Conference Paper Abstracts

NSW Mining
Health & Safety Conference
18 – 20 May 2014
Crowne Plaza, Hunter Valley
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This year's annual safety conference is about learning from the past for a safer future and reflecting on trends and incidents to ensure that those trends and incidents are not repeated.

There are lessons from WHS trends and cases in the recent past that will help manage risks in the future.

For instance, some of the risks addressed in the cases include:

- Heavy vehicle and light vehicle interaction;
- People and vehicle interaction;
- Use of different types of equipment underground; and
- Management of contractors.

Our presentation will look at some of the key WHS cases that have occurred in the mining sector. Some of the questions we will consider in our presentation are:

- What are some of the lessons coming out of the cases where risk management tools have been part of the circumstances out of which the prosecution arose?
- How do these lessons and observations apply in the context of the current harmonised WHS laws?
- What considerations arise for officers in meeting their obligations, including the duty of due diligence?

Through a discussion of the various cases, this presentation aims to provide mining industry participants with a better understanding of the main messages and lessons coming out of those cases in relation to use of vehicles in the mining industry.
Bullying in the workplace. It is the big health and safety issue no employer or employee wants in their workplace, costing employers an average of $17,000 to $24,000 per claim and the Australian economy between $6 billion and $36 billion each year. While these statistics are not new, so many employers don’t understand what the new anti-bullying laws really mean for them and how it impacts on their safety obligations.

Suzie Leask, Senior Associate at McCullough Robertson, will explain the key aspects of the new anti-bullying laws that commenced on 1 January 2014, including use of the reasonable management action taken in a reasonable way’ defence, and strategic steps that you can take now.

Importantly, Suzie will discuss the potential for bullying cases in the new Fair Work Commission jurisdiction to be investigated by WHS regulators. She will also discuss the potential for employers to face prosecution under the WHS Act; what is ‘reasonably practicable’ in ensuring the health and safety of workers on site; and what ‘prevention’ of bullying means from a legal perspective.

Suzie will present a practical guide to bullying in a safety context and all the things you need to know to help your company protect employee health, safety and wellbeing and avoid legal proceedings. The session will also help your company to protect its business and brand if you do receive an anti-bullying application.
This presentation will demonstrate how experience and lessons from the past can improve your work health and safety legal judgment. Tips will be provided on how to better identify, eliminate or minimise your work health and safety legal risk. The presentation will reflect on what we can learn from previous incidents, investigations, prosecutions and work health and safety legal risk management and cultural initiatives.

We will explore where good work health and safety legal judgment comes from and the legal and reputational tensions associated with making the decision. This session will also consider the legal accountabilities arising from poor judgment and the safeguards available where good judgment is exercised.
'I would say in just about every investigation we have, there will be differences of opinion, where you have partial facts, as to what those facts mean' Robert Mueller, Director of the FBI

Under the Work Health and Safety Act 2011 (NSW) (WHS Act) inspectors have wide-ranging and coercive powers which they are able to exercise during an investigation into a potential contravention of the WHS Act. While every effort may be made by a mine to implement controls to eliminate or minimise the risks associated with hazards in the workplace, experience has shown that serious accidents do still occur, and when they do it is best to be forearmed.

As a failure to comply with a proper exercise of an inspector’s power without reasonable excuse exposes a company to monetary penalties, it is important to have a thorough understanding of the revised powers under the WHS Act, how the powers are exercised in practical situations and any limits on these powers, for example, through the statutory protections offered by legal professional privilege and privilege against self-incrimination in civil and criminal proceedings.

Understanding the limits and use of the investigation powers is particularly relevant in this technological age where regulators are increasingly using more advanced technology on site and requesting companies under investigation to assist in the provision and use of technology as part of the inspector’s investigation.

Having a clear strategy in place as to how the investigation will be managed by the company under investigation assists the work force respond appropriately during an investigation and also has the potential to influence who is prosecuted, if anyone, and the extent of the charges brought.

In this session, Jeremy Kennedy, partner from McCullough Robertson Lawyers will:

(a) critically examine the investigation powers inspectors have in relation to coal and mining workplaces under the WHS Act;

(b) discuss legal and interpretive issues that arise when inspectors exercise their investigation powers; and

(c) provide practical tips and advice on how to deal with inspectors and investigations.
Coal mining is recognised globally as a hazardous activity, and as a result operates under high levels of regulatory and public scrutiny while managing a workforce operating in a high-risk environment. Mining companies have developed sophisticated risk assessment procedures, management systems and personnel competency requirements that facilitate the safety and health of employees, and Australia is a world leader in coal mining safety and health.

RISKGATE is an Australian Coal Association Research Program (ACARP) funded online platform that delivers broad cross-industry knowledge about current practice in the identification, assessment and management of coal mining risk. Centennial Coal has engaged with the RISKGATE program, managed by the University of Queensland’s Minerals Industry Safety and Health Centre, since it’s inception in 2010, and contributed topic experts to many modules, including underground topics within the geological and geotechnical domain (strata underground, outburst, coal bumps and bursts, and inrush).

In 2013, Centennial Coal experienced significant unexpected strata failure at the Mandalong mine without any personal injury or fatality. This paper presents a case study in the application of RISKGATE to management of this unwanted event, the steps that were implemented, the information that was sourced, and the contribution that RISKGATE made to the final outcomes. The Australian coal industry is encouraged to embrace ‘our’ knowledge platform, and to also openly share processes and practical outcomes that result from integration of RISKGATE in mining operations.
Coal mining Work Health and Safety (WHS) legislation and the mining industry have moved substantially away from prescription towards systemic risk based WHS regulation and management. There is considerable evidence that this approach, if effectively implemented, can achieve substantial improvements in WHS outcomes while providing greater flexibility to mine operators.

However, ACARP Project found that there may be substantial obstacles to the effectiveness of risk based regulation, because: (i) mines’ inspectors; (ii) industry middle management; and (iii) the relevant trade union; all prefer prescription although it also found that the inspectorates and middle management may be in transition, with some more resistant to change than others. The result is a mismatch between mining safety legislation and high level WHS practice within the coal mining companies on the one hand and ‘ground level’ implementation on the other. This ‘implementation failure’ stifles continuous improvement, inhibits innovation and constrains any further step change in safety.

Drawing from extensive interviews with all stakeholder groups, this ACARP project examines how the behaviour of the above stakeholders can be transformed, the journey from prescriptive to risk based regulation and management successfully completed, and improved health and safety outcomes achieved.
In an attempt to reduce greenhouse gas emissions from ventilation air methane, Mandalong Mine has worked with Newcastle based company Corkys Sustainable Energy to demonstrate regenerative thermal oxidation technology known as VAM-RAB.

Constructing and operating this first-of-type plant on a working coal mine came with many safety challenges. The paper discusses these challenges and the processes used to derive an acceptably safe operating plant. Meshing innovation, emissions reduction and safety, this project is an example of sustainability at work.
The increasing focus on safety in mining has seen a drop in in coal mining fatalities world-wide over the past decade. However, there remain differences across countries' coal mining fatality rates; and most significantly between those of developed and developing countries (e.g. Australia and China).

Factors driving fatality rate differences between such countries are generally apparent and include level of mechanisation and maturity of occupational health and safety governance. Interestingly, safety performance also differs between countries that have a similar economic status (Australia and the United States of America - US) and factors driving these differences are more difficult to identify. Identifying factors that influence safety outcomes (within and between these countries) would provide a foundation of information for a more informed debate on safety management priorities for coal mining in both developed and less developed countries.

The aim of this study was to identify higher level, often hidden, factors that influence and explain differences in the rates and causes of coal mining fatalities in five key mining countries: Australia, China, India, South Africa and the US between 2006 and 2010. Unfortunately, direct comparison of mining safety statistics between countries is confounded by considerable differences in the way that individual countries classify specific fatalities or incidents.

Therefore, in this study fatality databases from each country were accessed and incidents were classified according to common coal mining hazards. Fatality rates for surface and underground mining methods were calculated for each country. Classifying incidents according to hazards allowed us to consider the types of hazards that are most dangerous in the different countries. In this paper we present preliminary outcomes of this study.
If the number of legal claims is any sort of a key performance indicator about how well we are managing workers safety then we have to get a lot better about managing workplace stress. 10 years ago there were few stress related claims. Today, they are fast becoming the norm. Statistics support my own anecdotal experience – especially when it comes to workers compensation claims. I’m told that the estimated average cost for a mental disorder claim is $205,000, whilst the cost for stress-related absenteeism in Australia is estimated to be 10.11 billion.

Looking to the future - studies predict that the trend towards more stress related claims may only be the tip of the iceberg – with stress forecast to be the leading cause of disease globally by 2020 according to AIA’s A critical equation: balancing Australian worker health and company health, August 2013.

We will present our top five practical control measures to deal with workplace stress in the mining industry as well as a number of case studies that highlight what we can learn from the past and measures that could help make the industry safer in the future.
The Mine safety Advisory Council engaged Micromex Research to conduct a tele-survey of mines regarding the implementation of health management plans. The Survey was conducted in September 2013. The survey focused on the following priority areas:

- Dust
- Noise
- Fatigue
- Musculoskeletal Disorders
- Diesel Particulate

The survey indicated that further development of education and assistance programs in the areas of Musculoskeletal Disorders, diesel particulate and fatigue is required. The survey also indicated that small sites need assistance in the development of health management plans.
Research indicates that as many as 17% of all single vehicle accidents in NSW may be attributed to fatigue. Fatigue results from physical or mental exhaustion or inadequate sleep. It manifests in the form of tiredness, exhaustion, lack of energy, reductions in performance capacity and ability.

Fatigue is recognised as a health and safety risk in many industries, including mining, and has been identified as a contributing factor to many workplace injuries and fatalities. In the period from July 2008 to June 2013, Coal Mines Insurance received 246 journey claims at a cost of over $5.5m.

The impairment caused by fatigue is comparable to that caused by alcohol. Research has shown that after being awake for 17 hours, a person’s performance on a range of cognitive tasks is comparable to that being under the influence of alcohol with a blood alcohol concentration (BAC) of 0.05%; and after being awake for 20 hours performance was impaired to a level equivalent to a BAC of 0.10%.

This paper will address why fatigue is such a concern in the workplace by exploring the causes, symptoms and consequences of fatigue, as well as the implications for the coal mining industry. Measures taken by some individuals to help combat the effects of fatigue, like stimulant medication, will also be discussed especially in regards to their efficacy and their own effects on fatigue. Finally, how fatigue impacts on road safety, and the relevance of this to coal industry employees, will be detailed.
We are constantly reminded in the summer months that heat stress can be an issue. Drink more fluids, keep out of the sun if you can and take a break when needed. But is the message really getting through? Are current warnings reliable for workers or is it a case of “crying wolf”?

The mining industry has made huge inroads in the understanding of conditions likely to cause heat stress through the development of the Thermal Work Limit (TWL) (Brake & Bates, 2002). TWL is the limiting sustainable metabolic rate that well hydrated, acclimatised individuals can maintain in a specific thermal environment, within a safe deep body core temperature (<38.20 deg C) and sweat rate (<1.2 kg/hr). It takes into account environmental conditions such as the wet and dry bulb temperatures, wind speed, globe temperature and pressure and individual conditions such as clothing moisture and thermal permeability.

Katestone has developed a heat stress forecasting tool using the TWL that takes the guess work out of predicting potentially high risk conditions. Rather than trying to piece the various data points together yourself (which can result in a high degree of error) the Katestone KITE predicts TWL at an hourly resolution out to seven days. Allowing you to plan for high risk conditions and ensure that appropriate precautions are taken. If workers understand the signs of heat stress are appropriately hydrated and can self pace work, it is surprising how infrequent high heat stress actually occur. A case study of TWL predictions at a NSW mine site will be presented.
High-risk industries are faced with the challenge of managing low frequency, high consequence events as well as personal or occupational injury and disease. Injury frequency rates may tell us something about past performance but may not be a good indicator of what may happen in the future. Safety climate measures and safety culture assessment have been proposed as possible leading indicators of safety.

This paper will present first stage results of an action research project involving a partnership between NSW Trade & Investment, MSAC and mines to facilitate a safety culture self-assessment. The aim is to drive continuous improvement in work health and safety (WHS) and monitor industry progress toward the goal of achieving a world-leading WHS culture described by 10 vision points originally identified in 2008. The hopes to establish an industry benchmarking program based on understanding of both what is done well and why and what may have a detrimental influence on WHS culture.

Results from approximately 2,500 completed safety climate questionnaires at 13 mine/quarry sites and supporting qualitative information from focus group discussions on WHS culture will be presented along with initial indications of key industry safety culture issues. Based on the evidence emerging from the culture assessment findings, potential industry programs designed to address industry wide issues will also be flagged.
Most of us have worked out that what we do has a lot to do with our incidents. However, we have a tendency (‘bias’) to view our incidents as the outcome of a ‘conscious’ process. That is, if we got hurt, then we must have made:-

- a ‘bad’ decision
- an ‘incorrect’ judgement, or,
- the ‘wrong’ choice

Research in the field of neuroscience is uncovering how the mind works and what is increasingly clear is that subconscious processes drive most of what we do. So, for many of the everyday things we do, it is not our conscious mind that makes those thousands of decisions, but our subconscious habits that drive us to do things in the way we have conditioned ourselves through repetition.

This is the reason why, for example, the impulse to text while driving overtakes most people and they end up doing things that, in hindsight, they know they shouldn’t.

This presentation investigates how the discoveries of neuroscience are helping us understand the role of the subconscious mind and how this can be used to help people to stay safe.
Mine safety Advisory Council (MSAC) and Mine Safety are in the process of coordinating a technical working group to tackle the issue of older workers in the mining industry. Research indicates that other industries and sectors such as the oil & gas, aviation, rail and transport acknowledge the health and cognitive effects of an ageing person. Nonetheless they have identified that some of the work their workers undertake is safety critical and all workers regardless of their age should be fit to undertake this work.

The presentation will discuss and explore the question as to whether there is safety critical work in the mining industry? The session will include feedback to date on the outcomes achieved by the technical working group, predominantly however, the session will be interactive with the participants given the opportunity to provide feedback on the following key questions.

- Do you think the mining industry has safety critical work?
- What would you define as a good definition of safety critical work?
- Is safety critical work role or task based?
- What roles or tasks in your workplace would you define as safety critical work?
- Do you think there is a difference between safety critical workers and fit for work?
- Do you think the whole industry should be classified as safety critical work or only specific roles or tasks?
- What would you like to see come out of this project to assist you?
Workplace safety is perhaps best understood in terms of the complex interactions between variations in individual behaviour/functioning and the context of the individual within the workplace (e.g. physical work environment, organisational systems and culture, as well as the legislative framework and social expectations for safety in the workplace). Considerable progress has been made towards improving the work environment and it seems that developing a stronger appreciation of variations in individual functioning is the industry’s current challenge.

Our field research at mine sites over the past decade has largely focused on expanding an understanding of the role of individual differences as well as the development of assessment tools and subsequent interventions aimed at improving individual, team and organisational effectiveness. For example, key areas of human behaviour consistently found to predict injury/incident include: impulse control, the capacity to adopt a position of responsibility for personal behaviour, readiness to comply with procedures and sensitivity to risk.

It is not surprising that these same individual characteristics are predictive of overall effectiveness – given that safety performance is usefully understood as a subset of broader individual effectiveness. These findings have important implications for recruitment, training and development activities that bring focus to individual, team and organisational performance.
Effective management of a major on site incident is critical in ensuring the best possible outcome for all stakeholders.

Whilst all mines have an Emergency Management System (EMS) requiring an Incident Command and Control System (ICCS – a system that enables the integration of activities and resources of multiple agencies when responding to and resolving any emergency situation and recovery), is this system compatible with a likely “legislated” response?

Does it provide a framework to allow efficient and effective management of all mine site incidents, regardless of their size, type or complexity?

The Pike River Royal Commission report identified that the large scale multi agency response to the incident was poor, with difficulties experienced highlighting the need for advance planning for an underground coal mining emergency, involving all the relevant agencies.

The Royal Commission recommended that a site Emergency Management System needs to be compatible with a coordinated incident management system used by emergency services and Police.

The commission also identified that ‘the incident controller at an underground coal mine emergency must have mining expertise and, together with the IMT, must be responsible for coordinating the emergency effort and approving key decisions. This does not prevent a government agency such as the Police from being the lead agency or from maintaining its command structure’

Mines Rescue has undergone a consultation process with NSW Coal Industry stakeholders to develop an ICCS system “customised” for the particular issues faced by the complexities and environment presented by the unique nature of our mining Industry.
The NSW mining industry will soon have the chance to review the new legislative framework developed as part of the harmonisation of WHS laws in Australia.

The WHS (Mines) Act 2013 and the supporting WHS (Mines) Regulation will bring greater consistency of mine safety laws across Australia. This presentation will address the key issues in the drafting of the WHS (Mines) Regulation and the public consultation process that will precede the commencement of the new laws. Importantly, it will address the ways in which the mining industry will be able to provide its comment and feedback on the draft regulation.


The new legislative framework retains key elements that exist in the current regulatory schemes such as:

- appointment of a mine operator
- requirement for a safety management system (supported by principal mining hazard management plans and principal control plans)
- specific risk controls for particular mining hazards
- requirements for emergency planning
- notification of high risk activities
- plant registration and licensing of particular work
- coal-specific worker safety and health representatives
- statutory positions for key mining safety roles.

The new WHS (Mines) legislative framework will form part of the WHS Act 2011 scheme and will include mining codes of practice that have been developed under the National Mine Safety Framework Steering Group and the tri-state Legislative Working Group (NSW, Queensland and Western Australia). Tripartite working groups including representation from mining operators and mine workers have guided the development of the draft mining codes of practice.

A comprehensive consultation process, including the release of the draft NSW (Mines) Regulation, a discussion paper and draft mining codes of practice, will be undertaken to ensure that the mining industry has an important say in the finalisation of the new legislative framework.

NSW Trade & Investment will also convene an implementation working group to oversee the roll-out of the new framework, including the production of supporting material for the mining industry and information seminars.
The availability of external emergency services and medical resources that are seen in civil environments differs to that of the underground coal mine. The need to stabilise and retrieve an injured person rapidly from underground may be required due to the deteriorating environment.

The remoteness of some of the mining areas also poses challenges related to distances. Traditionally the ‘snatch and go’ principal underpins Mines Rescue team training when treating injured persons in a hostile environment. Improvements in equipment and techniques means that properly trained teams should be able to package and remove the casualty considering treatment models, administration of pain relief and transport options.

Crush injuries are rarely encountered in everyday trauma care but upon research they occur in the underground mining environment around the world in higher instances than in the civil community.

It is critically important that both medical (paramedics) and mines rescue personnel coordinate their efforts in caring for victims of crush injury. Serious morbidity and even mortality may occur if a crushed victim does not receive medical care in conjunction with mines rescue personnel.

Aggressive treatment of the patient before and during extrication will help prevent renal and cardiac complications. This is known as crush injury syndrome.

There is widespread unclear judgement on crush injury and the word is used broadly. To simplify things in a rescue perspective it can be broken down into three main components that affect the individual. The main cause of death is blood loss and the misconception of those dying from toxins can sometimes be misunderstood, whilst this is an associated death with crush injury blood loss is by far the most common cause of death in the mining industry. The following guide can make the understanding of crush injury easier to the Mines Rescue Brigadesmen in identifying and treatment.

TOXIC SHOCK
BLOOD LOSS
DRSABCD DRSABCD
Remove the force ASAP Lay in stretcher
CRUSH INJURY or CRUSH SYNDROME
Urgent Retrieval to FAB MARS Unit RENAL FAILURE
The renal failure occurs up to two weeks later thus all underground workforce no matter how small the crush as it may be just a hand need to be transported to hospital as no first aid treatment on scene will prevent this renal failure from occurring.
In conclusion New South Wales Underground mining after the last fatality has foreseen that there was not enough research into educating both the Industry in general and Mines Rescue as a Service thus the author of this abstract along with Mines Rescue and the Government agency are in consultation with the Australian Resuscitation Council, NSW Branch to formulate a training package based on best practices that can be used around the world for the early identification and management of a crush injury. This package being evidence based will be presented as the paper at the conference to share the knowledge to make the industry safer in management of a crush injury both in irrespirable atmospheres and general operational conditions.
The Level Crossing Improvement Program (LCIP) was established in 2000 to accelerate upgrades to priority level crossings, fund safety awareness and enforcement campaigns, and promote new technologies to improve safety at level crossings.

The LCIP is managed by Transport for NSW (TfNSW). $21.9 ($7.3 million per annum) has been allocated for the LCIP for the period between 2012/13 and 2014/15.

Funded initiatives are approved by the Level Crossing Strategy Council, which is chaired by TfNSW and is a multi-agency forum, including Roads and Maritime Services (RMS), Independent Transport Safety Regulator (ITSR), Local Government NSW (LGNSW), NSW Police and rail infrastructure managers. Recent years have seen an increasing focus on behavioral initiatives.

These include the recent launching of the “Don’t Rush to the Other Side” campaign with the ‘Pearly Gates’ (of heaven) creative concept. This substantial visual prop worked both as an allusion to the consequences of active disregard at level crossings and as a means of generating greater discussion in local regional areas on level crossing safety.

Education and awareness activities are also strategically align with police enforcement campaigns that focus on level crossings that have a history of motorists that disobey level crossing controls.

This presentation provides an overview of the program and information which can help mining companies raise awareness of level crossing safety issues with employees.
Presenter: Professor Brian Kelly, Discipline of Psychiatry, Centre for Brain and Mental Health Research, University of Queensland

Stream Session 6: Tuesday 20 May 2014

Presentation: The mining and mental health program: working well

No abstract available
Presenter: Katie McGill, Program Manager, Families, Workplaces and Targeted Prevention Team, Hunter Institute of Mental Health

Stream Session 6: Tuesday 20 May 2014

Presentation: Partners in mining - mental health and our family

No abstract available
According to Lifeline research in 2013, 71% of Australians lie awake at night worrying about their finances, while meBank research in 2013 shows 49% of Australians spend more than they earn each week.

Financially stressed employees are the least productive, most prone to accidents and likely to jump ship for more money. Financial stress is also a major contributor to suicide and marriage breakdowns.

A financially stable workforce directly impacts the bottom line. They're less likely to steal or leave for more money elsewhere and are more engaged in their work which leads to greater safety and more productivity.

In 2013, Direct Health Solutions reported that 44% of employers said stress, anxiety and depression-related absences had increased over past year. This absenteeism costs Australian businesses about $28 billion a year in lost production. To compound the issue for the mining sector, blue-collar workers also tend to suffer from poor financial literacy.

The mining industry is under enormous cost and productivity pressures today but, due to these issues, employers will struggle to retain staff as the market improves. Tony Butterfield from AUSCOAL Super will provide provocative insight on the types of stresses in your workforce that directly impact safety and the bottom line; how the superannuation industry has historically failed to provide enough value for employers and employees and what can be done to affordably educate your staff to make them financially literate.
Mental health and physical health are inextricably linked. People living with mental illness are at higher risk of experiencing a wide range of chronic physical conditions; and people living with chronic physical health conditions experience mental illness at higher rates than the general population. Co-existing mental and physical conditions can diminish quality of life and lead to longer illness duration, poorer health outcomes, and can impact on productivity, morale and ultimately, a business' bottom line.

Industries such as the mining industry, with shift workers, FIFO/DIDO workers, remote locations and inaccessibility to health services, are at particular risk. The current physical health of the mining industry shows some alarming statistics. 67% of its population are overweight or obese, which is significantly higher than the national Australian average, 27% are current smokers and 67% of the population are not performing adequate physical activity on a regular basis.

Mental illness is known to impact social and cognitive function and can decrease energy levels, which can negatively impact the adoption of healthy behaviours, and the motivation to care for one’s health. People suffering mental illness may adopt unhealthy eating and sleeping habits, smoke or abuse alcohol, as a consequence or response to their symptoms, contributing to worse health outcomes.

Therefore, when looking at improving the overall health of employees, it is essential to look at both mental and physical health to gain benefits. To create an environment that is conducive to healthy practices one must look at policies, workplace culture, current behaviours, the physical environment and the way health messages are portrayed to ensure changes are sustainable. A holistic approach that incorporates employees, their families and the wider community can transcend barriers to yield sustainable behaviour changes and health outcomes. This approach to health promotion will also achieve greater benefits to the employer, through reduced absenteeism and improved employee morale and productivity.