

16 July 2021
Benjamin Wright
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WorkSafe
Victoria
Via email: benjamin_wright@worksafe.vic.gov.au

Dear Mr Wright

FATIGUE IN MINES: TOOLKIT JUNE 2021

The Construction Material Processors Association (CMPA) is dedicated to the representation and service of its Members in the Victorian Earth Resources industry. The CMPA represents a broad spectrum of businesses that extract and process hard rock, gravel, sand, clay, lime, and soil. CMPA members also operate recycling businesses.

CMPA members are typically small to medium sized family and private businesses, local government and utilities. Many are regionally based employers and service local construction, infrastructure and road maintenance needs. The extractives sector is a key pillar within the construction industry underpinning the growth and economic development of Victoria through supply of the construction materials.

In 2019/20, the sector supplied 63 million tonnes of construction materials to the market, at a value of approximately \$1.1 billion. Small to medium quarries account for approximately half of this production.

The CMPA supports the principle of responsible, balanced legislation that is in the best interests of the State of Victoria and Australia.

Thank you for the opportunity to comment on the Fatigue in Mines: Toolkit June 2021.

General Comments

The Toolkit is not balanced:

- It does not provide any statistical information on fatigue related fatalities or serious injuries and if it were to do so it should clarify the causation of fatigue related to those incidents. Fatigue includes so many contributing factors, so throwing them all under the one umbrella is misleading:
 - Diet and eating times/patterns;

- Exercise and general level of fitness;
 - Drug and alcohol consumption;
 - Illness or chronic injury and the medications used;
 - Personal and family issues.
- It appears to target mines as one of the very few industries that work shifts over 24 hour cycles which is misleading and an easy way out of justifying the lack of statistical evidence.
 - There is a significant emphasis on an extremely resource demanding risk management process and the related administration that quarries do not have the capacity to deal with. *(Quarry Operators are likely to experience severe fatigue trying to implement this Toolkit.)*
 - There is a real lack of emphasis on what the employee can do to prevent or manage fatigue from a personal level.
 - Once again WorkSafe is mandating a risk management process in this Toolkit where others state clearly that a formal risk assessment is unnecessary if knowledge and understanding about the risk and how to control it already exists.
 - There is frequent mention of the moral obligation of the employer despite not being mentioned in the OHS Act.

Summary

- This Toolkit lacks information up front on the causes of fatigue and mostly mentions sleep issues and employers' responsibilities.
- It does very little to address the many other causes of fatigue and employees' responsibilities in managing such.
- The Risk Assessment process (Hazard ID section) appears to link fatigue as a potential hazard to nearly every activity in the mine.
- The Risk Assessment process (Assessment of Risk section) contains very subjective and open-ended questions. Using them to establish a risk score is often misleading and generally ends up scoring at the highest consequence level creating an over emphasis on unwarranted controls. It is incredibly difficult to assess consequence and that is why this model is flawed in these circumstances.
- The Risk Assessment process (Control of Risk section) lists many controls that simply would not be viable in a quarry environment with a small group of employees and generally working only one shift plus in some cases an afternoon shift.

Conclusion

This document is fully focused on workplace controls and does not include employee 'moral and legal responsibility'. The employer can only manage what is within their control. They cannot manage what is not in their control such as the employee's habits and lifestyle out of work.

The Fatigue in mines: Toolkit is **not supported** for the extractive industry.

I would be happy to discuss our comments further at your invitation.

Yours sincerely

EMGibson

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