

# FATIGUE MANAGEMENT GUIDANCE NOTE

QUEENSLAND THOROUGHBRED RACING INDUSTRY



## 1. PURPOSE AND SCOPE

The purpose of this Guidance Note is to inform trainers, jockeys and other participants in the thoroughbred racing industry of their workplace health and safety (**WHS**) and employment obligations, specifically as these relate to fatigue. It aims to assist participants in understanding their role in managing the risk of fatigue in the workplace, and to provide a recommended framework to assist them in doing so.

Additionally, given the potential demands placed on apprentice jockeys who may be engaged in riding beyond their ordinary hours of employment, section 4 of this Guidance Note endorses the development of a 'weekly plan' between apprentice jockeys and their trainers to ensure the risk of fatigue in apprentice jockeys is eliminated, or minimised so far as is reasonably practicable.

The Guidance Note is not meant to be a 'catch-all' for every scenario in the racing industry. It is important that trainers and their workers work collaboratively to manage fatigue in the workplace in accordance with their respective legal obligations.

Racing Queensland (**RQ**) and the Queensland Racing Integrity Commission (**QRIC**), and key stakeholder groups – the Australian Trainers' Association Queensland (**ATA QLD**) and the Australian and Queensland Jockeys' Associations (**AJA** and **QJA**) – all conjointly support the principles contained in this Guidance Note.

## 2. WHS OVERVIEW

### 2.1. WHS Duties

Under the *Work Health and Safety Act 2011* (Qld) (the **WHS Act**), a trainer, as a person conducting a business or undertaking (a **PCBU**), has a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of:

- workers engaged or caused to be engaged by the trainer; and
- workers whose activities in carrying out work are influenced or directed by the trainer while the workers are at work in the business or undertaking.

Additionally, a trainer must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

Without limiting the above, a trainer must ensure, so far as is reasonably practicable:

- the provision and maintenance of a work environment without risks to health and safety;
- the provision and maintenance of safe plant and structures;
- the provision and maintenance of safe systems of work;
- the safe use, handling and storage of plant, structures and substances;
- the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities;
- the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking; and
- that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.



At the same time, a worker has a duty while at work to:

- take reasonable care for their own health and safety;
- take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU to allow the person to comply with the WHS Act; and
- co-operate with any reasonable policy or procedure of the PCBU relating to health and safety at the workplace that has been notified to workers.

Under the WHS Act, a ‘worker’ is a person who carries out work in any capacity for a PCBU, including, but not limited to:

- an employee;
- a contractor or subcontractor;
- an employee of a contractor or subcontractor;
- an apprentice or trainee;
- a student gaining work experience; or
- a volunteer.

It’s important to note that this definition extends to all riders within the thoroughbred racing industry, not solely apprentice jockeys.

## 2.2. What is Fatigue?

Fatigue has been identified as a significant risk to the health and wellbeing of participants involved in the thoroughbred racing industry. Consequently, it’s important that the risk of fatigue is carefully addressed and managed within the industry.

Workplace Health and Safety Queensland (**WHS QLD**) defines ‘*fatigue*’ as a state of mental and/or physical exhaustion that reduces the ability to work safely and effectively. Fatigue can occur when someone is overworked, not sleeping properly or has had their internal body clock disrupted.

Signs of fatigue include:

- tiredness even after sleep;
- reduced hand-eye coordination or slow reflexes;
- short term memory problems and an inability to concentrate;
- blurred vision or impaired visual perception; and
- a need for extended sleep during days off work.

Fatigue impacts alertness, which may lead to mistakes and an increase in incidents and injuries, particularly when performing critical tasks that require a lot of concentration (such as riding and handling horses), and undertaking work early in the morning or late at night when a person would normally be sleeping.

Fatigue can be caused by factors that may be work related, non-work related, or a combination of both, and can build up over time.

## 2.3. Who is Responsible for Managing Fatigue in the Workplace ?

While trainers have an overarching obligation to ensure the health and safety of workers and other persons at their workplace, they cannot control what a worker does outside of work. As fatigue involves factors both inside and outside of the workplace, the management of fatigue is the **shared responsibility of both trainers and their workers**.

Under this shared responsibility framework, a trainer’s duties include:

- acquiring and keeping up-to-date knowledge of fatigue-related matters;



- understanding the fatigue-related risks and hazards associated with their business operations;
- ensuring the availability of appropriate resources and processes to identify and manage fatigue-related risks;
- implementing appropriate processes for receiving and considering information regarding incidents, hazards and risks, and responding in a timely way to such information;
- ensuring compliance with the WHS Act regarding fatigue through proper processes; and
- verifying the provision and use of their resources and processes.

Additionally, trainers, especially those responsible for apprentice jockeys, must implement appropriate control measures to mitigate potential conflicts between a worker's personal and work demands. This may include consulting with workers about the importance of managing fatigue outside the workplace, the risks associated with fatigue, and how fatigue applies to their WHS obligations.

A worker's duties under this shared responsibility framework include:

- not wilfully placing their own or others' health and safety at risk due to fatigue;
- making every reasonable effort to be fit for duty while in the workplace, including ensuring they get enough sleep in between shifts;
- undertaking critical tasks in a safe manner, including when riding or handling horses, and driving to and from the workplace;
- monitoring themselves for any signs of fatigue, and notifying the trainer if they feel they may be suffering from fatigue; and
- reporting any actual or potential risks to themselves or others in the workplace due to the effects of fatigue.

### 3. MANAGING FATIGUE – A '4 STEP PROCESS'

Safe Work Australia's [Guide for Managing the Risk of Fatigue at Work](#) provides a comprehensive 4-step process to help a PCBU (in this case, a trainer) meet their duties under WHS laws in relation to managing fatigue. This process involves:

#### Step 1. Identifying the factors that may cause or contribute to fatigue

Some of the factors that may cause or contribute to fatigue in the workplace include:

- work schedules that limit workers' opportunity to recover physically and mentally from work;
- job demands that require concentration for extended periods of time, or work that is repetitive, monotonous or involves continued physical effort;
- inadequate sleep opportunity, resulting in the accumulation of a 'sleep debt' (noting that, while the optimum amount of sleep varies for each person, an adult generally requires seven to eight hours of sleep daily);
- exposure to harsh or uncomfortable conditions such as very hot or humid climates; and
- non-work related factors such as a worker's lifestyle, family responsibilities, health, other work commitments, and travel time.

To identify whether any of these factors may be contributing to or increasing the risk of fatigue at their workplace, trainers are encouraged to talk to workers and other relevant persons (such as jockey agents with responsibility for booking rides for jockeys), look into work practices and systems of work, monitor worker records, review incident data, and assess other relevant information.

#### Step 2. Assessing the risk

Assessing the risk of fatigue in the workplace can help trainers understand:



- where, which and how many workers are likely to be at risk of becoming fatigued;
- how often fatigue is likely to happen;
- the degree of harm that may result from fatigue;
- whether existing control measures are effective;
- what action should be taken to control the risk of fatigue; and
- how urgently action to control the risk needs to be taken.

In the thoroughbred racing industry, particularly for those workers involved in riding and/or handling horses, the degree of harm that may result from fatigue is inherently high. Therefore, each trainer should undertake a work system review and a risk assessment of the work being performed, to ensure fatigue doesn't pose an unacceptable level of risk to workers and others in the workplace.

Trainers are encouraged to consult the 'Fatigue Checklist' included at Annexure A of Safe Work Australia's Guide for Managing the Risk of Fatigue at Work as a starting point to help them assess the level of risk associated with fatigue in their workplace.

### **Step 3. Implementing adequate risk control measures**

Possible control measures for trainers to consider when seeking to manage the risk of fatigue in the workplace include:

- designing effective work schedules (see below);
- encouraging workers to report concerns they may have about work-related fatigue;
- redesigning tasks to limit periods of excessive mental or physical demands;
- introducing job rotation to limit a build-up of mental and physical fatigue;
- developing contingency plans for potential situations where workers may have to work unexpectedly long hours, more shifts or a longer sequence of successive shifts;
- planning for expected changes in work flow including anticipated peaks and troughs during the year;
- avoiding working during periods of extreme temperature or minimise exposure time through job rotation;
- providing a cool area where workers can take a rest break and rehydrate in hot work environments;
- installing ventilation and mechanical cooling devices in hot, small and enclosed spaces such as truck cabins;
- providing adequate facilities for rest, sleep, meal breaks and onsite accommodation (if appropriate); and
- providing and maintaining a workplace that is well lit, safe and secure.

Further, providing information and training for workers in relation to fatigue and its associated risks will not only assist them to perform their duties more effectively, but it will also enable them to implement their own control measures to minimise the risk of fatigue in the workplace.

#### **Work Schedule Design**

One of the most effective control measures for managing the risk of fatigue in the workplace is designing an effective work schedule. Some of the key principles to be followed when designing work schedules include:

- designing working hours and rosters to allow enough rest time between shifts for commuting, meals and sleep;
- developing procedures to manage and limit excessive working hours
- ensuring workers have and take adequate and regular breaks during shifts to rest, eat and hydrate;
- developing plans to deal with workload changes due to absenteeism;
- providing sufficient rest breaks where early morning shifts are worked, and limiting the number of successive early morning starts (where possible);



- avoiding long working hours and limiting the number of consecutive working days;
- encouraging and allowing workers to take annual leave;
- allowing individual flexibility where possible to accommodate family and other commitments; and
- keeping the timing of shifts predictable.

While there are many different work schedules in the racing industry, often involving a variety of features, having a planned and systematic approach to managing the hours of work, including the length and timing of shifts and the rest time between shifts, can greatly assist in managing the risk of fatigue and improving the health and safety of workers.

#### Step 4. Reviewing risk controls periodically

Once control measures are implemented, they should be monitored and reviewed to ensure they continue to effectively manage fatigue. Trainers should consider implementing trial periods for any new work schedules and encouraging workers to provide feedback on their effectiveness. Control measures should be reviewed depending on the level of risk (high-risk hazards require more frequent assessments) and should also be reviewed when:

- there is any indication risks are not being controlled;
- new tasks, equipment, procedures, rosters or schedules are introduced;
- changes are proposed to the work environment, working hours, schedules and rosters;
- there is an incident or near miss due to fatigue at the workplace;
- new information regarding fatigue becomes available; and
- the results of consultation indicate that a review is necessary.

## 4. APPRENTICE JOCKEYS AND OTHER EMPLOYEES

### 4.1. Maximum Weekly Hours

The National Employment Standards (**NES**) apply to all employees covered by the national workplace relations system, including those covered by the [Horse and Greyhound Training Award 2020](#) (the **Award**). This includes stablehands, track riders, stable forepersons, training assistants, trainers and apprentice jockeys.

The NES establish the maximum weekly hours for employees, the factors that determine whether additional hours are reasonable, as well as the circumstances in which an employee may refuse a request or requirement to work additional hours.

Under the Award, an employer must not request or require a full-time employee to work more than 38 hours in a week, unless the additional hours are considered reasonable (refer to '[Fact Sheet - Maximum Weekly Hours](#)' for detailed information). These ordinary hours of work are to be rostered on Monday to Saturday in 5 full days, or 4 full days and 2 half days. A roster outlining the schedule for each employee, Monday to Saturday, must be posted on Monday of the preceding week.

### 4.2. Weekly Plans and Apprentice Log Books

Given the potential demands placed on apprentice jockeys who may be engaged in riding outside of their ordinary hours of work, RQ, the QRIC, the ATA QLD, the AJA and the QJA, endorse the development of a 'weekly plan' between apprentice jockeys and their trainers.

This weekly plan should encompass all work and riding activities for the week (including stablehand duties, trackwork, trials, jump-outs, race riding and travel, whether for their employing trainer or other trainers), and should detail the timing and nature of each activity, to ensure the apprentice's workload is planned and the risk of fatigue is managed appropriately.

When developing a weekly plan, apprentice jockeys and their trainers should consider the key principles in designing an effective work schedule outlined in section 3, and should specifically look to ensure:

- an appropriate balance between activities (i.e. stable duties, trackwork and trial or race riding);



- time spent working or riding in extreme conditions is minimised so far as is reasonably practicable;
- the time and distance required to be travelled by the apprentice for each activity is considered;
- the number of consecutive early starts or late finishes are limited (where possible);
- the timing and duration of shifts is reasonable, particularly if the apprentice is riding at night or performing physically demanding, monotonous, dangerous and/or safety critical activities;
- adequate rest breaks are built into the weekly plan both during and between activities; and
- a minimum 10 hour rest break is provided between the apprentice's participation at a race meeting (including travel to and from the meeting) and resuming work activities the following day.

Once the weekly plan has been agreed upon, it should be signed by the apprentice jockey and their trainer. The apprentice jockey should also maintain a logbook to keep track of their hours spent performing work and riding activities during the week (including travel time), to ensure consistency with the weekly plan. This logbook should be reviewed at least weekly (but preferably daily), and signed off by the trainer.

By implementing a weekly plan, the parties can raise any concerns they may have about the amount or type of activities being undertaken by the apprentice jockey in each week, and adjustments can be made to manage the risk of fatigue where appropriate.

## 5. APPLICATION OF THE RULES OF RACING

Under AR 111 of the Rules of Racing, a rider must not present himself or herself to ride in any race, official trial, jump-out or trackwork unless he or she is physically fit to do so.

Further, under AR 21, Stewards may order down from riding any rider without giving any reason, and may order the substitution of one rider with another if they think fit.

Any fatigue-related issues that may impact a rider's fitness to ride in any race, official trial, jump-out or trackwork, whether identified by a trainer, jockey, jockey agent, or otherwise, should be reported to the Stewards for appropriate handling under the Rules of Racing.

## 6. REFERENCES & RELATED DOCUMENTS

Document
Safe Work Australia, ' <a href="#">Fatigue Management - A Worker's Guide</a> '
Safe Work Australia, ' <a href="#">Guide For Managing The Risk Of Fatigue At Work</a> '
Workplace Health and Safety Queensland, ' <a href="#">Preventing and managing fatigue-related risk in the workplace</a> '
Fair Work Ombudsman, ' <a href="#">Fact Sheet - Maximum Weekly Hours</a> '

## 7. VERSION HISTORY

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