

# **IRSC 2006**

## **Fatigue: A Union Perspective**

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# RTBU

- **Our Background**

- **Oldest continuous railway union in the world**
- **1993: 4 rail, tram and bus unions amalgamate**
- **33,000 members, covering all grades in railways**
- **Australian rail industry 85% union membership**
- **RTBU has 60 % of industry as members**



# Traditional Approach – to fatigue pre 1990's

- **Industrial**
- **Collective bargaining Australia: conciliation and arbitration – legally enforceable contracts**
- **Hours of work: ordinary hours, daily limits, rest breaks, penalty payments, shift work payments, rosters etc.**
- **Unsocial hours: financial compensation**
- **Hours of work a key focus for railway unions**
- **Value of time :work, social and family and OHS**



# 1990's Structural Change

- **Features**
  - **Large deficits, technological change, changes to work practices and manning levels**
  - **Negotiated change between unions and government: package of measures**
  - **Competition policy – privatisation, open access and vertical separation**
- **Demands by employers for longer hours – 12 hour shifts**
  - **Unions concerns about fatigue rostering, and family and social life**



# **1990's The Shiftwork and Workload Consortium**

- **4 Parties – union, several rail employers, OHS authority and university researchers**
- **Common understandings:**
- **Shift work emerging as important OHS issue**
- **Historically decisions on OHS risks associated with rosters and workload not empirically derived**
- **Industry participants should assess impact of alternative rostering systems on OHS of train crew**



# Consortium Work Program

- 1. Development and validation of field based measures of the impact of specific roster systems**
- 2. Development and validation of an educational initiative**

## **Outcome of 2 year project:**

- 1. Comprehensive suite of competency based training and educational materials**
  - video, booklet, self paces work book, interactive website**
- 2. Development of software program predicting work related fatigue**



## Consortium Major Findings

- **Similar sleep patterns despite different work schedules at the 14 pilot depots**
- **Sleep obtained during the night**
- **Existing minimum break regulations too simplistic**
- **Time of time greater influence than sleep length, shift duration and prior wakefulness**
- **No physiological adaptation to irregular work schedules**



# Impact of the Consortium

- \* **Changed the Australian rail industry approach to fatigue**
- \* **Success based on collaboration which involved 250 train drivers and their families**
- \* **With work in other industries critical mass of understanding about fatigue developed**
- \* **Fatigue understood as an OHS Issue and a major workplace hazard**

## Shortcomings:

- \* **Structural change caused by privatisation and political change sees financial support cut back.**
- \* **Industry wide national consistent approach to the design, implementation and evaluation of roster systems not achieved.**



## **Impact of the Consortium (cont)**

- \* 2003 RTBU survey of members of their experiences with fatigue management**
- \* 2005: major rail company operational business unit didn't have fatigue management policy in place and no training at induction**
- \* Objective of common approach to fatigue across land transport not achieved.**
- \* One of a number of 'fair competition' issues between road and rail.**



# **Fatigue Becomes a Concern to Wider Society**

- **Economy wide impacts on hours of work due to globalisation, competition and deregulation.**
- **Shift to part time work and higher proportion of workers working very long hours (50+pw).**
- **30% of men in 2005 worked 50 hours+**
- **Major Changes to Labour Legislation**
- **Shift to enterprise bargaining and pressure to adopt individual contracts.**
- **Catch cry – the dreaded “F” word: “Flexibility”**



# Trade Unions Respond

- 1997 ACTU conducts detailed survey of members on stress at work.
- Long hours and rostering one of top 3 most stressful issues
- Policy response: - need for legally enforceable code of practice on hours and rostering
  - o Fatigue seen as a major OHS hazard
  - o Minimum legislated standards for working hours (influence of European Union Directive)
- Unions seek new standard for working hours through Australia's Labour Court covering:
  - o reasonable hours of work
  - o reasonable overtime
  - o paid breaks after extreme working hours
- Union claims rejected.



# Australian Parliamentary Inquiry

- October 2000 House of Representatives Report “Beyond the Midnight Oil”
- Conclusion *‘Fatigue in transport was a problem that must be address by government, by transport companies and by workers in industry’*.
- 41 recommendations
- Road transport constituted the major problem area
- Inquiry calls for combing prescriptive regulation and non prescriptive outcomes based approaches e.g.
  - National OHS standard for fatigue in the workplace
  - Specific fatigue codes of conduct for all sectors of transport
- Inquiry: One recommendation for rail: *“ national codes of practice should provide for more detailed hours of work rules for train crew taking into prior patterns of work and rest, the length of time on duty and the time of day of the work period”*



# **IMPACT OF CHANGE ON THE RAIL INDUSTRY IN AUSTRALIA**

- **1996 onwards: neo-liberal reforms – vertical separation, in a number of states, open access to infrastructure, privatisation and contracting out.**
- **Glenbrook 1999 and Waterfall 2003 :major accidents in NSW. Comprehensive investigations, trenchant criticism of reform process and many recommendations for change.**
- **Role of regulation significantly altered, regulatory resources increased.**
- **Changes provide benchmark for later national legislation.**
- **RTBU: Amendments to NSW Rail Safety Act to provide for Fatigue Management and limitations on Hours of work for train crew.**



# Further Changes to Labour Regulation

**-November 2005 major changes to labour laws:**

- unfair dismissal
- support for individual contracts vs collective bargaining
- make many ordinary union activities illegal

**-June 2005 foreshadowed changes to federal OHS legislation**

- removal of reference to unions being involved in the election and role of OHS representatives.

- Federal National Health and Safety Commission fund cut by 50% and then abolished and replaced by a body that reports directly to the Minister.



# **National Rail Safety Legislation Developed**

– **National Transport Commission formed 2004**

– **First major project : rail safety legislation**

**Legislation endorsed June 2006. Agreement for national, consistent approach to rail safety legislation**

**NTC Development of Fatigue based on:**

- **nature and extent of fatigue problem**
- **on assessment of how fatigue was being managed**
- **an investigation of alternative models for addressing fatigue.**

**Prescription of hours, fatigue management within prescribed limits, options for industry to choose, focus on risks**

- **Delivery options to be explored legislation / regulation codes, or guidelines**
- **The applicability of approaches adopted in other modes of transport.**



# Fatigue Specific Provisions of the Act and Regulations

- **Section 57** requires Rail Transport Operators (RTO's) to have a safety management system that includes a fatigue management program prepared in accordance with **Clause 67**.
- **Clause 67** requires RTO's to prepare and implement a program for the management of fatigue that complies with the act
- Differences between the parties concerning fatigue management and principles will produce a guideline rather than a compliance code.
- **July 2006 NTC** produces for public comment “**Fatigue Management for rail safety workers: Guidelines**”.
  - Assist operators to meet legislative obligations
  - Advise ‘best practice’ to managing fatigue risks
  - Promote a systematic consultative approach – Provides options for RTO's for managing fatigue
  - Encourage of training and information programs



## Possible Future Directions for Fatigue

- **Future research program: its funding and consultation provisions crucial**
- **Review and update fatigue index model and apply ‘psychosocial index’ to rostering which reflects group social and work time preferences.**
- **Wider context of fitness for work; health, drugs and alcohol, fatigue and competence. All addressed in model legislation**
- **Impact of fatigue on shift workers social and family balance “Work to Live” or “Live to Work”.**
- **Implications for rail shiftworkers health: world wide trend to increase retirement age.**

