



# **Death at work: Improving support for families**

## **Final Report**

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July 2017

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# Executive summary

Every year around 200 Australians are killed at work and another 2000 die from occupational diseases. Work-related suicides occur, especially industries like construction and road transport. Further many thousands of workers suffer serious injuries resulting in permanent disabilities. These fatalities and injuries are both costly and impose enormous pain and suffering on affected families. However, there has been almost no research to try and assess these effects. This is surprising because for every worker killed on the job there will be typically around 12 and 20 immediate family members (spouse, children, brothers, sisters, uncles, aunts or parents) and close friends and colleagues who will be affected.

This report presents findings from what is believed to be the first study to examine these effects in any detail. It was confined to sudden injury fatalities but raises wider issues warranting investigation. The project was funded by the Australian Research Council. It was based on detailed interviews with around 50 representatives of various institutions (employers, government agencies, unions and self-help/advocate bodies) dealing with workplace death, interviews with 44 next-of-kin and family members, and a survey of 109 family members in Australia.

The major findings confirmed and expanded on those of an earlier pilot study that showed that, notwithstanding some recent efforts to improve institutional responses to workplace death, these incidents have a significant and prolonged economic, social and psychological impact on families.

The survey found that the majority of respondents had experienced at least one of the following mental health conditions: post-traumatic stress disorder, prolonged grief disorder, and depressive disorder. Our study found that respondents to a greater or lesser degree adapt and live with grief – there is no ‘closure’.

Survey respondents also saw failures regarding post-death procedural responses, including support, information, procedures, and outcomes as a significant contributor to their distress. Dissatisfaction with procedural justice, inability to get satisfactory information about how and why the death occurred, and inadequate support through the formalities were associated with increased likelihood of respondents having a mental health condition. The findings point towards several policy and support interventions that may reduce and better manage the consequences of work fatalities for next-of-kin and families.

In sum, families frequently feel isolated and ‘out of the loop’ in terms of institutional responses to workplace death. While some measures have been tried, more attention needs to be given to coordinating the timing of processes, ensuring deaths receive attention from coroners and that families are kept informed, and where appropriate able to have input, as far as possible. The study found that the provision of counselling was often inadequate and poorly timed and significant improvements could be made in this regard.

Another finding was that informal family support and self-help/advocacy bodies are especially valuable in assisting families. These bodies should receive funding assistance from government, be encouraged to have input into policy making, and that agencies (like those dealing with prevention) should give more recognition and support to their input.

# Background

Workplace death exacts enormous, social and personal tolls for employers, workers and the national economy (Australia Safety and Compensation Council, 2009). The published literature on such deaths has understandably focused on prevention. It has examined the OHS issues associated with fatal work injuries, especially in the context of workplace disasters, and regulatory responses to it (Johnstone, 2004). There is a body of research on organisational post-trauma stress management (McFarlane & Bryant, 2007; Regel, 2007) and the nature of death and bereavement in the workplace (Charles-Edwards, 2009a, 2009b; Kinder & Cooper, 2009). However, little is known about the consequences of fatal work injuries for surviving families – the people most affected by the traumatic incident (Australian Council of Trade Unions, 2008). This lack of research is striking, particularly in relation to government mechanisms designed to compensate and support families following a workplace death.

While there are evident similarities in the impact of sudden deaths on families (e.g. suicide, homicide and mass casualty events such as war and terrorism), workplace deaths evoke a unique set of emotional responses because they occur within environments regulated by safety legislations and are expected to be safe. Families place value in investigation and prosecutorial activities because they provide context and enable understanding of what and who is responsible for the death (Matthews, Bohle, Quinlan, & Rawlings-Way, 2012). However, the long-term exposure (up to 10 years duration) to regulatory processes, including occupational health and safety inspections, coronial inquests, workers' compensation claims and/or civil court proceedings, complicate the bereavement process for families and contribute to enduring health and financial ramifications they experience (Matthews et al., 2012).

The need for improved responses to and management of workplace death has been identified as a high national priority (Safe Work Australia, 2010). At the time this study commenced, no published evidence was available to inform policy makers and administrators on the adequacy of institutional responses in meeting the needs of surviving families. This study was designed to provide such evidence.

Accordingly, the objectives of this study were to:

1. Identify the health and financial consequences of fatal work injuries for surviving families
2. Assess the adequacy of institutional responses in meeting families' needs
3. Identify interventions and policy measures to improve institutional responses to fatal work injuries for families.

# Methodology

Given the objectives of this study, a theoretical framework that contained elements of organisational justice (Colquitt, 2001) and control-demand-support principles (Johnson & Hall, 1988) was adopted. This study had a multiphase design that incorporated qualitative and quantitative inquiry. The research protocols that underpin the study were approved by the University of Sydney's Human Research Ethics Committee (Project number 2012/2319). The first phase comprised exploratory interviews with 48 representatives of institutions that deal with death at work, including regulators, unions, employers, police, coronial officers, and family support services (see Table 1). Participants covered five of the six Australian states (representing well over 80% of the population and including both large and small states). The objective of this phase was to identify responses to fatal work injuries and examine how authorities view the problems and experiences of families.

The second phase was an internet survey of next-of-kin and family members. Surviving families of workplace fatalities are a hidden population; their information does not appear on the National Coronial Information System. For this reason, families were not able to be provided with information about the study directly by the research team. Rather, officials involved in the first phase of this project, other trade unions, support groups and services, and major counselling and bereavement support organisations were asked to disseminate information about the study to their networks and any families they knew who had experienced a fatal work fatality. Additionally, social media, radio interviews, newspaper articles, and conference presentations were used to outreach to families.

The survey included items that documented the health and financial consequences of fatal work injury, information and support families received, and families' dealings with authorities. The survey commenced in November 2013 and remained open until Nov 2015 (for this report). A total of 184 usable responses were received of which 109 are from Australian families (see Table 2). A number of international responses were received ( $n = 75$ ) however they have not been included in the analyses reported in this document.

The third phase was depth interviews with family members. Survey participants had an option at the end of the survey to volunteer to receive information about the interviews. At the time the interviews were conducted (the survey remained open after the interview phase of the project) 84 participants requested information and 55 consented to be interviewed (65%). Of the 55 interviews conducted, 44 were Australian families (see Table 3). The objective of the interviews was to further refine and deepen our understanding of the consequences of a fatal work injury for families and their experiences with peak organisations after the death. It is acknowledged that many more families sought information about the interviews after the interview phase was completed however these interviews were not able to be undertaken.

The final phase of the project involved consultation with key stakeholders. Key findings from the three phases were disseminated to peak organisations, senior officers from the authorities involved in post-death formalities, senior officers in industry, industry and family support/service networks. Presenting findings to policymakers and peak organisations provided an opportunity to assess key stakeholders' views, and facilitated discussion of the study's findings.

# Participants

Detailed descriptions of the study participants for each phase of the project are provided in the attached publications and reports. The summary descriptions are provided here again for ease of access.

Table 1. Representatives of institutions that deal with death at work (Phase 1)

Sector	Representative
Government Safety Inspectorate (n = 11)	Senior managers including chief inspectors, directors of policy, strategy, Infrastructure, enforcement and investigations Senior policy , project and information officers, Inspectors
Government Compensation Agency (n = 8)	Senior managers and directors, including regional managers Assistant directors of policy/planning and case or claims managers/coordinators (including claim agents)
Trade Unions (n = 6)	State and district secretaries and presidents OHS officers and legal advisers Industry safety representatives Assistant Secretary
Employers in construction, road transport and agriculture, fishing and forestry (n = 11)	Senior managers, CEOs, state manager and Industry association director Safety managers, superintendents and project managers Site safety managers and industrial chaplains
Coroner's Office (n = 4)	Coroners and senior managers coroners court and investigation units, Coronial associates and police attached to coroner's office
Police (n = 1)	Officers in charge of crash investigations
Support and Advocacy Groups/Services (n = 7)	Directors and secretaries

Table 2. Descriptive characteristics of Australian respondents to the family survey (Phase 2)

	NSW (n= 18)	ACT (n = 2)	Vic (n= 19)	Qld (n = 27)	SA (n = 23)	WA (n= 13)	Tas (n = 7)
Respondent:							
Female, n (%)	16 (89)	2 (100)	18 (95)	22 (82)	20 (87)	9 (82)	6 (86)
Average age (years)	51.5	54.0	51.8	48.1	49.5	46.6	45.4
Next of Kin, n (%)	11 (61)	1 (50)	14 (74)	19 (70)	12 (52)	11 (85)	4 (57)
Relationship, n (%)							
Spouse/partner	10 (56)	1 (50)	7 (37)	10 (37)	5 (22)	7 (54)	2 (29)
Parent	3 (17)	1 (50)	6 (32)	(37)	8 (35)	1 (8)	2 (29)
Child	2 (11)	-	3 (16)	3 (11)	4 (17)	2 (15)	1 (14)
Sibling	2 (11)	-	3 (16)	3 (11)	5 (22)	1 (8)	-
Other	1 (6)	-	-	1 (4)	1 (4)	2 (15)	2 (29)
Deceased worker:							
Av age (years)	45.4	23.5	37.0	35.4	30.2	37.2	40.3
Industry, n (%)							
Construction	5 (28)	1 (50)	6 (32)	8 (30)	7 (32)	2 (15)	3 (50)
Transport	7 (39)	1 (50)	4 (21)	2 (7)	5 (23)	-	1 (17)
Ag, Forestry, Fishing	1 (6)	-	4 (21)	6 (22)	3 (14)	1 (8)	-
Mining	1 (6)	-	-	2 (7)	1 (5)	10 (77)	1 (17)
Manufacturing	2 (11)	-	5 (26)	1 (4)	5 (23)	-	1 (17)
Other	2 (12)	-	-	8 (30)	1 (5)	-	-
Permanent work, n %	10 (56)	2 (100)	12 (63)	19 (70)	17 (77)	11 (85)	5 (71)
Av years since death	7.3	30.4	8.9	3.6	5.9	8.4	16.0

Table 3. Descriptive characteristics of Australian respondents to the family interviews (Phase 3)

	VIC (n = 10)	NSW/ACT (n = 11)	QLD (n = 3)	SA (n = 15)	WA (n = 5)	Total (n = 44)
Female, n (%)	9 (90)	9 (82)	3 (100)	12 (80)	5 (100)	38 (86)
Relationship, n (%)						
Spouse/partner	3 (30)	7 (64)	1 (33)	4 (27)	4 (80)	19 (43)
Parent	3 (30)	2 (18)	2 (67)	7 (47)	-	14 (32)
Sibling	3 (30)	1 (9)	-	3 (20)	-	7 (16)
Child	1 (10)	1 (9)	-	1 (6)	1 (20)	4 (9)
Industry, n (%)						
Construction	3 (30)	4 (36)	1 (33)	3 (20)	1 (20)	12 (27)
Transport	3 (30)	3 (27)	1 (33)	3 (20)	-	10 (23)
Agriculture, Forestry & Fishing	2 (20)	1 (9)	-	5 (34)	-	8 (18)
Mining	-	2 (19)	1 (34)	-	4 (80)	7 (16)
Manufacturing	1 (10)	1 (9)	-	2 (13)	-	4 (9)
Health	1 (10)	-	-	2 (13)	-	3 (7)
Coronial Inquest <sup>1</sup> , n/number of fatalities (%)	5/10 (50)	4/11 (36)	2/3 (67)	4/12 (33)	1/5 (20)	16/41 (39)

# Findings

This section provides a summary of the main findings as they relate to the aims of the study reported earlier in this document:

1. To identify the health and financial consequences of workplace fatalities for surviving families
2. To assess the adequacy of formal responses in meeting families' needs

The first part of this section identifies the health and financial consequences for families, impact on quality of life, and identifies the needs of families following a workplace fatality.

The second section provides information on families' perceived adequacy of the support and services provided by authorities in meeting their needs following the death.

## ***Health and financial consequences for families of workplace death***

### **Health consequences**

This section provides information about the mental health and physical health of respondents. It also provides insight into the impact of the death on children (as reported by their parent), on daily activities, and life satisfaction.

#### **Mental health:**

**FINDING:** Respondents reported symptoms consistent with clinically significant mental health conditions at the time of survey completion ( $M = 7.2$  years post-death,  $SD = 7.33$ ).

This study used standardised clinical self-report measures to document rates of mental health conditions that are typically reported following traumatic bereavement: Posttraumatic stress disorder (PTSD), prolonged grief disorder (PGD) and depression. To help ensure event-specific responses, participants were reminded before completing the measures that they were about to answer items about their reactions to the death of their loved one.

This section provides information from the survey responses, including the extended response (qualitative) item that asked "Is there anything else you would like us to know about your responses and reactions to the death of your loved one"?

From the survey responses:

- 45% reported symptoms consistent with a diagnosis of Prolonged Grief Disorder (PGD)
  - Compared with, for example, 6.7% reported in the general population (Kersting et al., 2011)

- 55% reported symptoms consistent with a diagnosis of Posttraumatic Stress Disorder (PTSD)
  - Compared with, for example 1.3 – 3.9% reported in the general population (Creamer et al., 2001; Kessler et al., 1995)
- 45% reported symptoms consistent with a diagnosis of Major Depressive Disorder (MDD)
  - Compared with, for example, 3.2 to 5.2% reported in the general population (Wilhelm et al., 2003)
- 53% were likely to meet diagnostic criteria for two or more mental health conditions

Respondents described the emotional impact of traumatic bereavement as leading to a fundamental change in who they believed they were:

*The first 12 months after my husband died it was like I was sleepwalking. I would forget things, not notice anything and emotionally I was just numb. I did what needed to be done for the children and that was all I could do. The next 12 months were almost worse because the numbness started to lift and reality started to sink in and it was very painful. While my memory has improved slightly it is still patchy, my oldest child who is seven recently said 'mummy I wish you could go back to how you used to be' and I said 'what do you mean?' His response sums up how I am now perfectly. He said 'it's like your brain got blown up'. (S-102)*

**FINDING:** More than 70% of respondents reported increased levels of guilt, fear, anxiety, mood swings, and feelings of isolation since the death (Figure 2.)

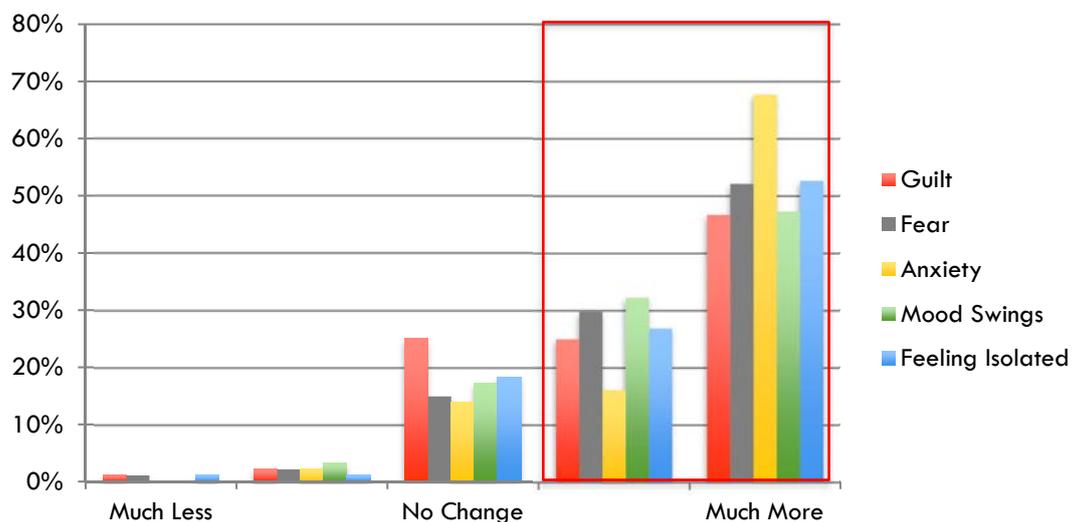


Figure 1. Changes experienced since the sudden death

Although not formally documented in the survey, thoughts of suicide were reported by some family members in the interviews and in those who provided extended survey responses.

*Yes, because like I know I did and my sister did and well, my mum even did. We all thought of suicide, you know, like you do have those thoughts and pretty much everyone does, I think, from what I can tell. (I-03)*

*I was very suicidal constantly and sometimes still am. I feel my life is over. (S-106)*

*My children were the only reason I didn't take my own life (S-68)*

*I mean suicide is a big - I've thought of taking my own life so many times. (I-12)*

**FINDING:** A significant proportion of respondents reported that the time to hold and complete the formal processes following the death impacted:

- the intensity of their grief reactions (71%),
- the duration of their grief reactions (75%), and
- their ability to begin to adapt to life without their loved one (70%).

**FINDING:** Information provided in the extended response survey item and interviews suggested respondents attributed their emotional responses to a combination of issues, including:

1. The trauma of a sudden death

*I just wanted to die and kept reliving the time when the police came to my house. I couldn't cope. We had been together since I was 15 years of age and felt my life was over. 11 years later my life seems very strange and I need courage every day to face the world. (S-11)*

2. Lack of timely information on matters related to the formal processes

*Not being told anything... then not having my concerns considered by Workcover magnified the distress and stress and mental health issues. And knowing that everyone else in the town where he worked knew more than his family did. I did not even hear any rumours. "Did he ever exist?!! I ended up in hospital for 6 weeks (S-83)*

3. The lengthy investigative and court procedures

*The legal process was very long and emotionally exhausting, to the point it was affecting my family's relationship and health. The lawyer managing our case... was shocking... We had no financial or emotional support from the government/authorities. The police took two years to provide their report on my father's death... after three years our claim of compensation was rejected due to lack of evidence. We were referred to another lawyer to make a claim for public liability possibly taking another 3 years and, at that stage, we came to the decision to not proceed. (S-69)*

4. Poor quality investigations and court procedures that hampered finding out what happened and why

*I wish there was a way to project accurately how destructive the bureaucratic side of this has been. I suspect we (families) might become far less emotionally damaged if these Government organisations would provide a more efficient system... it is painfully clear that one of the greatest failings is within the investigation process itself. If this area falls short, the rest will follow in a similar fashion. (S-128)*

5. Little opportunity to provide input to the formal procedures

*I feel completely powerless as I have no say or involvement in the investigation or outcomes and none of the parties want to readily release or share the findings with you which is just devastating. I am still waiting to find out if people or the company will be prosecuted for his death and it will be a few years yet until there is a coronial enquiry which is so difficult that we have to wait so long for answers. It prolongs and intensifies the pain. (S-84)*

6. Poor outcomes, no-one held accountable, lack of faith in the justice system

*The whole process is so bad that you are still trying to find the answers. It was an accident that was avoidable but no one will take responsibility. Everyone says they are sorry but they go on with their lives and I live with a life sentence of loss. (S-12)*

*Fines set for safety violations do not serve in any manner to deter employers to adhere to safety guidelines, they are so low that they do not affect any aspect of operation or need to correct a situation. They will suffer far more financial burden from delaying a job than they would for violating their own safety guidelines or those set forth by an overseeing agency. There is absolutely no incentive to do things correctly and or safely and there is in reality no punishment or accountability they are held to for being responsible for taking someone's life. (S-135)*

7. Lack of good emotional support

*It's possible that if there was more professional counselling/support available to both myself and my family members (it was difficult to seek emotional support from them as they were experiencing their own grief issues) when the accident occurred it may have assisted me through the emotional issues and legal proceedings which took more than 2 years to conclude. (S-22)*

*I felt isolated, bewildered and confused. Disappointed that help or counselling was not immediately offered (S-96)*

In family interviews, participants commented on the stress associated with being vigilant. They said they needed to be very mindful of all the legal proceedings that were happening so they did not miss out on any opportunities to have their voice heard. To do this, they needed to put their grief to one side to delay their bereavement.

The organisational issues identified by respondents as contributing to their poor mental health were supported by findings in the questionnaire survey. Relationships between the various organisational variables and mental health conditions' symptom severity were examined while controlling for time since the death. Table 4 shows where statistically significant relationships were identified. Significant relationships existed between all mental health conditions and satisfaction with information provided, procedural justice, and court outcomes.

Some jurisdictions have improved the formal procedural information provided to families in recent years. It can be also argued that people's emotional state may influence their perceptions and responses (Zadra & Clore, 2011) and impact their ability to access information and resources (Gulliver et al., 2012).

Table 4. Significant relationships<sup>1</sup> between mental health conditions and organisational factors<sup>2</sup>

	Prolonged Grief Disorder	Posttraumatic Stress Disorder	Major Depressive Disorder
Information from authorities <sup>3</sup>	↑↓	↑↓	↑↓
Emotional support from authorities	-	-	↑↓
Time taken to complete processes			
Impact on grief reactions	-	↑↑	↑↑
Procedural justice <sup>4</sup>			
Investigation	↑↓	↑↓	↑↓
Court	↑↓	↑↓	↑↓
Outcomes			
Investigation	-	-	-
Court	↑↓	↑↓	↑↓

Notes: 1. ↑↓ = an inverse relationship, i.e. an increase in one variable results in a decrease in the other, ↑↑ = a positive relationship, i.e. an increase in one variables results in an increase in the other. 2. Information, emotional support, procedural justice and outcomes used a 5-point scale (1 very dissatisfied – 5 very satisfied), 'Time taken to complete processes' used a 5-point scale (1 not at all – 5 to a large extent); higher scores in mental health conditions indicate greater severity 3. Information about the investigation and court processes. 4. Respondents' perceptions of fairness of the procedures involved and the opportunity to have their voice heard in the proceedings.

To examine whether these factors impacted on the above findings, we grouped respondents based on the median years since the death (4.3 years) and examined differences in responses to organisational variables by those who have recently experienced a workplace fatality compared to those with more distant experiences. Table 5 provides information on group differences.

Table 5. Significant differences in family groups in mental health and organisational variables<sup>1</sup>

	Recent (n = 50)	Longer term (n = 46)
Prolonged Grief Disorder	More disorder	Less disorder
Posttraumatic Stress Disorder	More disorder	Less disorder
Major Depressive Disorder	More disorder	Less disorder
Information from authorities <sup>2</sup>	No significant difference	
Emotional support from authorities	No significant difference	
Time taken to complete processes		
Impact on grief reactions	Less impact	More impact
Procedural justice <sup>3</sup>		
Investigation	No significant difference	
Court	No significant difference	
Outcomes		
Investigation	No significant difference	
Court	No significant difference	

Notes: 1. Information, procedural justice, and outcomes used a 5-point scale (1 very dissatisfied – 5 very satisfied), Time taken to complete processes used a 5-point scale (1 not at all – 5 to a large extent). 2. Information from authorities about the investigation and court processes. 3. Families' perceptions of fairness of the procedures involved and the opportunity to have their voice heard in the proceedings

Despite the differences between groups in severity of mental health conditions, the ratings on organisational variables did not differ between groups - with the exception of the time spent to hold and complete formal processes. What this suggests is that families who have more recently experienced the formalities following the death do not rate satisfaction with the provision of information, emotional support or perceived procedural justice any higher than those who experienced them over 5 years ago. The finding relating to the time spent to hold and complete formal processes may indicate a tendency for formal procedures to finalise more rapidly in recent years, it may also indicate that fewer formal options are being made available in the processes, e.g. coronial inquests. Although the study design does not allow causality to be determined, the findings do identify areas of need for families following a workplace fatality.

FINDING: Families' needs following a workplace fatality include:

- Timely information from authorities about the investigation and court processes
- Fair procedures in investigations and court matters
- Opportunities to have their 'voice' heard in the formalities, and
- Timely completion of the formal processes
- Adequate emotional support

#### PERSONAL GROWTH

FINDING: Almost 60% of respondents reported experiencing at least a moderate degree of personal growth from the traumatic loss they experienced.

For some, the struggles and challenges associated with traumatic bereavement led to an appreciation of their personal strength and wisdom. Using the short form of the Posttraumatic Growth Inventory (Cann et al., 2010), 64% reported that they had changed priorities regarding what was important in life and 32% reported having a greater appreciation for the value of their own life, 'to a very great degree'

### Impact on children

FINDING: Parents report that their children experienced significant changes in behavior following the death.

Children (less than 18 years of age) were not eligible to participate in this study. However, respondents with children (89%) reported significant changes in their children's behaviour. The most commonly reported changes had a psychological nature:

- Ongoing concerns about the safety of other family members (47%)
- Angry outbursts (42%), and
- Fears about separation (40%).

*It's been a long journey. As I said the two older ones - because I wasn't able to protect them from the visual because it was all over the internet, the news, the works - the two older ones ended up with post-traumatic stress. [Name], she [has] massive anxiety and panic attacks. She's a lot better now. Yeah, we've spent a lot of years focusing on sense-of-self and things like that. (I-21)*

## Physical health

FINDING: After the death, families' illnesses develop and existing conditions worsen.

Some participants reported an increased use of tobacco (26%), alcohol (37%), and prescription drugs (41%). Diagnosed health conditions reported by respondents after the death included:

- Fibromyalgia
- Gastric disorders
- Insomnia
- Urinary tract infections
- Dercum's disease (Adiposis dolorosa)
- Blood pressure and heart problems
- Hashimoto's disease
- Shingles
- Premature menopause
- Diverticulitis

*It's - I've had a lot of health problems. I developed fibromyalgia and have kind of come in and out of like a rheumatoid arthritis. (I-37)*

*My sister is angry. My parents are divorced; my dad's been physically sick, it's the way - his heart, he's just gone downhill physically. (I-26)*

*The physical pain - there is an inner physical pain. It is difficult to describe but this I struggled with a lot. I felt constant physical nausea and feeling of wellness. Food often took away that empty belly feeling. Even to this day, when my stomach feels empty (if I have forgotten to eat) I will binge to get rid of the feeling because it has such powerful emotional ties with that time of my life. Obviously weight gain became an issue. (S-17)*

It should be noted that although these conditions were reported by respondents following the death, causality cannot be inferred due to the nature of the study design.

## Health impact on participation in daily activities

FINDING: Participation in daily activities was negatively impacted to some degree by emotional and physical health in more than two-thirds (72%) of respondents at a mean of 7.2 years post death.

Approximately 65% of respondents reported that in the last month, their physical health had allowed them to accomplish less than they would like, at least 'some of the time'.

Approximately 30% reported that in the last month, emotional problems (e.g. depression or anxiety) had led them to accomplish less than they would like, 'most of the time' or 'all of the time'.

*Yeah and they have the same fears that I do, like I'm no good - like I wouldn't just drive up here. I only really drive around home and I avoid where the accident happened on the freeway. I don't go near there. I just can't. Yeah, I don't like traffic noise, it scares me a bit. I just don't feel very safe. (I-11)*

*He [sibling] didn't work for five years after the accident. Then he only worked on and off after that. He took off travelling... and was quite [unwell] the whole time he was travelling. Very unwell but at this point he's medicated but his general health is not good. (I-16)*

## Financial consequences

**FINDING:** Sixty-nine per cent of respondents reported struggling to make ends meet following the death of their loved one. This was in comparison to only 23% who were struggling prior to the death.

The financial impact of fatal injury at work for families was significant. Not only were family members dealing with the emotional impact of grief and loss they were also contending with considerable financial hardship as a result of the death.

**FINDING:** Over one third of participants (37%) sought short term financial assistance to help meet costs and a similar proportion secured longer term financial help (31%).

**FINDING:** About one third of respondents returned to the workforce to help cover expenses (31%) and just over half had sought and received compensation payments (52%) or had a claim underway (10%).

**FINDING:** Participants reported having to wait 6 months to 2 years for a workers' compensation claim to be finalised.

In interviews, families advised how legal dispute and paperwork problems could delay settlement, causing financial stress. During this time they relied on the following sources of financial assistance:

- Family and friends (27%)
- Donations from loved one's fellow workers (26%)
- Superannuation (25%)
- Life insurance (23%)
- Centrelink (20%)
- Trade union (13%)
- Loved one's employer (13%)

*I'm still trying to get a tombstone. She was buried three years ago but legal fees have cost me - my main priority is to get a tombstone for my daughter and I still can't because I've got to put money across there for that, I've got to try and do this... But I tell you what...- it's cost 15 or 20 grand or whatever it is and you've got to pay... and I've got to pay for my own psychiatrists. I think I got x amount of visits for nothing but you get put on whatever and I've still got to pay psychiatrists. Nothing. My work was the one that came up with it... There's a card for counsellors and stuff. My boss gave me a card at the time and I contacted and I've been seeing a psychiatrist. I've been seeing a psychiatrist up until last year. I can't afford it anymore. You go to the doctor and the doctor says you can only have 10 visits a year so you do your 10 visits. Then they said, okay now your Medicare is up and you've got to pay a hundred and something dollars and you get rebated - I can't do it. I'm not a multimillionaire and you just do what you've got to do. They don't care. (I-12)*

## Impact on lifestyle

**FINDING:** For most, the death had a significant impact on family and lifestyle. The most commonly reported impacts were:

- Moving house (33%)
- Changing jobs (29%)
- Increasing debt (26%)
- Becoming the primary income earner (22%)
- Returning to work (22%)

*The block of land I had, as well, it was worth \$350,000, it was near [Public School], not too far from the railways, 1.1 acres with all services. Eventually I lost that, the [financial institution] sold it for \$115,000 with me owing \$110,000 on it. (I-21)*

*Because of all the toing and froing with people arguing about who's responsible and the contractor saying to the company well you're the client, you're ultimately responsible, which is the truth, but in all of this toing and froing her husband lost his house. Just trying to come to terms with paying money out, trying to get legal representation..., (I-32)*

## Life satisfaction

**FINDING:** Families experience poor life satisfaction following the death. The life satisfaction reported by the group was more than 30 percentage points below the normal range for Australians.

Given the emotional, financial and lifestyle challenges that families faced following the death, it is not surprising that when asked about satisfaction with their life and personal circumstances, only 6% of families reported being 'very satisfied' at a mean of 7.2 years after the death.

To compare participants' life satisfaction score with that of the Australian population, the mean score of the life satisfaction rating (2.66, SD = 1.17) was standardised to a score/100. The resulting life satisfaction score of 41.5 percentage points, was more than 30 percentage points below the normal range for Australians which is 76.01 – 79.17 (Cummings, 2013).

## Summary: the consequences for families following a workplace fatality

Findings from the family survey and interview phases of this study identified clinically significant levels of mental health conditions in a significant proportion of the respondents. Many families reported increased levels of guilt, fear, anxiety, and feelings of isolation. Anger and suicidal ideation were reported by some. Children's behaviour was impacted negatively by the sudden death.

Physical health conditions were reported as developing or worsening following the death and health conditions in general impacted families' ability to participate in daily activities considerably.

Families experienced considerable changes in their financial situation and a number of lifestyle changes following the death, including moving house, changing jobs, and increasing debt.

Overall life satisfaction was significantly lower than that of the general Australian community. Analysis of extended responses in the family survey identified several factors families considered as impacting their reactions. These issues were again identified in family interviews and further supported by analyses of the quantitative survey data. The factors have been identified as the central needs that families have following a workplace fatality.

To sum, families' needs include:

- the need for timely and accurate information about death, the nature of formalities that followed, and progress of investigations and other legal processes (to know what is happening),
- the ability to participate or have a representative in the processes (to have their voice heard),
- to receive adequate bereavement, health, and financial support (to be acknowledged as being affected by the death),
- to know that a thorough investigation was undertaken (to know how and why it happened)
- to know that someone was held accountable for the death (justice has been done), and
- that actions have been taken to prevent a similar death (recommendations made and actioned)

These needs, and the formal responses to them, are presented in the next section of this report which addresses the second object of this study – the adequacy of formal responses in meeting families' needs.

# ***Adequacy of formal responses in meeting families' needs***

This section of the report provides findings about the adequacy of formal resources to families following a workplace death. It is organised by the areas of need identified by families in the previous section in this report:

- the need for timely and accurate information about death, the nature of formalities that followed, and progress of investigations and other legal processes (to know what is happening),
- the ability to participate or have a representative in the processes (to have their voice heard),
- to receive adequate bereavement, health, and financial support (to be acknowledged as being affected by the death),
- to know that a thorough investigation was undertaken (to know how and why it happened)
- that someone was held accountable for the death (justice has been done), and
- that actions have been taken to prevent a similar death (recommendations made and actioned)

In each section, recommendations for ways to improve support to families are suggested by the research team. The research team recommendations are followed by comments and recommendations that were made by families who completed the survey. Their comments respond to an item that asked families to provide information on the things that they would most like changed in regards to support for families.

## **Timely and accurate information (to know what is happening)**

### **Initial notification and access to ongoing information: The issue of social media**

**FINDING:** Increasing use of social media means that the formal notification of the death is sometimes provided after the family has been made aware of the fatality. Delays in the formal notification add to families' distress.

Phase 1 interviews with authorities identified that first formal contact with the next of kin was normally undertaken by police or the employer and our survey results supported this finding. Some next of kin advised they learned more quickly of the death from local or social media reports. However, delays in formal notification added to their distress if they had already found out about the incident and were waiting for news.

*Well not by police which you'd expect. Basically Facebook was the first but I didn't find out on Facebook. Someone else found out on Facebook; my partner. No, friends of ours sorry. (I-12)*

*I found out when I saw it on the news. I wasn't told until after I knew... Then a friend, she said I've got to get down to the school and get the kids, because they would have found out on the school bus because it was all over social media. So she went and got the boys, yeah. (I-11)*

### Recommendations:

- In the context of increased use of and immediacy of social media, strategies be developed to keep families sensitively informed during the time where often lengthy identification processes take place.
- To avoid delays in notification, all workplaces should have a mandatory updated list of the contact numbers of the workers' next of kin and immediate family members (particularly parents) who should be promptly contacted if a fatal work incident arises

### **Initial notification and access to ongoing information: The issue of next of kin**

FINDING: For a variety of reasons, immediate family is often not notified of the death in a timely manner by the next of kin.

FINDING: The legal nature of next of kin status means that immediate family is not provided with information about legal decisions being made in the formalities following the death or of progress in the formalities following the death.

A central issue about the initial notification and access to ongoing information was the allocation of next of kin because it determines who is responsible for the legal decision making following the death. Immediate family who were not next of kin reported distress and frustration when authorities did not acknowledge them as people with rights to have information following the death of their sons or daughters.

*Our families' situation was made more difficult by our son's fiancé being listed as his Next of Kin. They were together for 5 years, yet legally we, his family, were not seen to have a right to anything/information or otherwise and were left out in the cold feeling that his entire 23 years was seen by 'law' to equate to nothing – a very painful experience. (S-30)*

*When my brother died no one seemed to give any consideration to his parents or us, the only one that mattered was his defacto. It was truly heartbreaking. He was our brother, we had been part of his life for 33 years and we did not seem to matter at all (S-56)*

### Recommendations:

- That people responsible for notifying family about the death ask the next of kin, employers, and co-workers about immediate family members who should be provided with information about the death and ensuing formalities
- That policies, protocols and documents be revised to replace “next of kin” with “next of kin and immediate family members as determined by enquiries with next of kin, employers, and co-workers”. Progress has occurred in Queensland to resolve this issue, indicating that this is a practical solution that can be transferred to other jurisdictions

### Respondents' comments and recommendations:

*Notification should be to the partner AND the parents if living and if not living then to a sibling or adult child. MANDATORY. Both the partner and the family should have equal information provided and treated equally with regard to services such as counselling etc. (S-52)*

*We, the family of our son, were pretty much cast aside and had no legal grounds to anything. 23 years as opposed to 5 years we were not seen to matter with regards to legalities. (S-30)*

## **Information about formalities following the death – support for navigating foreign processes**

FINDING: The majority of families advised they did not have help (67%) from an authority, support group or service, although they would have liked help (93%) navigating the formal processes.

Families need to navigate a completely new and broad range of services and legal agencies in the wake of workplace death. Many family members advised in interviews that they had not received the information or guidance they needed to navigate these services or formal processes.

*Basically the information that they [various authorities] gave me indicated that they had absolutely no idea of the support that families required or there was piecemeal assistance provided, and there was a lot of duplication of services, and the ones that didn't know about it were the families. (I-39)*

FINDING: Mechanisms have been put in place to provide families with information and assistance with understanding formalities following the death, however they are not reaching all families, or families do not recognise the mechanisms as providing support.

Interviews with authorities identified their understanding of families' need for information and guidance with the formalities that follow a workplace fatality. They advised that some jurisdictions had put mechanisms in place in recent years to help families understand and navigate these formal processes. These included providing families with information booklets and the appointment of liaison officers (Matthews et al. 2016).

Perusal of authorities' websites in various jurisdictions identified other positions that assist families following the death, including counselling and liaison coordinators and family support officers. In addition, a few family support services have developed in response to families' needs for information to navigate the formalities.

Despite the options available, results indicate that a significant group of families do not appear to be getting help even though they would have liked help with the navigation. We considered that it may be a consequence of the time since the death, but a comparison of responses between those more recently bereaved and those who's loved one died more than 5 years ago showed no significant differences in the proportion of families receiving/accessing help.

FINDING: Families who did get help positively rated the extent to which the help provided them with an understanding what to expect.

Of those identified as providing help navigating the formal processes:

- 54% were workplace death support groups
- 25% were authorities
- 12% were community groups, and
- 8% were unions.

Some respondents could identify one official representative from whom they received a caring and compassionate response and with whom they were able to keep in contact for the duration of the formalities - a coroner's assistant, a senior police officer, a detective, but in the array of

authorities that families were required to have contact with, these people were the exception rather than the rule.

*They were fantastic; the detective that was in charge of the investigation, I had his phone number and I was free to ring him any time I wanted, he was the – they were all fantastic like that. Yeah, the police were really supportive. (I-25)*

*The OH&S Officer was a great support and so was the lawyer for the crown in the court proceedings where supportive and helpful with any questions we had (S-99)*

More frequently reported in family interviews were the benefits of accessing information and support provided by community-based specific services.

*So we had a lawyer – well, we've been very blessed with the inquest, [support group] gave us a barrister for the inquest, blessed... it all came out in the inquest. (I-26)*

*She [CEO of support group] acted like the liaison between [company] and [industry] and my lawyer at the time as well. So she - I guess it was good early on, it took the pressure off. She filtered through the information to me that I needed to know. She was able to explain things in more detail because she's involved in the industry. All that kind of stuff. (I-15)*

**FINDING:** The benefit of having someone to help families navigate the formal processes was evidenced in the significantly higher satisfaction ratings in the following items by families who received help, compared to those who did not:

- Level of control they felt they had over decisions that were made
- The information they received from authorities
- The procedural justice (fairness of processes/having voice heard) related to court proceedings
- The formal outcomes that were reached – investigation and court proceedings

### Recommendations

- That in addition to written information, one easily identifiable position/group/service that is experienced and qualified to work with bereaved people, be funded in each jurisdiction or nationally, to provide information and support to families through the formal processes.
- That this information be provided shortly after the death, and at the time each new step of the formal process occurs.
- That outreach mechanisms be identified and formalised.

### Respondents' comments and recommendations:

*We got our information about what the processes were 5 weeks after the accident which was not at all helpful. (S-12)*

*I would like to see a liaison officer(s) made available to those who are affected by workplace death in order to assist in objectively navigating the paperwork/legal issues as well as providing objective psychological support. To be able to ring someone and say - I can't do this myself, I need help, am I doing this right, what does this mean, what evidence should I provide etc. would have been extremely beneficial. (S-22)*

*Timely contact with a support team that has been through a workplace death. It is a very different type of death to deal with. And contact to help through court/coronial processes. (S-33)*

*After the police knock on your door and inform you of the death, there needs to be other supports that police can contact to step in immediately to help families so police can return to duty. (S-38)*

*I feel that support agencies need to be more proactive in reaching out/finding and approaching grieving families. Having an office and a phone number is great but what's even better is a knock at the door with a guiding hand when your head isn't thinking straight enough to be able to even dial a number let alone walk out of the house to go to help. A very idealistic and time consuming thought but I think it has its merits also. (S-43)*

*My brother's work places had never had this happen before, and were quite upset by this too. [They] offered to give us anything we needed, and kept saying let us know what you need and we will organise it, but that was the problem, we didn't know. We didn't know anything at that point, we couldn't function let alone write someone a list of things we needed. Having [support group] was amazing because they knew what we needed. They knew we needed our flights reimbursed and our accommodation paid for in [location] when we all flew over, [support group] knew that we needed our meals paid for and organised so we didn't have to think about feeding the 15 people of my brother and his wife's family that were there. That made such a difference, knowing we didn't have to worry about those things. (S-57)*

*Furthermore, information regarding the processes was difficult to find and understand, especially once you are thrown in the middle of it. There also needs to be solid and professional support from lawyers as I have heard about some very bad experiences regarding them and they are quite a crucial factor in speeding up processes like the inquest. (S-46)*

*Timely contact with a support team that has been through a workplace death. It is a very different type of death to deal with. And contact to help through court/coronial processes. (S-33)*

*Follow up conversations and documentation regarding process and time frames. Information from the people taking the body at the scene, as to where, when, how, etc. what comes next. Information and contact details from the police. The workplace health and safety investigators - asked to speak to them. Didn't hear from them. Would like to know what they find / found and where that is at. I have no idea what's going on now and what stage any of it is at? There is no body that tells u what to do with regards to dealing with a death. (S-105)*

*Get the financial support into the support groups so that they are able to help their families properly with specialised legal advice. (S-17)*

*More support for families, in regards to more information about what steps to take to get information about the incident. (S-95)*

*A support service worker should be available to assist every loved one who is trying to navigate their way through this process. An organisation like [support group] has been more help in the process than any of the government services. (S-52)*

*There was no organisation dealing with Industrial Death when my husband died, so I am so pleased that [support group] came into being, so we can be of support and comfort to those who are suffering losses now. At least, though our circumstances are different, our experiences can be shared. Lives should be for living, and we should not be mourning our loved ones long before their time. (S-24)*

## **Timely information about investigations and court procedures**

FINDING. Families are frustrated by the wait times, timelines, and delays that they face in getting timely information.

In Phase 1 interviews, authorities advised they were aware that families wanted timely information about the circumstances of the death and to be kept informed about the progress of the investigation and subsequent court proceedings. They acknowledged the frustration that families experienced because of the delays in the formalities and limited information being provided during this time. However they felt constrained in the amount of information they could release because they did not want to jeopardise a prosecution (Matthews et al, 2014).

*Families need answers. After 8 years my family and I are still looking for these answers. (S-108)*

*Since my [loved one's] accident we have yet to hold the inquest, and it has almost been 2 years. This has really hindered any understanding about my [loved one's] death as we are still at a loss as to what exactly happened and why. (S-46)*

*I am still waiting to find out if people or the company will be prosecuted for his death and it will be a few years yet until there is a coronial enquiry which is so difficult that we have to wait so long for answers. It prolongs and intensifies the pain. (S-84)*

### Recommendations:

- That a formal publicly available communication protocol that includes all formal processes and authorities involved following the death be developed to ensure that :
  - Each authority and process knows what the other is communicating and when, and
  - Next of kin AND immediate family members (especially parents) are kept informed in a timely manner of the investigation progress and court proceedings.
- That the coronial inquest occurs before, or in tandem with, prosecution to reduce inquest delays.

### Respondents' comments and recommendations:

*[Government safety inspectorate] should provide a support worker who keeps in regular contact with families. Leaving it up to the investigators to provide information DID NOT WORK. (S-63)*

*Reduce the length of time investigations and the inquest process takes. The government to show accountability through the transparent sharing of information rather than hiding behind legal professional privilege, public interest or worse still CMC investigation privilege. (S-91)*

*More open communication and information as it is needed by loved ones. The investigation & charges took 2 years & only then was I given any details of my son's death...I was so angry at anyone involved...it was a very painful time. (S-18)*

*Timely answers. Understanding how copies of reports are obtained. I have not seen a copy of the investigation or coroner's report. (S-55)*

*What I would most like changed would be the victim's families looked after more and proper legal implications carried thru. (S-11)*

*There should be a regulated time limit that the Coroner has in which to deal with a matter. I have been waiting 32 months for any notice of Inquest. (S-93)*

*Coroner's report more timely - not thirteen months. (S-94)*

*That the legal process not take so long. It is very hard to heal when you are constantly having to relive everything (S-26)*

## **Participate in processes (have their voice heard)**

One precursor to a person's sense of procedural justice is the extent to which he or she perceives they have a voice in the process, such as being included in relevant decision-making and the right to request that actions be taken or considered. Families' ability to participate in the post-death processes was determined by documenting the control they felt they had over the decisions being made, resources they had to help influence decisions being made, e.g. access to lawyers, and opportunities to have their voice heard in events following the death of their loved one.

**FINDING:** When asked about the extent to which families had an ability to control or influence decisions following their loved one's death, roughly 60% of respondents answered 'not at all'.

**FINDING:** Many families do not have the resources to help them participate in the decisions being made about their loved one in the post-death processes. Few have the resources available to influence the decisions, e.g. funds to hire a lawyer.

**FINDING:** Sixty per cent of participants were 'very dissatisfied' with the opportunities they had to have their voice heard in the *investigation process*, compared to 8% who were 'very satisfied'

*I feel completely powerless as I have no say or involvement in the investigation or outcomes and none of the parties want to readily release or share the findings with you which is just devastating. (S-84)*

*Having no control over anything, no visits from the company, not knowing what was going to happen next. Felt it was happening to someone else as we were last to be told. (S-79)*

In interviews, many families expressed their concern that they were not consulted by the authorities about certain aspects of their loved one's death, and that concerns they raised about facts included in the investigation report that they knew were inaccurate were not acknowledged.

**FINDING:** Forty-eight per cent of participants were 'very dissatisfied' with the opportunity they had to have their voice heard in the *court processes*, compared to 11% who were 'very satisfied'.

**FINDING:** Many families do not know or are not informed of existing mechanisms that allow their voice to be heard.

FINDING: When participants were asked the extent to which they were provided with an opportunity to express their views on whether a coronial inquest should be held, 60% responded 'not at all', compared to 13% who indicated 'a large extent'.

This is an interesting finding given that most jurisdictions have avenues available for families to write to the Coroner to request an inquest. Findings from the family interviews, however, suggest that many families do not know their rights or were not provided with information about how to 'have their voice heard'.

*When I began working with a group of people to create a new self-help group that has been very successful we realised that one of the most significant things about this grief was the need to be heard and it made such a difference to many people when they felt they were. (S-5)*

This is important for families because the coronial inquest is one of the very few avenues for families to hear from others about the events that led to the death.

*Yes. Well, we didn't know anything about the investigation until that was presented at the coroner's inquest...I think just being at the inquest itself was where I got most of my information from. (I-13)*

One of the ways that families can have their voices heard in the court setting is through the reading or presentation of a Victim Impact Statement. They take this opportunity very seriously. Yet at times the statements were edited by authorities or the courts did not allow enough time to read them aloud.

*The Court, because they go through it and they say alright - see that was hard because you need to write your victim impact statement on what impacts you. Yet they pick and choose what actually stays in there and is used in the Court. (I-11)*

FINDING: Improving participants' experiences of their inclusion in decision making and having their voice heard results in greater satisfaction by families with the post-death justice process.

Consistent with theory underpinning procedural justice, families' satisfaction with their input to decision making and having their voice heard was significantly related to formal support provided and legal outcomes determined. It was also significantly related to their perceptions of justice being done.

#### Recommendations:

- That written information be provided to next of kin and immediate family members that informs them of their right to obtain legal representation during coronial inquest
- That family members be allowed to participate and have their questions answered during inquests.
- That funding to the coroners court increase to allow a greater number of inquests into fatal work incidents.

#### Respondents' comments and recommendations:

*Family to be part of process to gain information that can assist healing. (S-10)*

*Empowerment of families to be included in the decision-making process (S-25)*

Our family went to the courts 8 times to make sure everything that could be done for our loved one as we were his voice. We had good chances to do that but I know of others that did not. Since our case some things have changed for the better but others have not. (S-87)

### A thorough investigation to determine how and why

**FINDING.** With regard to any investigation more than half of respondents indicated that they were ‘very dissatisfied’ with the fairness of processes used (59%) and with the outcomes reached in the investigation (55%).

Participants wanted to find out what happened to their loved one and how they died. This information answered questions about whether their loved one suffered; and whether it was possible, given the injuries, for a loved one to have survived. It helped to prevent family members conjuring up scenarios of the incident in their head. Information about why the incident happened helped people to identify actions that could prevent it occurring again.

*All you want is answers, as quickly as you can, to be able to understand what happened, to be able to understand what things should have been in place so that it doesn't happen to other people. (I-32)*

Accordingly they expected that there would be a thorough investigation to determine how and why the death occurred.

Having confidence in the justice system is based, in part, on being able to understand why particular decisions are made. This includes timely and truthful communications from authorities and an explanation of the choice by authorities to follow a particular investigatory path. In this study, the majority of participants were not satisfied with the fairness of processes used in the investigation or subsequent outcomes (see Figure 3).

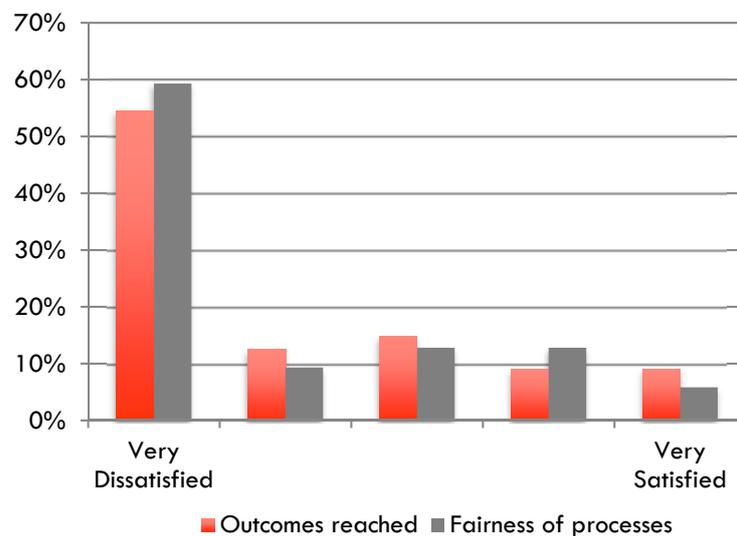


Figure 3. Satisfaction of respondents with investigations

FINDING: Families had difficulty being satisfied with the rigour of the investigative process due to:

- inconsistencies in information,
- concerns of possible tampering with evidence, and
- lack of explanations from professionals about decisions arising from the investigation.

Inconsistencies in information from different sources made it difficult for some families to be satisfied that there was rigor in the investigative process.

*The thing that I don't understand about it is that they found that the tyres on the crane weren't pumped up to the correct PSI, that there was cracks in the chassis that should have been picked up earlier in this 10 year inspection that the crane had. That there was modifications done to the crane's suspension that weren't certified. So it shouldn't really have been on site in the first place... I don't really understand how it could have been there in the first place and all those things be wrong but then they still not find anyone at fault, if that makes sense. (I-15)*

There were concerns about possible tampering with evidence and associated cover-ups, of information suppression, and officials acting with protective interests of the department.

*...the foreman on that job had said when this happened and told the police and [government safety inspectorate] and that, that he'd given them all the safety talk and given them the safety hats, which wasn't true, and that they'd signed the register to come in on the job, which didn't happen. The foreman signed [loved one's] name... Anyway, so when it went on like months later, looking at the [government safety inspectorate] things, and they showed me something, they had signed [loved one] as [loved one's name spelt incorrectly], which is not his name. It was with a [different letter] and they said - so he was charged and he finished up after years of saying not guilty, finished up saying he was guilty, but nothing happened to him. (I-14)*

Some said that they had not being given satisfactory answers as to why the inspectorate did not prosecute and that this was distressing.

*Even the guy said about the seatbelt and he said, look I don't enforce it. It's all on a tape from the court. It's all written there and as I said, they issued fines, they did this. Whether they paid them, I don't know. Why didn't they take the next step and prosecute? I don't know. (I-12)*

Respondents advised that if confidence in the jurisprudence process was to be maintained, measures taken to preserve the integrity of evidence were important.

### Recommendations

- That the safety inspectorate develop formal public protocols that allow transparency and analysis of the systems, methods, and rigour in their investigations
- That coroners provide greater consideration to holding inquests into fatal work incidents
- Written information should be provided to families clearly explaining the stages of the investigation, what has been determined, and the future direction of the investigation.

Respondents' comments and recommendations:

*If early pleas/ plea bargaining is done it should only be very minor if any! Give police [safety inspectorate] greater powers to speed up the process and more funding. (S-82)*

*Companies should not lie and be deceitful and disrespectful to families. Investigations should be factual, transparent and the family have easy access to the facts and findings at all times. (S-84)*

*[Government safety inspectorate] have not cooperated to the extent that they should, as the role that the agency is meant to have. The files regarding the accident have been sitting in an office since January [year], and we were only notified November [year], through persistence on our part. It is unfair that families should be responsible in these matters where they have to be following up on these crucial things. (S-46)*

*Give the Coroner first access to the facts and evidence. Families MUST be involved in that process. There is too much information held there that is never revealed or even known by the Courts. FAMILIES MUST BE INTERVIEWED! (S-17)*

*That the Coroner's hearing be dealt with well before any prosecutions as how I see it a finding would not or should not have any influence on any charges brought through legal proceedings. By doing this, this would help support families more as they would know their loved one is not forgotten and left in 'the bottom of a basket' somewhere. (S-37)*

*[Government safety inspectorate] should work with the family, let us ask questions and answer our questions. We should be taken seriously. We know our loved ones, and sometimes we know more about the workplace than [government safety inspectorate] will find out, because our loved ones have talked to us about their work and their work colleagues. (S-83)*

**Someone or something held accountable (justice being done)**

**FINDING:** Families need to know that someone or something is going to be held accountable for the incident that resulted in the death of their loved one unless they are satisfied that it is an unfortunate accident.

Many viewed the outcomes of the formal events, such as the holding of a coronial inquiry or the prosecution for the safety offence, as important steps in someone being held accountable for the death. Yet, not all participants were satisfied with the outcomes of these events or the processes used to determine them (see Figure 4).

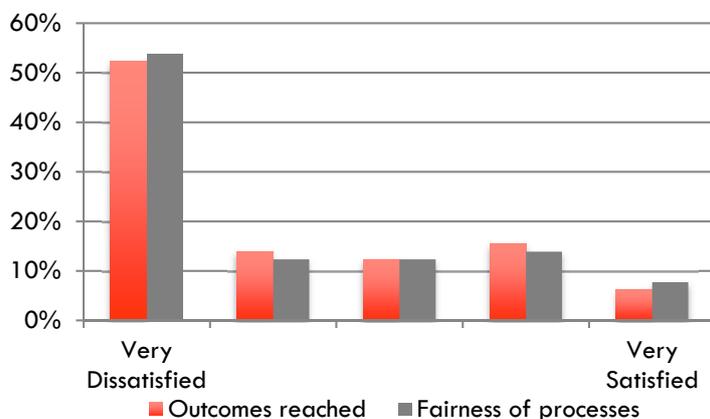


Figure 4 Satisfaction of respondents with court proceedings.

FINDING: The majority of respondents did not believe the procedures that were in place to determine who was to be held accountable for the death of their loved one were fair and just.

Participants identified the flaws in the justice system, including the time taken to get answers.

*The justice system is incapable and inexperienced to handle industrial death cases. By the time the case gets to court several years later most witnesses have forgotten the details and can't remember. Lawyers are inexperienced with industrial laws and therefore don't ask the appropriate questions to receive appropriate answers. The DPP make behind closed doors decisions to drop certain charges if the company plead to lesser charges. (S-110)*

FINDING. Few respondents believed that justice had been done following the investigation and court processes, with 67% and 63% respectively reporting that justice was done 'to a small extent'.

When someone was found to have been accountable, the fining of a company and payment of that fine was central to some participants' sense of justice; although others were not satisfied unless the company was prosecuted. When fines were reduced or not paid, participants felt that there had been no consequence for the death.

*More changes are needed to make the legal system and its counterparts fair and effective- and reflect the values of Australians. Human life is not valued in our present system. (S-86)*

*They don't understand that closure cannot happen until someone is held accountable and rarely is a company owner or the person directly involved held accountable. Some 'accidents' do occur, however, preventable incidents happen because to a company the death of a worker is usually viewed as just the cost of doing business. Workers' compensation might help some survivors with monetary help, but they are a hindrance for being able to hold a company accountable for shoddy work safety practices. (S-104)*

#### Recommendations:

- That the safety and coronial investigations rigorously examine the systemic failures which may have led to the fatal work incident occurring, not just the single incident.

#### Respondents' comments and recommendations:

*A real system to be set up to handle industrial laws. Industrial manslaughter laws to be introduced in all states and those held responsible for deaths in industry, charged like anybody else in society. (S-3)*

*Increased employer engagement. Shorter times between investigations & inquests. More frequent prosecutions where negligence has been proven & an increase in the penalties. More regular and accurate information for families (S-25)*

*Company CEO/Presidents should be personally charged with Manslaughter for workplace deaths and then the onus is on them to prove innocence not on the poor bereaved family to prove guilt and suffering etc. I have been to hell and back and would like to help ensure that [industry] widows in future are treated with the respect they and their families deserve. (S-65)*

*[The] Prosecution team could have had our [loved ones] case dealt with in the Criminal arena, (we have just been told,) which would have been more efficient for us, but also for tax payers dollars!! It has taken 3 long years to finally [get] them into court, this effects family's navigation through*

*the grieving process: Anger and frustration is paramount... The Govt at large is not proactive. The term `changed management` holds fear in the legal realms. This is reflected in how old and out dated their Common law is. The Legal system needs to move as in other professional realms- for a higher good. (S-86)*

### **Actions taken to prevent similar incidents occurring (recommendations made and actioned)**

FINDING: Sixty-five per cent of respondents were told by an authority at some point, that the death of their loved one was preventable.

FINDING: Families want timely action on steps to prevent another incident happening.

FINDING: Respondents were concerned with the time it took to get preventative action.

Many families were concerned that actions be taken quickly to prevent an incident, such as the one that resulted in their loved one's death, happening again. Rarely did anything happen quickly.

*But the hardest thing of all is to have to deal with the bureaucracy of the legal processes of the Coroner's office and have nearly 36 month wait for an inquest or even notification of an inquest to be made....no information from the Coroner's office and the nightmares happening of if it should happen again... (S-93)*

FINDING: In terms of recommendations being made for prevention of similar incidents in the future, just 51% of respondents were told that recommendations were made. Of these, only 32% reported being satisfied with the recommendations.

*Untruths have been told since it happened, adds to the complicated grief which still continues, especially as workplace accidents still occur at the [workplace] and the area is still not 100% safe... organisations involved- continue to focus on themselves, covering themselves instead of making things better safer... Processes should be truthful, timely... Honesty is vital. Safety is paramount- workers first. (S-100)*

### Recommendations

- That there be greater emphasis on the preventative role of the coroner
- That consideration is given to establishing a 'Coroners Prevention Unit' in each jurisdiction.

### Respondents' comments and recommendations:

*Being completely honest on how they were killed, why and what is being done to prevent a similar death. (S-28)*

*We are the victims, my husband's injuries were horrific, but told by the company he was fine and breathing. And yet the man gets protection and seen as a victim. There has been no remorse from him or the company. He got a twelve month bond, I'm not finished fighting yet, I truly hoping for an inquest. (S-106)*

*Fines at that time and even now are trivial for when an employer is found guilty of Unsafe Work Practices. The impact on the people directly involved even with the Employer level are for higher than any impact on the actual Business organisation, this need to be addressed. (S-23)*

### Access to support (to be acknowledged as being affected by the death)

**FINDING:** Respondents were generally dissatisfied with formal support and satisfied with the informal support received (See Figure 5).

Affected family members may be entitled to various forms of ‘formal’ support following a workplace fatality, that is, support provided by or financed by authorities following the death.

The support offered is typically that of emotional support (access to counselling), financial support (workers’ compensation), and access to information about the investigatory and court processes. This support may also be sourced from ‘informal’ sources such as families’ own networks and support groups.

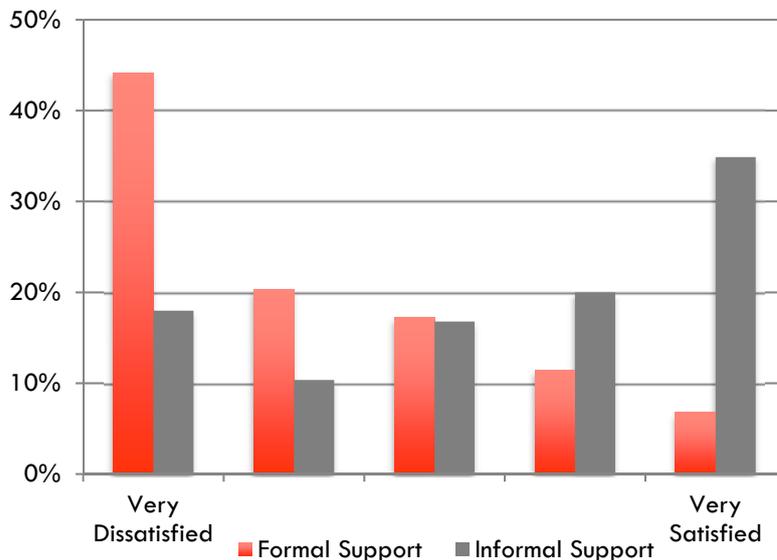


Figure 5. Satisfaction with support provided following the death

### Emotional support

**FINDING.** Families value the opportunity to receive counselling at a time of their choice following the death.

**FINDING.** Inequities exist in families’ abilities to access quality counselling. Respondents who were able to source and pay for professionals of their choice were more satisfied with counselling quality, timing and availability, and counselling outcomes than those who had professionals offered or funded by authorities or employers.

**FINDING.** Funding needed for counselling beyond the set number of sessions allocated by various schemes adds to the financial hardship that most families experience in the years following the death.

**FINDING.** Support groups and services offered support and understanding that family members did not find elsewhere.

Families reported lower satisfaction with the quality, timing and availability, and outcomes of the emotional support provided or funded by authorities than that which they sourced themselves (see Figure 6).

In interviews, most participants advised that they received information from authorities about counselling services shortly after the death. However, some did not know they could access the support while others advised that the information that they received was of little use to them.

*How is there not even a document that the police have to forward you? How is there not a document - I mean yeah [government safety regulator] sent me one. How stupid are they? We'll send it to a [State] address but we'll give you [information about] [another State]. Yeah thanks. I've kept it but basically - I mean suicide is a big - I've thought of taking my own life so many times. (I-12)*

*I mean I didn't even know that I was listed as his next of kin and was entitled to so many visits to a counsellor. I paid for my own counselling. I fought like hell; I don't know why I had to do it, to get counselling for my grandson. Why do they do it? [Government safety regulator] have got to be seen as a caring body, not just for the employer. I mean [government safety regulator] had counsellors into the employer's office the next day, but what about the family? (I-01)*

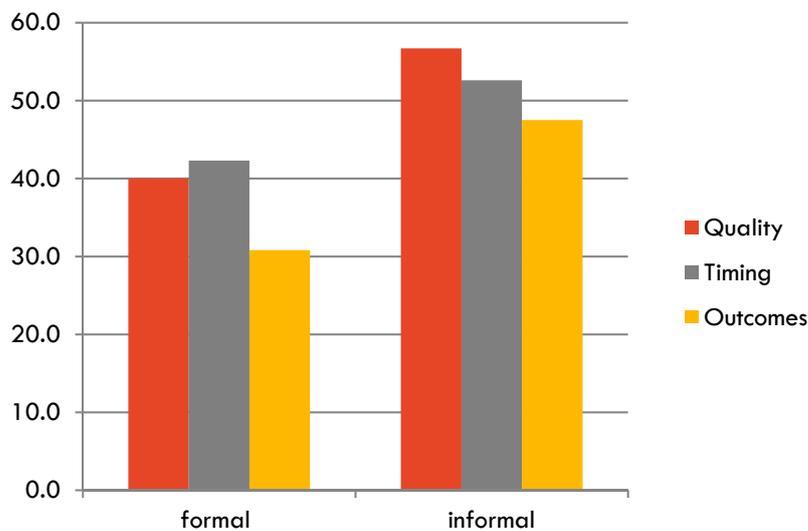


Figure 6. Families' satisfaction with emotional support

Some participants advised that they selected not to take up the options offered to them by the authorities. They preferred to choose a counsellor who operated independently to the authorities or former employer.

*It's just that sometimes when counselling is offered by [government safety regulator] or something like that, or if the employer offers some sort of counselling, then families find that of varying success. Sometimes it's good, sometimes it isn't. Our previous work suggests*

*that when families have the opportunity to select somebody that they want, that it's a little bit more successful.(I-40)*

Counselling incurred ongoing expense that some found difficult to meet. Several schemes reimbursed families for a specified number of sessions. These included workers' compensation agencies, Employer Assistance Programs (EAP), or Medicare. One person claimed counselling expenses through a public liability claim. Reliance on financial assistance placed a barrier to access once the funded sessions were complete.

*He kept on wanting me to come back every week, every two weeks, every two weeks or every week sometimes. It just got to the stage where when we did get this little bit [of compensation] all the money just seemed to go on the psychiatrist. (I-27)*

Participants reported that support groups and services offered support and understanding that family members did not find elsewhere. They provided a space for family interaction and skills exchange and included a space for children. Facilitators and longer term members offered emotional support, advice and guidance to members more recently bereaved.

*Grief, yeah, grief the worst thing in the world, because you don't think you're normal. You think you're having a breakdown, you just can't cope with it, but when you see other families going through the same thing we are normal. It's a normal process all these things that you go through.(I-26)*

#### Recommendations:

- That funding be made available for families to access a range of counselling options, e.g. services provided by professionals identified by authorities, services provided by existing health professionals, and services provided by newly sourced health professionals
- That dedicated funding to workplace fatality support groups/services is earmarked in annual budget allocations to ensure the availability of ongoing services and support to families bereaved by a workplace fatality.

#### Respondents' comments and recommendations:

*More encouragement to get counselling. More understanding from the authorities of how these things shatter peoples fragile lives; that often the authority is not only dealing with the death but a multitude of problems. More community awareness so that people feel more comfortable around the subject of death and don't shut people up when they need to talk. (S-5)*

*I don't know about other families, but we received no support not even a phone call. Not good enough. (S-30)*

*In 1997 there was very little assistance being offered to the families of those that had lost their lives in a workplace tragedy. All responsibility was with the family to look after themselves. There was also little assistance re mental health issues as it was still a taboo subject. It was still something that wasn't even discussed with other family and friends. There seems to have been many changes to both issues since then. (S-8)*

*That help is easily accessible to people in isolated areas and free. (S-26)*

*I would like to see it automatic that families are informed that there are support groups out there. Counselling services for all family members should be automatic. As my son was not dependent on his family we were not considered when it comes to counselling or compensation. (S-50)*

*The police should be the first to provide info about counselling. (S-54)*

*There needs to be more support for families as at the moment it is quite limited. Several people have suggested counselling and therapy, however they are not applicable to everyone in this situation. Personally, I felt going to counselling sessions did not help me at all and just made me upset and this was a common feeling in my family. It doesn't help that to make a solid Nervous Shock Claim there needs to be solid proof that one is continually grieving. In a situation like this, I feel like people are the most private and conveying private feelings and thoughts to a qualified, yet a complete stranger, is not comforting at all. (S-46)*

*We have been left and forgotten, there has been no follow up by anyone to see how the family is doing (S-64)*

*More direct contact. More information, more compassion. (S-71)*

*More support needed, not just in the immediate, but long after the event. Also need more talks on work sites from those of us that have dealt with this to make people aware. (S-73)*

*More counselling and financial support is required for families. (S-74)*

*We now have support through DPP from [organization] if only this was done at the beginning, I feel this could of helped myself, husband & 16yr old son. As you have counsellors or now we have a thanatologist, for me she is the only one that made any sense to date. (S-82)*

*Companies required to provide appropriate psychological support to families. Support agencies should be adequately trained and competent in providing support. (S-84)*

*Greater long-term support that goes beyond the first 12 months (S-25)*

*First and foremost there are no group sessions for families who have lost a loved on through [government safety regulator]. There are no counsellors here in [location], I had to ring [capital city] who told me they had no-one available here in [location]. (S-106)*

*I believe the police contacted a "counsellor" or someone who I got a phone call from. They basically were able to talk on the phone, but from memory weren't real interested due to it not being their field or not something they would normally do, or them being a voluntary counsellor or something? I don't quite remember but I do remember thinking.. well why are u bothering to contact me. (S-105)*

*I was very shocked by the bias shown by the detective and found it extremely disrespectful and insulting at a time when support was needed. (S-13)*

## **Financial support**

FINDING: Not all families are eligible for workers' compensation.

FINDING: Workers' compensation processes that are perceived and experienced as complex, unfair, and lacking transparency in decision making, are an additional burden to families who are grieving.

As identified in the first section of this report, and repeated again here, the financial consequences for families were significant and impacted many aspects of everyday life.

Workers' compensation is the primary formal response to the financial consequences for families of the death of a worker. However not all families are area eligible to claim and those that did (44%) reported that the process took anywhere from one month to 'many years' to resolve.

*The legislation has almost completely confused the issue of an injured worker from one that has a fatal injury. The organisation is inherently cruel and fails at so many levels at procedural fairness, there are not enough words here to give it justice. (S-17)*

*I was told that because I was young I wouldn't be entitled to a larger claim because I could always find another husband. I was also told that I would need to prove that the child I was pregnant with at the time of my husbands death was indeed his for that child to be entitled to make a claim. This was later taken back and I only had to provide a birth certificate. However both of these statements were (and continue to be) very upsetting, especially for someone who had two young children, another on the way and had just lost the love of her life. The fact that my age and gender lessened the amount they thought my husbands life was worth is extremely upsetting to me. (S-110)*

*There's a lot of complications with all that sort of stuff and it's really actually only just kind of come to some sort of resolution around the [government safety regulator] stuff so it's been a bit - no, not [government safety regulator], workers compensation stuff so it's been a bit of a nightmare really. (I-20)*

Of those who had contact with the workers' compensation system many expressed concern with the attitudes and behaviours that they experienced.

*I cannot stress enough the pain [government worker's compensation agency] have put me through, the administrative [mistakes] & the cancelling of weekly payments 12 months after death. I do not care about the money, but more about the fact that [by doing so] this indicates my life is back to normal, which it is far from. The law encourages widows to sit on the couch, not work & waste money, the law does not support those who try to get back to normality as much as possible. (S-21)*

Respondents reported that some authorities could be insensitive when speaking to family members about a loved one who had died. Occasionally, this was due to insensitive procedures that officers at the end of a phone found difficult to change. Correspondence that was mailed to the deceased person or that used this person's name could be distressing. Several participants had received letters which had been automatically generated for their loved one despite having notified the agency of their death.

*Just their responses; there's just no sensitivity in it. There's no caring. I know people can't care and it's their job. They can't care about everyone and everything but if you're working in a job where you're having people call about dead people, you shouldn't have to be on the phone trying to prove who you are to the dead person if you don't have the case number. You should be able to ring up without a case number and speak to someone. It's your dad. (I-05)*

#### Recommendations:

- That the system adopt a user-friendly service delivery model
- That each jurisdiction have emergency financial funds available to provide short term financial support to families
- That a system be created to provide all families and support groups with up to date information about the financial support available to families shortly after the death of their loved one, and in the longer term.

- That authorities and their staff be adequately trained in working, communicating, and supporting grieving family members

### Respondents' comments and recommendations

*Only by chance many months later did I find there was a process to apply for compensation for the loss of life of wife and mother. (S-34)*

*I got insurance payout but had to pay half back to [government workers' compensation agency], I can't get centrelink either. (S-106)*

*Less focus on the need for insurers/companies to fight families in such a way that it disadvantages families, particularly with civil claims (S-25)*

*The wording of the [coronial] report prevented me from claiming any compensation according to what I have been told (inconclusive) (S-94)*

*More help in understanding your rights in the work cover claim. I may have been able to appeal the amount of compensation i received but no one suggested it. And I had a lawyer (S-7)*

*Support from police and perhaps legal aid for those who can't afford legal costs. More support from Centre link ... more time on widows pension than 6 weeks (S-72)*

*Workers compensation make a dependency claim following the death of a loved one at work. There is no death cover following the death. The dependency claim is based upon the income earned by my wife over the past 3 years. The system is discriminatory against females and elderly. My wife worked as a carer for her mother over the past two financial years. In the financial year of her death she earned the same as me and would have done so in the future. Because the legislation only takes into account completed financial years???. Our dependency claim was limited. (S-90)*

*[Government safety regulator] was painful with regards to recovering funeral costs. (S-105)*

*A financial system set up where families can acquire instant finances for lawyers, travel and extra cost associate with death. (S-3)*

*There is not enough financial support immediately following an accident (S-44)*

*Provide immediate access to insurance funds to cover the deceased's financial commitments so that the additional burden can be managed without stress. (S-91)*

*Insurance companies more responsible for REAL incidents that are clearly in the scope of a building's insurance criteria - even though through a loophole they all of a sudden aren't. Even some sort of residual payment just to assist the victim's family in some way. (S-93)*

*Especially financial support for those who don't receive compensation and are expected deal with an unexpected tragic death and financial problems. We were lucky to have financial support from family and friends (S-74)*

*'Nervous shock' claims has been taken away from us... because it is just like any other death. But with most other deaths, the families are informed, forensic investigations take place, or there are health issues that are determined (either prior or shortly afterwards)... If we cannot claim for nervous shock then the Companies should be legislated to "support" the family and minimise our nervous shock rather the exacerbate it. I felt like the company was trying to make it so bad for me that I would just shrink away. (S-83)*

*Faster arrangements for financial help for the families as they are in shock and money just goes without you noticing it. More understanding from authorities as to what your needs are. (S-87)*

*I think it be made compulsory to have disability and death insurance as a part of Superannuation for work place deaths and injuries causing disabilities. I think it should also be legislated that [government safety regulator] must continue to pay for any medical treatment required until such time as a medical practitioner says it is no longer required. (S-97)*

*Some kind of grief and bereavement training for people who need to speak to someone whose loved one has passed away. Until you have experienced that loss you really have no idea how awful it is. To be dealing with people who make inappropriate comments or are lost for words so then say nothing is very upsetting. (S-102)*

*There should be a lot more support from all agencies involved. More training on how to deal with bereaved families should be a priority. More compassion could be shown by all. As the old story goes, you can never understand the pain and suffering, until you experience it yourself! Walk a mile in my shoes! Every family's story would be slightly different, but the end result is the same.....we are left to try and survive without our loved ones. (S-24)*

## **Summary: Adequacy of formal responses in meeting the needs of families**

The survey and interview findings provided evidence that the formal responses to the work injury fatality were not adequately meeting the needs of families.

### **Families' need for timely and accurate information**

Family members were frustrated by the wait times and delays they faced in getting timely accurate information. Individuals also reported having limited information and guidance with navigating the broad range of services and legal agencies in the wake of the death. The legal nature of the next of kin status resulted in some immediate family members not being provided with information regarding legal decisions being made or the progress of formalities following the death. Parents and siblings in particular, found this distressing.

### **Families' need to participate or have a representative in the processes**

The majority of families were dissatisfied with the opportunities they were given to participate in the formal processes, to influence decisions about their loved one, to have their voice heard. Few had the resources to organize legal representatives.

### **Families' need to know that a thorough investigation was undertaken**

Families had difficulty being satisfied with the rigour of investigative processes due to inconsistencies in information, concerns of possible tampering with evidence and the lack of explanations from professionals about decisions made during investigations. This led to families reporting dissatisfaction with their account of how and why their loved one died.

### **Families' need to know that someone or something was held accountable for the death**

Few respondents believed that justice had been done following the investigation and court process. Families wanted timely action on steps to prevent similar incidents occurring in the future.

### **Families' need to know that actions had been taken to prevent a similar death**

Just over half of the survey respondents were told that recommendations were made to change work practices; 32% of these respondents reported satisfaction with the recommendations.

### **Families' need to receive adequate emotional and financial support**

Families had some concerns with the timing, availability and outcomes of emotional support provided or funded by authorities. Although families valued the opportunity to receive counselling, many were not able to afford the ongoing costs associated with counselling. Families tended to be more satisfied if they were able to use professionals of their choice.

Many experienced ongoing financial hardship following the death although only some were eligible for workers' compensation. The workers' compensation process was perceived by some as being complex, unfair and lacking transparency in decision making. Many families expressed concerns with the attitudes and behaviour of its staff.

# Concluding Comments

Long ignored, the adverse consequences of workplace death extend well beyond its victims to their families, friends and the community more generally. Even leaving aside the much larger toll of deaths resulting from work-related disease, every year too many Australians are added to the death toll from traumatic injury at work. Their death then inflicts shock, misery and loss on a much large group, their family and friends. For family members life is often changed irrevocably; they have grief that is only accommodated not 'closed' and changed financial circumstances that can alter the life trajectory of children. The toll is cumulative. The numbers who suffer from the loss of someone precious to them each year does not disappear as a new year begins. As this study shows – the consequences are profound and long term. This is not a new problem, it has been around for hundreds of years, but what is also disturbing is that it has received limited attention from researchers and policy makers.

This research has documented the breadth and the scope of the health and financial consequences of fatal work injuries for surviving families. It has identified the challenges that families experience navigating the formal procedures that follow a death and the difficulties encountered with authorities during this extensive period. The study has also documented the experiences of authorities and their contact with families. For many, it is a problem of reconciling competing demands between their responsibilities to the legal system and their implied moral responsibility to the victims and their families.

Our report includes recommendations for change. Some recommendations can be implemented immediately while others require change in legislation, policies, or practices that will take time to accomplish. A number of recommendations are already in practice but others need further action by authorities and lobby groups. We hope that this report, and the wider findings of this study, will be the catalyst for change. A critical part of this study has been to identify and give some voice to the views and experiences of those who suffer the appalling impact of a workplace death. A number of groups have been formed to advocate on behalf of these families. Hopefully, this study will assist their efforts to secure the important and urgent measures that are required.

Further research is needed to build on the broad baseline findings provided in this report. A more extensive representation by families could be achieved through research partnerships with government authorities who have access to the relevant next of kin data. Research questions that focus on specific formalities and processes following the death would provide more detailed evidence of the benefits and challenges that families and authorities encounter. Prospective study design would allow for the nature and causality of relationships to be documented and the best timing for tailored interventions determined.

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- Matthews, L.R., Bohle, P., Quinlan, M. (2017). *Crying in the wilderness: Next-of-kin and families' experiences of trauma, bereavement, and justice following fatal work incidents*. XXXVth International Congress on Law and Mental Health, Prague, Czech Republic.
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# **Death at work: Improving support for families**

## **Survey of family members: Summary report**

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November 2015

## Research overview and aims

Workplace death exacts an enormous economic, social and personal toll for employers, workers and the national economy (Australian Safety and Compensation Council, 2009). Unfortunately, little is known about the consequences for those who are most affected – surviving families (Australian Council of Trade Unions, 2008). The limited evidence available suggests that families of workers who die at work experience serious and enduring health and financial ramifications, and that these effects can extend beyond families to friends (Matthews, Bohle, Quinlan, & Rawlings-Way, 2011). Surprisingly, few studies on workplace death have specifically examined the impact on families. Furthermore, no published evidence is available on the adequacy of institutional responses in meeting the support needs of surviving families.

This research project aims to address these information gaps. Findings will provide an unprecedented evidence base for improvements in the provision of support to families. It will also aid employers, unions, and other authorities to develop practices and support material so they can better respond to workplace death and to surviving families. The following is a summary of the initial findings obtained from a survey of the family members of victims of workplace death.

## Profile of Respondents

There have been 184 valid responses to the survey to date. The majority of respondents were female (88%). Most participants (92%) were either partners or immediate family of the person who died. Over half (61%) stated that they were next of kin. Just over half of the participants were Australian (61%) with 17% from Canada and 16% from the USA. There were also small numbers from the UK, New Zealand and Singapore.

In terms of Australian participants, the highest proportion of work-related deaths occurred in Queensland (25%). The next largest group occurred in South Australia (20%), followed by Victoria (18%), NSW (17%), WA (12%), Tasmania (7%) and the ACT (2%). Approximately 15% of survey respondents lived in different states to those in which the deaths occurred, at the time of the death.

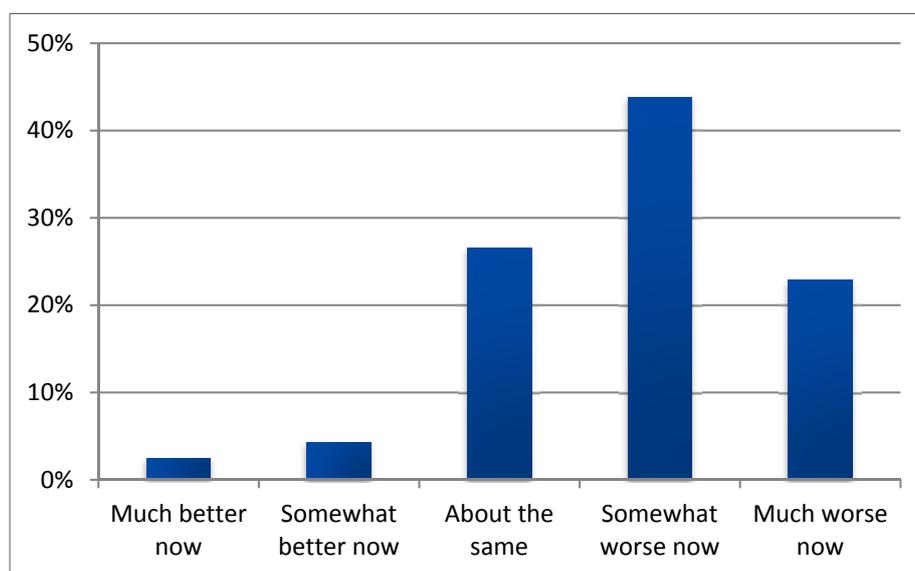
## Profile of the Victims

Approximately 88% of the workplace deaths reported in the survey occurred after the year 2000. The majority of family members who died at work were male (93%) and a significant proportion (34%) worked in construction. Approximately three quarters (75%) were permanently employed and most (95%) worked more than 35 hours per week. Some (7%) died travelling to or from work. Approximately 80% of the reported Australian workplace deaths occurred in Queensland, South Australia, NSW or Victoria. The highest concentration of workplace deaths reported in the survey occurring outside Australia was in Ontario, Canada.

## Health Effects of Workplace Death on Family Members

Preliminary findings indicate that the emotional and physical health of respondents has been substantially affected by the sudden death of their loved one. When asked about their health, more than 70% of respondents rated it as good. However, when asked to compare, 67% stated that their current health was worse than prior the death of their loved one (See Figure 1). When asked about satisfaction with their life and personal circumstances, only 7% of respondents reported being *'very satisfied'*.

**Figure 1.** Health now compared to before death of loved one

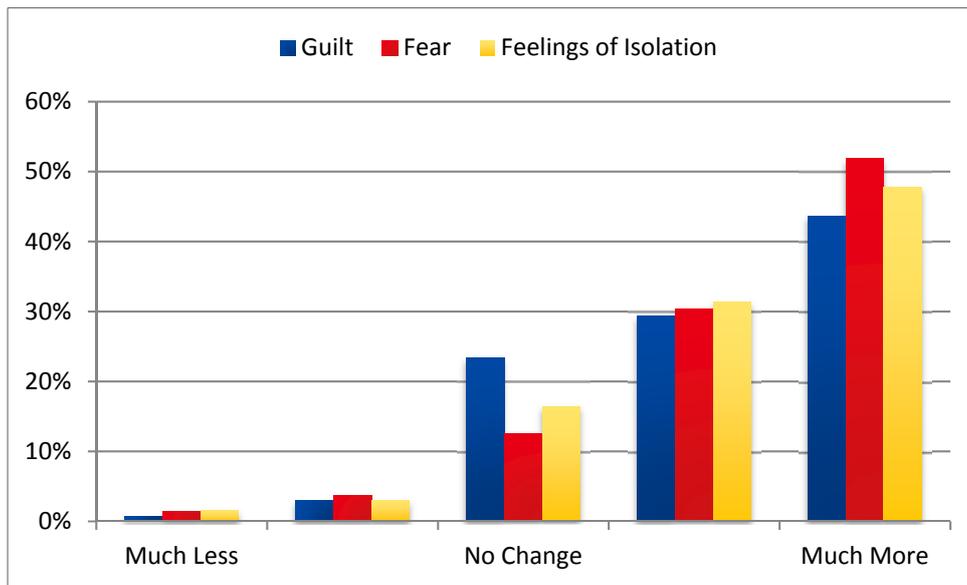


In terms of coping with the death of their loved one, roughly 65% of respondents reported that they were *'just managing'*, or faring worse. Approximately 35% reported that they were coping *'well'*. Respondents who answered items regarding ways of coping (~150) reported using problem focused coping (e.g. talked with a professional about the situation) more frequently than emotion focused coping (e.g. kept my feelings to myself). *'Talking to a relative or a friend'* and *'taking things one step at a time'*, were the coping approaches used most frequently.

More than two thirds (69%) of respondents reported that in the last month, personal or emotional problems had kept them from doing daily activities at least to some degree. Approximately 65% of respondents reported that in the last month, their physical health had allowed them to accomplish less than they would like, at least *'some of the time'*. Approximately 32% reported that in the last month, emotional problems (e.g. depression or anxiety) had led them to accomplish less than they would like, *'most of the time'* or *'all of the time'*.

When providing information about their bereavement, more than 75% of respondents reported increased levels of guilt, fear, and feelings of isolation since the death (Figure 2).

**Figure 2.** Changes experienced since the death of loved one



The personal challenges associated with traumatic bereavement were evident in responses. Of the approximately 150 respondents who answered questions relating to mental health, more than 40% were likely to meet criteria for prolonged grief disorder (PGD) and depression at the time of survey completion, while 60% were likely to meet criteria for PTSD. Approximately 40% reported they had been diagnosed with depression, 30% with PTSD, and 30% with an anxiety disorder following the death.

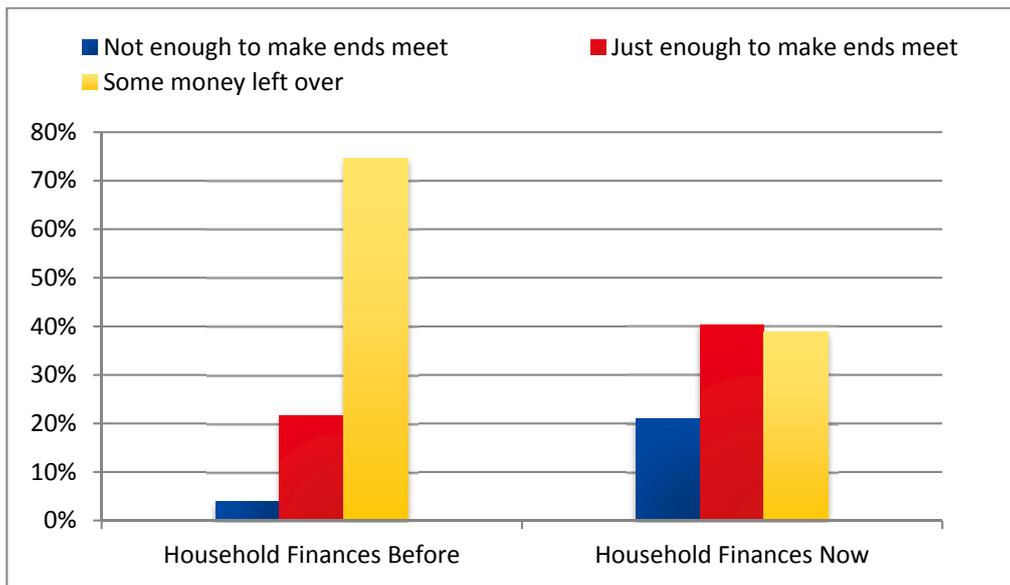
For some, the challenge led to an appreciation of personal strength and wisdom. Almost 60% of respondents reported experiencing at least a moderate degree of personal growth from the traumatic loss they experienced. More specifically, 64% reported that they had changed priorities regarding what was important in life and 32% reported having a greater appreciation for the value of their own life, *'to a very great degree'*

## Impact on Family and Lifestyle

For most, the workplace death had a significant impact on family and lifestyle. Many respondents reported that they moved house (33%), changed jobs (29%), increased their debt (25%), became the primary income earner (22%) and returned to work (22%) following the death. Respondents with children (85%) reported significant changes in their children's behaviour. The most commonly reported changes were ongoing concerns about the safety of other family members (45%), angry outbursts (36%), and being anxious (34%).

In terms of the financial impact of workplace death, 63% of respondents reported struggling to make ends meet following the death of their loved one (See Figure 3). This was in comparison to only 25% who were struggling prior to the death. This finding highlights the fact that not only are family members dealing with the emotional impact of grief and loss they also have to contend with considerable financial hardship as a result of the death.

**Figure 3. Household Finances at the End of a Month - Before and After the Death**



## Dealings with Authorities

More than 60% of respondents were notified of their loved one's death by the police or a family member. Most (88%) respondents were notified within a day that their loved one had died. However more than a quarter (26%) of respondents were not informed within a day of how they had died.

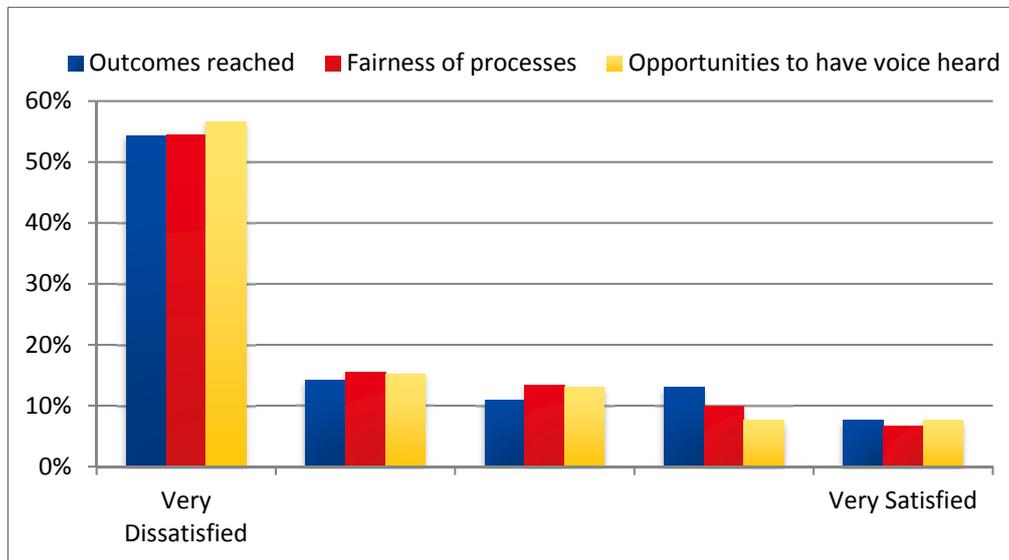
Tragically, 61% of respondents were told by an authority at some point, that the death was preventable. In terms of recommendations for prevention of similar incidents in the future, just 51% of respondents were told that recommendations were made. Of these, only 32% reported being satisfied with the recommendations.

When asked about the extent to which they had ability to control or influence decisions following the workplace death, roughly 60% of respondents answered 'not at all'. With regard to any investigation, almost half of respondents (>47%) indicated that they were 'very dissatisfied' with the outcomes reached, the fairness of processes used, and the opportunities they had to have their voice heard.

In regard to court proceedings, a similar proportion (>48%) also reported being 'very dissatisfied' with the outcomes reached, the fairness of processes used and the opportunities to have their voice heard (Figure 4). Almost two thirds (62%) of respondents indicated that they were not given an opportunity to express their views on whether a coronial inquest or hearing should be held. When asked about their satisfaction with outcomes related to the investigation and court processes, respondents were least satisfied with those related to the prosecution and damages and most satisfied with those related to the coroner's investigation.

A significant proportion of respondents reported that the time to hold and complete the formal processes following the death impacted the intensity of their grief reactions (71%), the duration of their grief reactions (75%), and their ability to begin to adapt to life without their loved one (70%).

**Figure 4. Satisfaction with Court Proceedings**



Few respondents believed that justice had been done following the investigation and court processes, with 67% and 63% respectively reporting that justice was done *‘to a small extent’*.

## Support – Formal and Informal

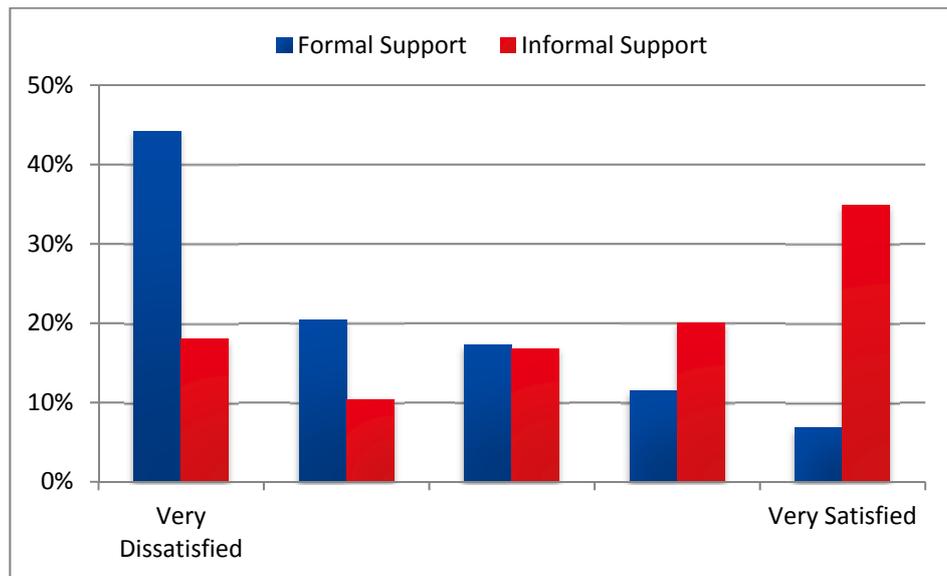
Types of support measured in the survey included overall support, information received, emotional support, and financial support. Considering all types of informal sources of support (e.g. own networks and support groups/services) and all types of formal sources of support (e.g. authorities, formal services), respondents were generally satisfied with the informal support received and dissatisfied with formal support (See Figure 5).

In terms of formal support, more than 60% of respondents were dissatisfied with support received from the authorities (associated with the investigation and court processes) and with the financial support received from workers’ compensation.

In terms of informal support, more than half (>50%) of respondents were satisfied with the support received from their own networks and approximately 70% were satisfied with the support received from support groups and services.

Less than 25% of respondents stated that they had someone to help them navigate the formal processes following the death of their loved one. Of these, more than 80% reported that this person helped them to understand what to expect.

**Figure 5: Satisfaction with Formal and Informal Support**



## Concluding comments

These interim results point to the many areas where families would benefit from sensitive and tailored support following a traumatic workplace death. However further analysis is needed, and additional survey responses would strengthen the analysis. While we are now in the next phase of the study and are talking directly with families about their experiences following a workplace tragedy, the survey remains open and is available for families to continue to have their voice heard. If you know of anyone who would like to complete the survey, please let them know it is still available and we would welcome their response. Thank you.

### Death at Work: Improving Support for Families

For information about the study:

<http://sydney.edu.au/health-sciences/research/workplace-death/>

To participate in the survey, go to:

[www.surveymonkey.com/s/workplacedeathstudy](http://www.surveymonkey.com/s/workplacedeathstudy)

Follow us on Facebook:

[www.facebook.com/WorkplaceDeathStudy](http://www.facebook.com/WorkplaceDeathStudy)

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THE UNIVERSITY OF  
SYDNEY

# Death at work: Improving support for families

## Family interview highlights: Summary report

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November 2015

## Background

Workplace death exacts an enormous economic, social and personal toll for employers, workers and the national economy (Australian Safety and Compensation Council, 2009). However, little is known about the consequences for those most affected – surviving families (Australian Council of Trade Unions, 2008). The limited evidence available suggests that families of those who die at work experience enduring health and financial effects, and that these effects can extend beyond families to friends (Matthews, Bohle, Quinlan, & Rawlings-Way, 2011). Few studies on workplace death have specifically examined the impact on families. Furthermore, no published evidence is available on the adequacy of formal responses in meeting the support needs of surviving families. This research was conducted to address these gaps in information.

The study has incorporated qualitative and quantitative inquiry. The findings from the quantitative phase have been reported earlier in an interim summary report of the family survey (Matthews, Kimber, McNamara, Bohle, & Quinlan, 2015). The qualitative component of the study, reported here, aimed to deepen our understanding of the consequences of workplace death for families, and to identify experiences and interactions with authorities and formal processes after the death. Its results will also assist the interpretation of the quantitative data.

Forty four depth interviews were conducted with family members of people who had died from sudden, traumatic workplace injuries in Australia: Victoria (10), New South Wales (10), Australian Capital Territory (1), Queensland (3), South Australia (15) and Western Australia (5). Eleven depth interviews were conducted with families from North America: Canada (8) and the US (3). Families volunteered to receive information about interviews through an invitation checkpoint in the family survey.

Table 1 provides information on the demographics of respondents. It shows that respondents were mostly female and the industries in which their loved ones' deaths occurred largely represented the known high-risk industries: construction (34%); transport (18%); mining (14%); agriculture, forestry and fishing (14%); manufacturing (14%) and health (6%). A thematic analysis of the interview data was conducted using the Software Program NVIVO.

This report highlights issues participants described to be salient to the quality of their experience with authorities and organisations after their loved one's death. It does not comprehensively summarise all of the results.

**Table 1.** Family relationship with loved one and the industry in which the death occurred

	Vic (n = 10)	NSW/ACT (n = 11)	Qld (n = 3)	SA (n = 15)	WA (n = 5)	Canada (n = 8)	US (n = 3)	Total (n = 55)
Female, n (%)	9 (90)	9 (82)	3 (100)	12 (80)	5 (100)	8 (100)	3 (100)	49 (89)
Relationship, n (%)								
Spouse/partner	3 (30)	7 (64)	1 (33)	4 (27)	4 (80)	4 (50)	2 (67)	25 (45)
Parent	3 (30)	2 (18)	2 (67)	7 (47)	-	3 (37)	1 (33)	18 (33)
Sibling	3 (30)	1 (9)	-	3 (20)	-	-	-	7 (13)
Child	1 (10)	1 (9)	-	1 (6)	1 (20)	1 (13)	-	5 (9)
Industry, n (%)								
Ag, Forestry & Fishing	2 (20)	1 (9)	-	5 (34)	-	-	-	8 (14)
Construction	3 (30)	4(36)	1 (33)	3 (20)	1 (20)	5 (62)	1 (33)	18 (34)
Transport	3 (30)	3 (27)	1 (33)	3 (20)	-	-	-	10 (18)
Mining	-	2 (19)	1 (34)	-	4 (80)	1 (13)	-	8 (14)
Manufacturing	1 (10)	1 (9)	-	2 (13)	-	2 (25)	2 (67)	8 (14)
Health	1 (10)	-	-	2 (13)	-	-	-	3 (6)

## Families' early contact with authorities

### BEING NOTIFIED OF THE DEATH

Participants first found out that a family member had died at work by informal and formal means. Informally; they found out through news reports, social media, or community networks. Formally; they found out through the police or an employer. If a family member had already found out about the incident and was waiting for news, a delay in formal notification could add to their distress.

*Directly, they should have come to me straight away... as I think about it I think they should have a plan there...They need a checklist is what I think, I think they need some kind of a checklist that they go to and that's what they do.*

One participant suggested that company protocols about workplace death be improved to ensure families are more quickly notified.

### Who is next of kin?

The allocation of the next of kin determined who was initially notified of the death and regarded as legal decision maker. Questions about the validity of an allocation arose in families where a de-facto or a recently formed relationship was not recognized. This contributed to disputes over financial compensation and decision making. Poor flow of information to other family members occurred when the relationship between next of kin and other family members was strained.

*We flew down to [location] and then she [the partner] was making the contacts to the Coroners. They said, no [this parent] can't see his daughter. She's like, I beg your pardon, why? They said, well we need authority from the boyfriend. My partner said, well what's the boyfriend got to do with it? They said, well he's the next of kin. I said, how is he the next of kin? They went, I don't know, it's on the report that he's the next of kin. The police have given him the next of kin. I go, she's been with him for three months and now this kid of 18 or whatever is the next of kin? You've got to be joking. They said, no.*

Several participants reported that the next of kin did not immediately inform family members (for example, a current partner or parent) that a loved one had died. One participant suggested that protocols for agencies responding to workplace death could identify ways to formally identify other relations who should be kept informed.

### **Information about their loved one's body**

Updates on the whereabouts of a loved one's body were sensitive; especially if calls requesting information were not returned. Many participants wanted to see the body of their loved one. This was beneficial for saying goodbye, accepting a family member had died; and understanding the nature of injury. Some participants viewed the body while formally identifying it. Others had to wait several weeks until the autopsy had been complete and body returned. The retention of the body for autopsy and investigation could deny opportunity to view the body within a palatable time frame.

*I rang the coroner, the morgue, I rang the morgue and the morgue told me that they would get back to me and they would tell me about my boy. They never called me back. They never called me back because obviously he was in a bad way, his head had been - but they didn't call me back, they just left me in the abyss, going yeah, yeah, whatever.*

Communication problems could lengthen the time taken to release a body. Police advocates for one family helped to facilitate the timely release of the body from a morgue.

*They [the police] went above and beyond with the investigation, they were fantastic. We couldn't get [loved one]... out of the morgue at the beginning, they needed a lot of information - they helped us. We got him out, because we wanted the funeral over and done with, because we've been through other funerals.*

## Return of Belongings

The return of a loved one's belongings from the place of work was haphazard. Conflict occurred when belongings were not quickly and affordably returned. This was most difficult when the work related death had occurred in a remote mine and the family member had been staying in employee accommodation nearby. When belongings become part of the investigation, families may not be allowed to pick them up. In the case of delay, some family members repeatedly requested their return.

*There was no intimacy... where if my mum had been given the chance to pack his things, go through them, have some sort of intimacy with his own things, because we weren't allowed to go near him for two weeks. So do you know what I mean? That would have helped.... Yeah, I mean, there were times when I wanted to know if someone could go over to my father's room and clear it out. It took me to speak to six people and still not get any contact. It took me to call the police officer and say, I need to get into my father's room. I want to see - can someone pack his things please... It had to be to that point.*

## Families' experiences of the legal processes

### The investigation – site assessment

Measures taken to preserve the integrity of evidence are important, if confidence in the jurisprudence process is to be maintained. Concerns were expressed about failure to cordon off a site, to preserve the original photographic evidence without tampering and to carry out a timely inspection of the site and equipment. Many of these concerns were raised in relation to marine incidents. Failure to handle the incident under the appropriate jurisdiction also led to suspicion.

*The police should have done something, cordoned it off. Like where's our tape around our crime scene? Do you know what I mean? Just because it's an accident doesn't mean to say it's an accident. It could have been a preventable accident. That goes for any boating and I'll say if it's a car accident or whatever it is it gets taped off but boating doesn't get taped off. They'll move the boat, they'll fix the boat, they'll move the bodies. You've got no idea what they do and I know what they've done in all the other accidents.*

### The investigation – evidence and truth telling

While some families indicated they were satisfied with the investigation done by the relevant authority, many were not. Inconsistencies in information from different sources

made it difficult for some families to be satisfied that there was rigor in the investigative process.

*The thing that I don't understand about it is that they found that the tyres on the crane weren't pumped up to the correct PSI, that there was cracks in the chassis that should have been picked up earlier in this 10 year inspection that the crane had. That there was modifications done to the crane's suspension that weren't certified. So it shouldn't really have been on site in the first place... I don't really understand how it could have been there in the first place and all those things be wrong but then they still not find anyone at fault, if that makes sense.*

There were concerns about possible tampering with evidence and associated cover-ups, of information suppression, and officials acting with protective interests of the department.

*...the foreman on that job had said when this happened and told the police and [government safety inspectorate] and that, that he'd given them all the safety talk and given them the safety hats, which wasn't true, and that they'd signed the register to come in on the job, which didn't happen. The foreman signed [loved one's] name... Anyway, so when it went on like months later, looking at the [government safety inspectorate] things, and they showed me something, they had signed [loved one] as [loved one's name spelt incorrectly], which is not his name. It was with a [different letter] and they said - so he was charged and he finished up after years of saying not guilty, finished up saying he was guilty, but nothing happened to him.*

Some said that they had not being given satisfactory answers as to why the inspectorate did not prosecute and that this was distressing.

*Even the guy said about the seatbelt and he said, look I don't enforce it. It's all on a tape from the court. It's all written there and as I said, they issued fines, they did this. Whether they paid them, I don't know. Why didn't they take the next step and prosecute? I don't know.*

### **The court processes – playing the legal game**

The court processes, if they eventuated, were problematic for families, when they expected justice from the legal processes and this was not forthcoming. Many were unhappy with the adversarial nature of the industrial court proceedings and the inconsistencies in the evidence provided.

*Because what they were interested in was they wanted a conviction under the Occupational Health and Safety Act and that's all they're interested. Then when the trial finished and the penalties were handed down, then they said to me: they said we know there's a lot of discrepancies in it and all that, but you have to go somewhere else for that. I've been chasing it ever since.*

Most were concerned with the wait times, timelines, and delays that they faced.

*Well, it's just - it's terrible, because we know there can't be any coronial inquest until that's out of the way. All you want as a family is to get things done, out of the way, so it doesn't just keep dragging on and on and on... they basically took two years to lay the charges. When they did lay the charges, they laid the charges against the wrong party... they charged the individual; they should have charged the business. After all that, they basically stuffed up and laid charges against the wrong party. They ended up - they were able to - I believe the other party was able to prove that this individual wasn't the employer, therefore wasn't relevant. [Government safety inspectorate] were left with little choice but to withdraw the charges, which - frustrating, really frustrating again.*

In regards to the coronial court, concerns were expressed when those being prosecuted or key witnesses were not required to attend. Others talked about witnesses “playing the legal game” and not answering questions, or “corroborating” their stories. Some expressed concerns about conflicting evidence, or not all the evidence being presented.

*The manager of the farm, the owner, didn't even turn up. He was requested by police and he still - I've spoken to [police detective] and he said, he has still never called us. So the owner of the farm did not even go to court. I submitted him as a witness to say whatever. This magistrate took him off the list. I'm thinking, this is a dead set joke, this whole process.*

*The coroner said that roughly from the mine when my father fell and their investigation it was 15 metres. But the mine is saying eight metres. Just things like that. Why they originally said that he was wearing a harness and the next he wasn't? Why did they say? Even the paramedic who was there at the time, he's not even there anymore. He was made to disappear, type of thing.*

## **Fines and penalty**

The fining of the company and payment of that fine was central to some participants' sense of justice. Others were not satisfied unless the company was prosecuted.

*How much money do they need to be fined to make it okay? You're not going to un-kill him and no amount of money's going to buy his death from being his death. The point is they've been convicted so it's a legal acknowledgement that something has happened.*

When fines are reduced or not paid, participants felt that there had been no consequence for the death. Participants expressed dissatisfaction if they considered the fine to be an insignificant amount when compared to the wealth of the company or money spent in defending the case. Companies that could not afford the fine went into liquidation. Sometimes they reopened again under another name, without paying the debt.

*These big, big fines, I don't know what they do. At the end of the day all it really means is that a company will either go bust and so quite likely will have to shut down. Then they'll just start up another company and probably not even bother paying the fine. So that legal identity of an artificial person being a business, that corporate veil is alive and well. We're fighting against that. That's a really big problem when you try and prosecute.*

One participant suggested that fines be set aside for the benefit of the surviving families; rather than ending up in the government coffers.

## **Victim Impact Statements**

Participants expressed a view that the preparation and reading a Victim Impact Statement was about having their voice and experience heard. Whilst family members prepared a Victim Impact Statement to be read out in court, time was not always allocated. One participant commented that the court had edited the victim impact statement for length. In effect; this disallowed some of the content of the statement about how the family member felt.

*The Court, because they go through it and they say alright - see that was hard because you need to write your victim impact statement on what impacts you. Yet they pick and choose what actually stays in there and is used in the Court.*

## **Families' interactions with authorities**

### **Contact with authorities**

Some families could identify one official representative from whom they received a caring and compassionate response and with whom they were able to keep in contact for the duration of the formalities - a coroner's assistant, a senior police officer, a detective, but in

the array of authorities that families were required to have contact with, these people were the exception rather than the rule.

*They were fantastic; the detective that was in charge of the investigation, I had his phone number and I was free to ring him any time I wanted, he was the – they were all fantastic like that. Yeah, the police were really supportive.*

Participants reported that some authorities could be insensitive when speaking to family members about a loved one who had died. Occasionally, this was due to insensitive procedures that officers at the end of a phone found difficult to change. Correspondence that was mailed to the deceased person or that used this person's name could be distressing. Several participants had received letters which had been automatically generated for their loved one despite having notified the agency of their death.

*Just their responses; there's just no sensitivity in it. There's no caring. I know people can't care and it's their job. They can't care about everyone and everything but if you're working in a job where you're having people call about dead people, you shouldn't have to be on the phone trying to prove who you are to the dead person if you don't have the case number. You should be able to ring up without a case number and speak to someone. It's your dad.*

## **Employer acknowledgement and apology**

Official acknowledgement of employer responsibility was important to participants. Family members appreciated receiving apology, formal condolences and offers of support. Conversely, the absence of acknowledgement from senior management could be hurtful. Participants believed that involvement in legal appeal or defense created obstacles to apology and ongoing communication.

*...as a grown up company you should be able to say, we made this mistake, we are sorry we made this mistake and we are going to make sure this mistake does not happen again, and that to me - and I know that's simplifying it - that that to me is what a big company should be about, not trying to hide and pretend they weren't at fault.*

*Sometimes the companies, they back off, because their insurance companies and their lawyers tell them to. So it's - yes, it's very cold, I guess, it's very cold.*

## Contact with workmates

Some participants wanted to have contact with workmates who had been involved in the accident. They expressed a desire to find out more about how their loved one died and to thank or reassure them. In some instances the employer or legal processes set bounds against such contact.

*They're the people that you feel closest to because they were the last ones to see him as a conscious mind. I only saw him once he was in an induced coma. He couldn't talk to me about it. I really desperately needed to reach out to them but they shut the doors. So it was really hard to understand... Their lawyers had moved in and made sure that they didn't jeopardize their case in any way.*

*I haven't seen even the guys who were working with him at that - on that day. I haven't seen them. I've never had a chance to say thank you to them for what they did with him on that time.*

## Families' need for information

### Getting information about the incident

Participants wanted to find out what happened to their loved one and how they died. This information answered questions about whether their loved one suffered; and whether it was possible, given the injuries, for a loved one to have survived. It helped to prevent family members conjuring up scenarios of the incident in their head. Information about how the incident happened helped people to identify actions that could prevent it occurring again.

*All you want is answers, as quickly as you can, to be able to understand what happened, to be able to understand what things should have been in place so that it doesn't happen to other people.*

This information was obtained in various ways. Some participants wanted a detailed explanation about what had occurred. Others needed to see what happened, by viewing the site and photographic evidence. Participants believed that questions remaining unanswered would best be answered by a coronial report. However, there could be a long wait time for this report. If agencies limited the information they shared because of concerns they had about legal processes, a coronial inquiry was the only mechanism that would ensure information would come to the fore.

*I just think that because they'd asked so much about it, it always seems to be as though that's more if you have an inquest, it means that there is something gone wrong that they need to get to the bottom of – getting to the bottom of the story of what occurred.*

## **Freedom of information**

Participants could find it difficult to obtain information about the investigation or legal process. If agencies were reluctant to release information; freedom of information procedures were employed. This was not without its limits: pertinent information was blanked out; documents had been lost and requests denied due to witnesses' legal privilege.

*Yeah freedom of information; you're really powerless. Yes you can appeal those things but again that's all fairly conceptually difficult stuff to do too. You have to have fairly solid reasons. The kind of reasoning that we have is we just need to know and it's not going to cut it. I don't know the answer short of changing laws... What I do think they should do though is because at the present time what would happen is that there's an application of FOI. There's no difference whether it's a family member or whether it's say the press for example at a meeting. It's no difference as to who the application is made by as to what information you're entitled to.*

*I had to go to Freedom of Information to try and get some of the information out of them and they used this legal privilege clause. Then they said it was not in the public interest. They never, ever told me why they didn't prosecute and I still don't know and I'm pissed off.*

One participant suggested that basic information be provided to families, and that they should not have to justify its release.

## **Families' health**

### **Mental health conditions**

As would be expected following a traumatic bereavement, participants described emotional trauma, long-term grief, and depression in their stories. Emotional issues were attributed to bereavement and the frustration they felt trying to deal with the overlay of complex legal processes and legal disputes with which they had been engaged.

*It [legal situation] takes away from the real issue of what you need to be processing and working on. You need to be, I don't know, trying to grieve and then you've got this added layer that's consuming what little...energy you do have and you're keeping everything very - what I kind of describe as*

*a kind of crazy feeling that like you're on high alert all the time... and then you're expected to get up and function in the real world and you've got all this absolute nonsense going on around you and you can't even just be sad because you've got to face people and you've got to listen to people and you've got to try and work out what you've got to do and make a plan. It's such ridiculous stuff.*

*I used to come down in that lift crying because I was so frustrated with everything. Why is it taking so long? What's the problem? You can't kill someone at work and then go, "it wasn't me".*

For some, the anger was overwhelming. "You're fighting lawyers; you're fighting people who talk and talk, who know how to shut you down". For others, suicide was considered:

*Yes, because like I know I did and my sister did and well, my mum even did. We all thought of suicide, you know, like you do have those thoughts and pretty much everyone does, I think, from what I can tell.*

## **Physical health conditions**

In addition to mental health conditions, physical illnesses and conditions developed after the death and existing health conditions worsened.

*Even now with his son who's coming into - he's a teenager and all the issues with him. His other son who I saw, he lives in [state], and I saw him not long ago. He's doing really well and that but there's just so many people affected. It's - I've had a lot of health problems. I developed fibromyalgia and have kind of come in and out of like a rheumatoid arthritis.*

*My sister is angry. My parents are divorced; my dad's been physically sick, it's the way - his heart, he's just gone downhill physically.*

## **Sources of support for families**

### **Navigating services**

Participants needed to navigate a broad range of services and legal agencies in the wake of workplace death. While the government safety regulator in some jurisdictions had provided a booklet following the death, many had not met their information needs by advising of service pathways clients could use. In response, family support groups and services put together information kits to provide this guidance.

*So I spoke to our jurisdiction and all the key stakeholders, the coroner's office, they had a meeting that was organized by [government safety*

*regulator] here in [location] and it included [government safety regulator], the union reps, coroner's court. Basically the information that they gave me indicated that they had absolutely no idea of the support that families required or there was piecemeal assistance provided and there was a lot of duplication of services and the ones that didn't know about it were the families.*

*We've put together a kit that takes you through the processes that you have to do with all of the bodies - with coroners, with the police, with [safety inspectorate], with those things.*

## **Counselling**

Participants reported accessing two types of counselling: grief counselling in the initial period, and more substantial counselling to address the long term impact of their loss. Many did not feel the need for counselling about the impact of loss for some time.

Counselling incurred ongoing expense that some found difficult to meet. Several schemes reimbursed families for a specified number of sessions. These included workers' compensation agencies, Employer Assistance Programs (EAP), or Medicare. One person claimed counselling expenses through a public liability claim. Reliance on financial assistance placed a barrier to access once the funded sessions were complete.

*He kept on wanting me to come back every week, every two weeks, every two weeks or every week sometimes. It just got to the stage where when we did get this little bit [of compensation], all the money just seemed to go on the psychiatrist.*

Some participants did not want to accept options for free counselling from schemes offered by authorities. They preferred to choose a counsellor who operated independently to the employer where work-related death occurred, who had experience and skills in grief or trauma, or whom they were already seeing.

*It's just that sometimes when counselling is offered by [workers' compensation agency] or something like that, or if the employer offers some sort of counselling, then families find that of varying success. Sometimes it's good, sometimes it isn't. Our [support group/service] previous work suggests that when families have the opportunity to select somebody that they want, that it's a little bit more successful. But if they're really struggling, it is very difficult to get a decent counsellor that understands workplace, and the trauma is what you need.*

Alternative sources of support for counselling came from unions, family support groups and community services. This included free community counselling, pastoral care and school counselling.

## Employer Support

Many participants expressed a belief that companies should continue to provide support for family members living with the impact of the death. This could be facilitated by ongoing communication with a nominated contact. Difficulties arose if the person nominated was someone with whom a family member was not comfortable.

*They came to the house, they said they were going to pay for the funeral; they didn't, but big deal. They were all feel sorry, feel sorry, but then we haven't seen them for years. Nothing happened to them.*

*They shouldn't just say, we've paid them out, we've finished with them.*

## Advocacy and support groups and services

Participants reported that support groups and services offered support and understanding that family members did not find elsewhere. They provide a space for family interaction and skills exchange and included a space for children. Group members played a role in OHS awareness and prevention, by speaking to industry groups and employers, lobbying for legal changes, and organizing commemoration plaques and memorial days. Facilitators and longer term members offered emotional support, advice and guidance to members more recently bereaved. Some justice orientated support groups and services are able to provide legal representation for free.

*We've only started a couple of years ago and there's really only a few of us who are doing any kind of work, but we have helped already quite a few families unfortunately. Then also being there to sit with families when they're going through inquests or just need someone to talk to. We've found like this little posse of people that have been affected by tragedy 20 years ago that have finally found a friend, because they've got someone that knows what they went through.*

Support group members commented that it was difficult to promote the services they provide to recently bereaved families. Privacy laws prohibited the authorities contacting them to pass on the contact details of families. Families mainly found out about the support groups and services through websites and word of mouth. Some support groups and services prepared an Information Kit which they ask agencies to distribute.

Financial support for groups was sourced from workers' compensation and safety agencies, foundation funds, and trade unions. External funding has enabled some support groups to offer additional services, for example, counselling and legal advice. It also frees facilitators' time from the necessity of other employment.

## **Making ends meet – workers' compensation**

After a workplace death, family members can find it difficult to make ends meet. This was particularly so, if they had lost a primary provider or family business, or could not continue in their own employment.

*Living in limbo, really living in limbo. I, within that first year - we had savings, we had five cars - there was a lot of things I just sold, sold for the purpose of keeping our head afloat. I ended up going back to work. But that first 12 months I dissolved the company.*

Participants reported having to wait 6 months to 2 years for a workers' compensation claim to be finalised. During this time they relied on Centrelink payments, or their savings and inheritance money. Legal dispute and paperwork problems could delay settlement, causing financial stress.

*Yeah. I had a case manager and they used to keep in touch with me from now and then, but because [loved one] had been quite sick the year before and had a very low income, I only received [dollar amount] a week for two and a half - three years. To me, there should be a thing - I survived because I had an inheritance from my mother. But there'd be people out there that wouldn't survive. To me, that's wrong. There should be a basic minimum amount people can get. Like, the government's taking so much money out of [workers' compensation agency] already and that. There should be a basic wage, like, equal to the dole or something that people should get, because now I've got nothing. It took - I used that money to survive for the first three years.*

Family members appreciated offers of financial support during this time. Several employers offered one off payments for initial expenses, or the funeral. At times, gifts and donations for the family were raised by workmates and financial help provided by family support groups and services and unions.

*[Support service] did a lot of fundraising for me, just straight after [loved one's] death, which was really helpful because I wasn't able to access my joint account while [loved one's] estate was being settled.*

## **Eligibility and Payouts**

Settlements over the payout for life insurance, superannuation and workers' compensation involved dispute. The calculation of entitlement, contractual arrangements at time of death, and failure to follow OHS procedures became bargaining chips in the negotiation. Some families were asked to decide on how to carve up a compensation payment, and this had ended in legal arbitration.

Some payouts were rejected. Workers' compensation authorities assessed whether or not other factors that could have potentially caused the death could be eliminated; for example, medical conditions. Several participants signed schemes for which they were ineligible.

*So they were disputing what they should pay him as an air leg or as a shift boss. The latest thing now that we received, which was again so shocking to my mother, was that they said given that he also might have been at fault with not wearing all of the safety gear that he should be wearing, they wanted to deduct it.*

### **Administering payouts**

When workers' compensation agencies had established a fund from which to administer payments, conditions of access could be imposed. One participant expressed anger that she had not been consulted about where the money was invested. In regards to her child:

*He gets [dollar amount] a week, because his isn't means-tested. But if he gets a part-time job when he's 15, I have to do that review every year for him. I mean, I had to apply for a tax file number for my 15-month-old son. It's just really horrible to go through that with your son.... But I want a payout for him as well, because I just want to get rid of [workers' compensation agency].*

*I think [loved one's] workers compensation was about [dollar amount] then. Anyway so what they did, somebody in their wisdom - I wasn't consulted - decided well we're going to invest that for you and their investment decision was basically putting it in the bank in [location] here. So I just happened to be reading this particular - and I think I got [dollar amount] a week for each of the kids. Then after communicating with them I couldn't access that money unless I had receipts and invoices.*

Payments were provided through allowance or lump sum. Participants expressed a preference for a lump sum due to their discomfort with remittance arrangements; such as the provision of receipts for each item of purchase. Some younger participants preferred to receive a lump sum as this would preserve the amount they would get. However, other young widows spent this sum so that none was left.

*Not that I've been in a relationship since but I got the lump sum payout and they said, you're too young and your capacity to earn is probably greater than what he could've provided you anyway, so you get the lump sum.*

## Highlights of family issues:

- **Being notified of the death:** Police and employers can be delayed in notifying the next of kin that a family member had died. If a family member was waiting for news; this could add to their distress.
- **Who is next of kin?** Questions about the validity of an allocation arose in families where a de-facto or a recently formed relationship was not recognised. Poor flow of information to other family members occurred when the relationship between next of kin and other family members was strained.
- **Information about their loved one's body:** Updates on the whereabouts of a loved one's body were sensitive; especially if calls requesting information were not returned. Many participants wanted to see the body of their loved one. Communication problems could lengthen the time taken to release a body.
- **Return of belongings:** The return of a loved one's belongings from the place of work was haphazard. Some family members repeatedly requested their return.
- **The investigation – site assessment:** Measures taken to preserve the integrity of evidence were important for maintaining confidence in the jurisprudence process. This includes cordoning off a site; preserving original photographic evidence and to carry out inspections in a timely way.
- **The investigation –evidence and truth telling:** Families had concerns about inconsistencies in information, lack of rigor in the investigative process, possible tampering with evidence, information suppression, and officials acting with protective interests of the department.
- **The court processes – playing the legal game:** Families had concerns that some key witnesses were not required to attend court, that witnesses were allowed to play the legal game and not answer questions. A strong concern was the lack of opportunities that families had for input to the court processes. All were concerned about the wait times, timelines, and delays that they faced.
- **Fines and penalty:** The fining of the company and payment of that fine was central to some participants' sense of justice, although others were not satisfied unless the company was prosecuted. When fines are reduced or not paid, participants felt that there had been no consequence for the death.

- **Victim impact statements:** Victim impact statements were important to participants for voicing their experience. Yet at times; they were edited by authorities or the courts did not allow enough time to read them aloud.
- **Contact with authorities:** Some agency officers and procedures were insensitive to family members who had recently been bereaved. Occasionally, this was due to insensitive procedures that officers at the end of a phone found difficult to change.
- **Employer acknowledgement and apology:** Official acknowledgement or apology was appreciated by participants. Its absence was hurtful.
- **Contact with workmates:** Having access to workmates was important to some families and being denied opportunities to talk with them was perceived as insensitive.
- **Getting information about the incident:** Participants expressed a deeply felt need to find out what happened to their loved one and how they died. Some wanted a detailed explanation of what happened and others wanted visual evidence. Many families believed that remaining questions would best be answered by a coronial report. However, wait time for this report was often longer than desired.
- **Freedom of information:** Participants could find it difficult to obtain information about the investigation or legal process. When families' freedom-of-information rights were employed to access information; it was not without its limits.
- **Families' health:** Families mental and physical health suffered following the death and extended legal processes were often to blame. Families commented on the stress associated with being vigilant. They needed to be very mindful of all the legal proceedings that are happening so they did not miss out on any opportunities to have their voice heard. To do this, they needed to put their grief to one side to delay their bereavement.
- **Navigating services:** Many family members had not received the information they needed to navigate services or formal processes.
- **Counselling:** Counselling incurred ongoing expenses that some found difficult to meet. Reliance on financial assistance placed a barrier to access once the funded sessions were complete.
- **Employer support:** Many participants expressed a belief that companies should continue to provide support for family members living with the impact of the death. Difficulties arose if a family member was not comfortable with the nominated contact person.
- **Advocacy and support groups and services:** Participants reported that support groups and services offered understanding that family members could not find elsewhere.

- **Making ends meet – workers’ compensation:** Family members can find it difficult to make ends meet whilst workers’ compensation claims were being finalized. Delays due to dispute or paper work problems caused unnecessary financial stress.
- **Eligibility and payouts:** Settlements over the payout for life insurance, superannuation and workers’ compensation involved dispute. Some payments were rejected.
- **Administering payouts:** When workers’ compensation agencies had established a fund from which to administer payments, conditions of access could be imposed. Payments were provided through allowance or lump sum. Some participants expressed a preference for a lump sum due to their discomfort with remittance arrangements; such as the provision of receipts for each item of purchased.

## The next phase of this project

This report provides the highlights of the depth interviews with 55 family members who have experienced the death of a loved one in a workplace incident. They identify the areas where families experience challenges with the formal processes and authorities following a workplace death. Issues have been identified in each of the formal processes. The findings raise questions about the adequacy of institutional responses in meeting the support needs of families.

The next phase of this research will examine the findings from the family survey and depth interviews in more detail with view to providing a more comprehensive picture of families’ experiences following a workplace death. This phase will help to identify required changes to policy and practices in regards to families following workplace deaths. It will also provide evidence as to what is needed to improve support to families following a workplace tragedy.

### **Death at Work: Improving Support for Families**

For information about the study:

<http://sydney.edu.au/health-sciences/research/workplace-death/>

To participate in the survey, go to:

[www.surveymonkey.com/s/workplacedeathstudy](http://www.surveymonkey.com/s/workplacedeathstudy)

Follow us on Facebook:

[www.facebook.com/WorkplaceDeathStudy](http://www.facebook.com/WorkplaceDeathStudy)

Contact: Lynda Matthews on +61 2 9351 9537

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