focus on monitoring Fitness for Work, particularly Fatigue Management, to ensure employees are effectively coping.

In relation to contacting impacted individual's next of kin, when a fatality occurs on site, the WA Police will notify the family in person only once the person has been pronounced dead by an appropriate medical practitioner. Once the Police have spoken with the family, where possible, Company and EAP representatives will make arrangements to speak with the family directly. The BHP Billiton representative will generally be the employee's Supervisor or someone more senior.

According to the indicated needs of the family and logistics of each situation, EAP support made available may include:

- Priority counselling and support;
- Home visits;
- Facilitation of a family support meeting;
- Referral to other relevant support services;
- Priority appointments with Affiliate Psychologists for families in regional WA or interstate;
- Referral to a culturally appropriate counsellor or arranging interpreter services as required;
- Appropriate support and advisory services from a child psychologist to assist younger members of the family; and
- Making available relevant information handouts and self-help materials.

In addition, where the critical incident has resulted in serious injury, the Company may support the worker through the provision of discretionary sick leave on full salary for a period of 12 months, or more.

Support Systems

In BHP Billiton's previous submission, we outlined the coordinated approach to proactively managing the mental health and wellbeing of employees currently being implemented at BHP Billiton Iron Ore: the Mental Wellness Standard. The Standard outlines the commitment to a supportive and connected workplace where the entire workforce is made aware of mental illness and is provided with the tools to assist in feeling resilient and empowered to reach out for support and access the resources available to them if they are having a tough time with personal or work-related problems. The Standard consists of five key areas that we are committed to continually improving on:

1. Raising awareness of mental illness by providing our people with appropriate information about mental health and well-being.

2. Improving workplace culture by developing our leaders to enable them to demonstrate commitment to the health and well-being of our people.
3. Building skills by enhancing our people's capability to reach out for support if they need it, and take action if they notice a workmate going through a tough time.
4. Connecting our people to resources by providing easy access to mental health support and resources.
5. Supporting staying at work and returning to work by ensuring our processes support our people who are suffering from a mental illness.

BHP Billiton Iron Ore is continuing to progressively roll out a suite of activities to drive outcomes in each of these key areas. In response to the Committee's comments that EAPs do not generally serve as "a *preventative mechanism that promotes mental health and wellbeing amongst the workforce*,"⁶ we draw to your attention the work being actively undertaken by BHP Billiton Iron Ore with its EAP provider Boylan Simpson & Simpson Corporate Psychology Services (BSS) to initiate programs to mitigate mental health issues and promote mental wellbeing, including:

- Providing on-site mental health and suicide prevention training;
- Delivering mental well-being sessions for workers on site, commencing at Eastern Ridge, Exploration and Area C in late 2014 and to be delivered across all BHP Billiton Iron Ore sites throughout 2015;
- Regular involvement of BSS psychologists in a range of mental health promotions at Port Hedland and Newman;
- Regular support sessions for Indigenous mentors in Port Hedland and Newman; and
- Providing employees with strategies and techniques to assist them with managing their work and home life to prevent the escalation of issues that may impact their wellbeing including through website resources, the BSS App and wide distribution of a quarterly newsletter.

BHP Billiton Iron Ore also continues a number of strategies to increase EAP awareness and usage including:

- Active engagement between BSS psychologists working in residential locations (Port Hedland and Newman) and relevant BHP Billiton Iron Ore senior personnel;
- Promotion of the Supervisor Support Service, which specifically targets Supervisors who have work-related issues that need assistance to manage;
- Utilisation of technology to promote EAP such as the BSS Smartphone App, on-line video counselling and a resources website exclusively available to BHP Billiton Iron Ore employees; and
- Site visits by senior psychologists to meet leaders and key personnel.

BHP Billiton notes the Committee's interest in the utilisation rates of the EAPs in resource companies and comments by various stakeholders about the lack of awareness of EAP services among employees and lower take-up rates of these types of services among resource sector workers.⁷ BHP Billiton does not consider that there is a lack of awareness of EAP services in its WA Businesses. The take up levels demonstrate the significant work that has been put into promoting EAP services. For example, BHP Billiton Iron Ore's EAP provider, BSS, has advised that:

- Its workforce EAP utilisation rate⁸ of 10.7 per cent was more than double the 4.3 per cent average utilisation rate for other mining industry companies also serviced by the provider;
- The significantly higher referral rate is not indicative of an increased level of psychological issues among BHP Billiton Iron Ore employees, but rather the result of efforts made to promote awareness of the service; and
- Referral reasons are consistent with other mining and resource industry related industries serviced by BSS.

⁶ Discussion Paper, p63

⁷ Discussion Paper, pp62-4

⁸ Refers to the percentage of employees utilising the service

Further detail is provided below for the 2014 calendar year:

- The majority of referrals were aged 31-40 years (35 per cent), 21-30 years (20 per cent) and 41-50 years (26 per cent).
- Males made up approximately 76 per cent of employees who used the service.
- The majority of referrals was for individuals employed for 2 to 5 years (49 per cent);
- Approximately 52 per cent of employees using the service work FIFO rosters;
- The majority of employees who accessed EAP services were from worksites in Port Hedland (27 per cent), Perth (19 per cent) and Newman (14 per cent).
- Referrals to the EAP were from all occupational groups, the majority of usage split as follows:
 - Non-trade roles – 28 per cent
 - Trade roles – 25 per cent
 - Senior employees (Professional, Supervisor and Manager) – 33 per cent.
- The main referral sources for employees utilising the EAP were: self-initiated referral through promotional material provided within the Business (30 per cent) or their own previous EAP use (25 per cent); and suggested referral by a line leader (14 per cent) or family member (12 per cent).
- Usage by employees' immediate family members represented approximately 19 per cent of overall BHP Billiton Iron Ore service utilisation. Over half of family member referrals were for employees working in Newman (29 per cent) and Area C (21 per cent);
- Referrals for work-related issues accounted for one-third of total referrals over the period, including formal referrals for Fitness for Work issues which represented around 5 per cent of total EAP referrals during the period.
- Approximately 88 per cent of completed cases were successfully managed within the EAP, with the remainder referred for specialist counselling.
- Over 90 per cent of the approximately 920 employees who have accessed the service over the period reported resolution, improvement or containment of their referral issue.

Our take up levels demonstrate the significant work that has been put into promoting EAP services. Furthermore, there does not appear to be a greater use of the service by FIFO employees compared to residential employees, with utilisation rates and associated breakdowns broadly consistent with the Business's workforce demographics.

3. Our Employment Conditions

Bullying and Harassment

The Discussion Paper raises concerns about bullying and harassment on site.⁹ BHP Billiton does not tolerate any form of harassment or bullying in any of our workplaces. Our *Charter* values support a culture where we treat people fairly, respectfully and with dignity.¹⁰

All BHP Billiton employees and contractors can raise complaints relating to bullying and harassment to their direct Supervisor, their two-up Leader, Human Resources or via our confidential business conduct advisory service, EthicsPoint. The Company's Policy in relation to Bullying and Harassment is outlined in its *Code of Business Conduct* and within Business level policies such as BHP Billiton Iron Ore's *Oresome Handbook*. These expectations are communicated to employees through induction on commencement and annual refresher training.

All complaints are investigated by the Line Leader or where that is not appropriate by an independent Leader with Human Resources assisting where required.

⁹ Discussion Paper, p34

¹⁰ Please refer to the copy of Our BHP Billiton Charter, provided as Attachment One to our previous submission.

BHP Billiton Iron Ore takes complaints alleging bullying and harassment very seriously, with all substantiated cases occurring over the last five years resulting in disciplinary action and more than half resulting in Final Written Warnings or Terminations. Our records indicate that bullying is not characteristically associated with FIFO work arrangements, with approximately half of all substantiated cases over the last five years involving FIFO employees, consistent with the overall FIFO/residential workforce split.

Over the last five years, only two complaints have been made to regulators in relation to bullying and harassment at BHP Billiton Iron Ore. A complaint was made to the District Mines Inspector in April 2010. This matter was investigated and in June 2010 was found to not be substantiated. In March 2013, Worksafe conducted an investigation after complaints made by the employee were investigated internally and not substantiated. Worksafe investigated the process and found the Business's investigation process was sound and no deficiencies in this process were identified.

Terms of Employment

The Discussion Paper raises a range of matters regarding terms of employment - rosters, travel time, compassionate leave and unscheduled departures.¹¹

Rosters

BHP Billiton acknowledges the concern expressed by some stakeholders as to the potential impact of extended roster length on mental health. We offer a suite of lifestyle rosters, both residential and FIFO working arrangements to offer flexibility and choice to prospective employees. These arrangements were historically and continue to be employee driven – with moves to 12 hour shifts and time off to allow for increased time away from work.

The Company has a broad range of roster principles used in the development of or changes to any roster. As part of the review process, any new roster is assessed by the Health and Safety team to minimise fatigue related risks. The roster principles and assessment process is underpinned by Worksafe's *WA Code of Practice for Working Hours*.

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

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

Rosters patterns are also determined by the Company to meet operational and safety requirements. The roster patterns applied across our WA Businesses have been developed to ensure that risks to workers' health and safety are minimised from working these rosters and shift lengths. Employees are consulted in relation to any changes to roster and any issues or concerns raised by impacted employees (personal or otherwise) are considered as part of this consultation process. These matters are considered too important from a safety perspective and do not form part of enterprise bargaining.

Travel Time

The majority of BHP Billiton Iron Ore employees will travel to site in Company time and home in their own time. Many fly to and from site in Company time.

¹¹ Discussion Paper, pp 24-25; 53

For our FIFO operations in the Pilbara, flights operate out of Perth and all travel is undertaken in accordance with our Fatigue Management procedures. For example, BHP Billiton Iron Ore's Fatigue Management Program prohibits driving after 14 hours of work inclusive of travel. Individual Commute Plans provide a mechanism for FIFO employee's to plan and manage long distance commuting, where their normal place of residence is more than 50 kilometres from the Perth Domestic Airport or if travel time plus work time will exceed fourteen hours. These Plans are then approved by their Supervisor. Employees wishing to reside outside of WA must obtain Department Manager approval.

Unscheduled Departures

In its correspondence to the Company, the Committee requested details of, *"The number of unscheduled departures from at least one of your resource sites for the three month period August to October 2014 (i.e. where a worker is transported home from site prior to the official end of the worker's swing), and the reasons recorded for that early departure."*

Across BHP Billiton's WA Businesses, our leaders have the discretion to manage their employees and respond in a timely way to events that may require their employees to leave site prior to the ordinary scheduled day/time.

Such events may include:

- Employee training or other work-related business off-site;
- Employee injury/illness (work related or non-work related);
- Compassionate leave where a member of the employee's immediate family has passed away, has a life threatening illness or injury or some other emergency;
- Carers leave where a member of the employee's household requires care due to illness or injury and that care cannot be provided by another member of that household;
- Approved leave (such as Annual Leave) granted mid-swing for exceptional circumstances; and
- Operational reasons such as inclement weather.

From August to October 2014, BHP Billiton Iron Ore booked 45,210 seats from our remote operations located in the Central Pilbara, of which 5,127 - or approximately 11 per cent - were early departures. However, the reasons for these early departures are unknown because our Travel Coordinators are not required to record reasons for employee early departures. This practice is consistent with that applied in our Nickel West and Petroleum Businesses.

Unscheduled travel for medical reasons is approved by an appropriate medical professional through our injury and illness case management process.

Compassionate Leave

The Committee has requested details of BHP Billiton's compassionate leave policies. Employees throughout BHP Billiton's WA Businesses may take Compassionate Leave upon the life threatening personal illness, injury or death of an immediate family or household member. Employees are eligible for up to five days of paid compassionate leave on each occasion. As mentioned above, expedient departure from site is enabled for any FIFO employee requiring Compassionate Leave.

BHP Billiton is aware of the Committee's concerns regarding whether resource companies' leave policies provide the flexibility for FIFO workers to arrange time off for significant family events.¹² The Federal Parliament has legislated what it believes a reasonable leave regime is. BHP Billiton meets or exceeds these requirements. In addition to Compassionate Leave, the Company provides ten days Carer's Leave which may be taken by an employee to care for an immediate family or household member who needs

¹² Discussion Paper, p4

care or support because of illness, injury or unexpected emergency. Discretionary Sick Leave of up to one year on full salary may be provided to support employees dealing with challenging personal issues. Furthermore, FIFO employees receive a base of four weeks Annual Leave with additional leave granted depending on employment arrangements, shift work and location of work. While the commencement or conclusion of leave should not occur during a rostered work period, exceptions are considered on a case-by-case basis taking into consideration flight availability and operational requirements.

Control Exercised over Workers

The Discussion Paper raises concern over the mental health impacts of the “*extreme level of control exercised over FIFO workers*” by their employers.¹³ The Discussion Paper cites the Lifeline WA report and Australian Medical Association comments which point to restrictive safety regulations and rules at camp as creating a “*sense of entrapment*” for workers.¹⁴

The procedures and regulations applied at all BHP Billiton operations and accommodation facilities have been implemented to ensure the safety and wellbeing of workers in accordance with our Company health and safety standards and relevant legislative requirements which we support. BHP Billiton seeks to ensure our standards meet, as a minimum, the regulatory standard. The high-risk nature of mining requires companies to implement an extensive suite of controls to ensure risks and hazards are appropriately mitigated. These rules ensure the safety, health and wellbeing of our workers and host communities by preventing accidents and setting clear expectations around appropriate behaviour and conduct. Our Business develops the policies applied at its operations and accommodation facilities in consultation with its people, and applies them in a consistent, equitable and reasonable manner to ensure a safe and orderly working and living environment for all. If there is any merit in the criticism, it requires consideration of the need to balance safety with this “*sense of entrapment*”. We believe our risk-based approach strikes that balance.

By way of example, at BHP Billiton Iron Ore’s accommodation facilities, camp residents are required to adhere to noise curfews between the hours of 9.30am to 4.00pm and 9.30pm to 4.00am to ensure all residents are able to get adequate rest before their next shift. As long as residents are not breaching the noise curfew we do not restrict their movement around or out of camp, thereby providing ample opportunity to enjoy the diverse range of facilities and services available to them. While workers are not restricted from leaving accommodation facilities, those at our most remote camps would be in breach of fatigue management guidelines if they were to visit other locations given the proximity of the nearest towns and residences are in excess of 100 kilometres away.

Accommodation Facilities

BHP Billiton is committed to providing its employees and contractors with a high standard of accommodation. It considers that this assists with recruiting and retaining a skilled workforce. Our earlier submission provided a detailed overview of the facilities available at each accommodation facility servicing BHP Billiton’s operations in Western Australia and discussed the considerations made in relation to camp design and service provision to support the physical and psychological wellbeing of our FIFO workforce and encourage a positive culture in these facilities.

The Discussion Paper, comments on a range of issues relating to facilities and practices at FIFO accommodation facilities including alcohol service, telecommunications, motelling and the “*control exercised over workers*.”¹⁵ The following details are provided in relation to BHP Billiton Iron Ore in WA.

Alcohol service

¹³ Discussion Paper, p44

¹⁴ Discussion Paper, p43

¹⁵ Discussion Paper, pp27-8; 37-44

BHP Billiton notes the concerns raised by several stakeholders about “*permissive drinking cultures*” on certain sites and the “*Committee’s acknowledgement of alcohol limitations that exist at many facilities,*”¹⁶ and provides the following information.

The BHP Billiton *Code of Business Conduct* requires that no alcohol be offered or consumed at any company workplace during work hours. Approval is required for providing alcohol out-of-hours, through a ‘wet mess’ or to provide alcohol at an event in a designated area on-site.

Consistent with our Fitness for Work requirements, all employees and contractors on all sites (including the Perth office) are required to present for work with a Breath Alcohol Concentration of zero per cent. FIFO employees and contractors may choose to regulate their own fitness for work by self-testing prior to attempting to enter site using the breathalysers installed at the camp facilities.

At the accommodation facilities servicing BHP Billiton Iron Ore’s operations the following general restrictions apply to alcohol service:

- A daily limit of six mid-strength equivalent serves of beer, wine, or pre-mixes spirits in the wet mess or takeaway per person;
- Prohibition on bringing alcohol from outside into the camp;
- Limited wet mess opening hours, including a half hour closure for evening meal time to require all persons to leave the mess and encourage consumption of a meal;
- All containers opened for wet mess consumption to restrict ‘stockpiling’ of alcohol; and
- All service staff trained in the Responsible Service of Alcohol.

Telecommunications

BHP Billiton shares the view expressed in the Discussion Paper that “*good communications are essential to the mental health and wellbeing of the FIFO workforce*”¹⁷. We provide our employees and contractors with the quality level of internet services and mobile phone coverage described in our previous submission. While the telecommunications capacity at some camps is more advanced than at others, all provide for communications to off-site locations at any time.

The issue in some camps is the bandwidth provided by telecommunications providers to our very remote locations in the Pilbara and Goldfields regions. These issues are experienced across the community in any remote location in the country - they are not isolated to FIFO workers. Demand is concentrated in peak periods coinciding with the end of shifts, particularly between 6.30pm and 8.30pm. BHP Billiton Iron Ore is currently engaging alternative providers to explore options for delivering more reliable and cost effective service to maintain consistent communication and in-room entertainment across all of its accommodation facilities in the Pilbara.

Motelling

The Discussion Paper expresses the view that the practice of motelling, whereby a worker is assigned a different room each swing, reduces the sense of community which helps to build resilience amongst FIFO workers.¹⁸ Permanent room allocation is the most common approach at BHP Billiton Iron Ore’s accommodation facilities. Workers are either allocated a permanent room where they reside while on site for the duration of their employment, or room share “back to back” with an employee on an alternate roster cycle.

Port Haven is the only BHP Billiton Iron Ore accommodation facility where non-permanent room allocation is commissioned. Non-permanent room allocation was implemented in conjunction with Compass ESS, the camp operator, to maximise room utilisation during a period of significant accommodation shortages

¹⁶ Discussion Paper, p38

¹⁷ Discussion Paper, p29

¹⁸ Discussion Paper, p40

throughout Port Hedland. A secure storage facility was built specifically for residents to eliminate the inconvenience of having to transport required gear each rostered swing and protect belongings when away on break. At this facility, non-permanent room allocation works effectively and allows for more efficient and cost effective utilisation of a limited resource.

Legal Status of Accommodation facilities

The Discussion Paper questioned whether there is a 'grey area' surrounding regulation of FIFO accommodation facilities¹⁹. BHP Billiton is of the view that the key duties in the existing work health and safety legislation unambiguously extend from the workplace to accommodation facilities, whether this is the workplace of the principal or the workplace of a third party provider that then owes duties to other persons that are at its workplace.

Both the OSH Act and the MSI Act impose a duty relating to the maintenance of accommodation (including FIFO accommodation facilities) which are broadly similar in providing that an employer must, so far as is reasonably practicable, maintain premises occupied by an employee so as not to expose them to risks to their health and safety at the premises. BHP Billiton understands that the practical effect of the interaction of the current provisions of the OSH Act and the MSI Act to it is that:

- where accommodation is on the mining tenement and used solely in connection with BHP Billiton's mining operations – BHP Billiton owes the general duties in the MSI Act, as the operation of these facilities is considered to be a 'mining activity'; and
- where accommodation is located remote to the mining tenement and occupied by BHP Billiton's employees, if BHP Billiton is the entity that owns or controls that accommodation, it owes the duty to maintain that accommodation. If not, that maintenance duty falls under the OSH Act.

Compliance with the existing work health and safety legislative framework requires BHP Billiton to identify hazards, assess risks arising from those hazards and to implement measures to eliminate or, mitigate risk to the greatest extent reasonably practicable. The effect of this is that when considering the services and amenities that are made available at our accommodation facilities all risks to health and safety including mental health are identified and assessed. Consequently, in practice even though particular accommodation may not be under BHP Billiton's control, the Company requires that its accommodation providers comply with certain standards in the provision of the accommodation, including the standards that BHP Billiton has put in place to support the physical and mental health and safety of its people.

Furthermore, BHP Billiton notes the comments contained in the Discussion Paper on the common law duty of care which suggest that common law duties are 'reactive' and that regulation is 'proactive' and seeks to prevent the occurrence of injury.²⁰ It is BHP Billiton's view that both common law duties and regulation drive proactive compliance. This is because in both cases, in order to avoid liability it is necessary to take proactive steps to ensure that:

- for common law claims, that it has not acted negligently (i.e. by actively ensuring that accommodation is of an appropriate standard that does not pose a risk to a person's health, including mental health); and
- for prosecutions under the work health and safety legislation, it has taken all reasonably practicable steps to ensure that the accommodation does not pose a risk to health and safety (i.e. again by taking steps proactively to identify hazards, assess the risk arising from the hazards and to eliminate or minimise those risks).

BHP Billiton is therefore of the view that there is no 'gap' in the current legislative arrangements relating to FIFO accommodation facilities.

¹⁹ Discussion Paper, p 76-78

²⁰ Discussion Paper, p79

4. Reporting Obligations

BHP Billiton complies with all legislative requirements for reporting deaths or injuries as required by the applicable work health and safety legislation. The Committee has highlighted the requirement of section 76 of the MSI Act. This provision requires that a Registered Manager of a mine notify the district inspector where a person suffers injury in an accident at a mine. In the event of a suicide or attempted suicide occurring at any of our WA operations falling under the jurisdiction of the DMP, the site Registered Manager would notify the District Inspector of the event by telephone. Should the event be determined to be work-related, a formal notification would subsequently be made to the regulator consistent with the notification requirements under the MSI Act. It is BHP Billiton's understanding that a notifiable incident report is required only when such an event occurs on the mining operation, including accommodation, during the course of the worker carrying out the duties associated with their role. Any other suicide or self-harm events would be considered as non-work related and therefore non-reportable.

Further, BHP Billiton understands that the requirements of section 231 of the OSH Act do not require the suicide of an employee to be reported where the death occurs in accommodation that is not owned by it or under its control. However, these deaths would be required to be reported by the third party operator of the accommodation where the death occurred as a result of the conduct of the operations of the accommodation provider.

BHP Billiton appreciates the difficulties faced by the Committee in its investigations given the lack of conclusive empirical data about the inter-relationship (if any) between FIFO work practices and the psychological wellbeing of workers and their families, in addition to the inadequacy of suicide data captured through official sources. We understand that as a result these issues, the Committee has formed the view that *"any death connected to" a mining or petroleum operation "must be reported to the regulator"* to enable them to investigate whether causal workplace factors contributed to the *"circumstances surrounding the suspected suicide"*²¹.

Introducing a requirement to report any death associated with a mining operation, may have the unintended consequence of requiring the Department of Mines and Petroleum (DMP) to unnecessarily duplicate the investigative function already undertaken by the Police and WA Coroner. Furthermore, for the sake of consistency the work relatedness of suicides should be a consideration in all coronial investigations and not just restricted to suicides that involve FIFO workers.

²¹ Discussion Paper, p85

Conclusion

BHP Billiton takes a risk-based approach to ensuring so far as reasonably practicable, that our people are not exposed to risks to their mental health. We have developed a range of effective systems to support the mental health of our workforce within the current legislative regime, and consider that the legislation adequately addresses mental health issues and regulates FIFO work practices.

BHP Billiton is focussed on addressing the risks and hazards within our control as an employer, cognisant that mental health is complex, multi-dimensional and influenced by multiple factors external to the workplace. The issues highlighted in the Discussion Paper including social isolation, mental health stigma, relationship issues and alcohol abuse are not unique to FIFO workers in the resources sector or their working arrangements. Rather these factors are reflective of the mental health issues facing the broader community in WA.

We urge the Committee to consider the issues raised in the Inquiry within a broader societal context and to develop its recommendations with the aim of positively influencing mental health outcomes for the WA community.

Comprehensively addressing mental health issues in WA requires further detailed research and collaboration between government, the medical profession, academia and industry, not just the resources sector. As a Company we are willing to support the necessary research and collaboration required to address this important societal issue. To this end, we hope that the approaches to workplace health and wellbeing undertaken by BHP Billiton and our industry counterparts set a positive example that can assist more broadly to drive better mental health outcomes for the WA community as a whole.

BHP Billiton is grateful for the opportunity to participate in the Inquiry and share our insights with Committee. We look forward to welcoming you to our Yandi operations on 4 February 2015 and hope that the site tour will provide the Committee with valuable first-hand experience of our operations and accommodation facilities, as well as the opportunity to learn more about the policies, procedures and programs BHP Billiton has in place to support the wellbeing of its workforce.