

Note on the proceedings

Tripartite Meeting on the Evolution of Employment,
Working Time and Training in the Mining Industry

Geneva, 7-11 October 2002

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Introduction

The Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry was held at the ILO in Geneva from 7 to 11 October 2002.

The Office had prepared a report¹ issued in English, French and Spanish to serve as a basis for the Meeting's deliberations. It addressed the following topics: employment; working time; training; HIV/AIDS; and mining and sustainable development.

The Governing Body had designated Mr. Guillaume Attigbe, Worker member of the Governing Body to represent it and to chair the Meeting. The three Vice-Chairpersons elected by the Meeting were: Ms. M. Hermanus (South Africa) from the Government group; Mr. G. Eneas from the Employers' group; and Mr. J. Maitland from the Workers' group.

The Meeting was attended by Government representatives from: Benin, Canada, Chile, China, Colombia, Egypt, France, Germany, Ghana, Greece, India, Indonesia, Italy, Kenya, Morocco, Namibia, Norway, Philippines, Poland, Romania, Slovakia, South Africa, Syrian Arab Republic, Thailand, United States and Venezuela, as well as 18 Employer representatives and 16 Worker representatives.

Observers from the European Commission, United Nations Economic Commission for Europe and the United Nations Organization attended the Meeting and representatives from the following international non-governmental organizations also attended as observers: the International Confederation of Free Trade Unions, the International Energy and Mines Organization, the International Federation of Chemical, Energy, Mine and General Workers' Union, the International Organisation of Employers, the Mining Industry Associations of Southern Africa and the World Confederation of Labour.

The three groups elected their Officers as follows:

Government group:

Chairperson: Ms. C. Kaszycki (Canada)

Secretary: Mr. E. Marfo (Ghana)

Employers' group:

Chairperson: Mr. F. Barker

Vice-Chairperson: Mr. I. Masson

Secretary: Mr. J. Dejardin (International Organisation of Employers (IOE))

¹ ILO, Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry, Geneva, 2002: *The evolution of employment, working time and training in the mining industry*, Geneva, 2002, 83 pp.

Workers' group:

Chairperson: Mr. S. Zokwana

Secretary: Mr. G. Govender (International Federation of Chemical, Energy, Mine and General Workers' Unions)

The Secretary-General of the Meeting was Mr. O. de Vries Reilingh, Director of the Sectoral Activities Department. The Deputy Secretary-General was Mr. N. Jennings of the same Department. The Clerk of the Meeting was Ms. S. Maybud. The experts were: Mr. J. Beaulieu, Mr. P. Blombäck, Ms. C. Foucault-Mohammed, Mr. Y. Kamakura, Mr. J. Messenger and Mr. J. Myers.

The Meeting held six plenary sittings.

The Chairperson opened the Meeting, highlighting its timeliness, particularly in the African context. Not only was the African continent a major producer of many metallic and non-metallic minerals, the mining industry also provided considerable employment, both at home and abroad. The phenomenon of unskilled and semi-skilled migrant workers in mining was unique to Africa. He said the strong representation from over 40 countries demonstrated the importance of social dialogue in addressing issues in the mining industry. New working arrangements assisted the mining industry in meeting increasing competition and adjusting to lower commodity prices. The significant increases in productivity could largely be attributed to having fewer but highly trained workers. In this context, because mineworkers were a valuable asset, they needed to be cared for. In Africa, this is particularly true because of the HIV/AIDS pandemic. The Chairperson highlighted the important role that sectoral meetings played in the ILO's activities. The goal of this Meeting was to contribute to ensuring that those who were recruited to or were working in the mining industry could produce the minerals that society needed in conditions of decent work, and that those who had to leave the industry did so having received as much assistance as possible in continuing productive lives outside mining. Referring to the three, closely linked, topics on the agenda – employment, working time and training – he encouraged the participants to hold discussions that would lead to development of and agreement on action-oriented and practical conclusions that would enable progress towards the goal of decent work in mining. The Chairperson highlighted two other important and timely topics in the report – HIV/AIDS, acknowledging the leading role played by the mining industry in addressing the pandemic; and sustainable development, particularly in the light of the recent World Summit on Sustainable Development.

The Secretary-General of the Meeting welcomed the participants to the ILO. This was the 20th sectoral meeting on the mining industry since the first meeting of the ILO's Coal Mines Committee in 1945. But it was the first such meeting to deal with the mining industry as a whole. There was a broad representation, from more than 40 countries, including from eight of the top ten mineral-producing countries. Extending the invitation to the Meeting to all member States had resulted in 26 governments being represented, thus meeting the Governing Body's objective of greater government participation in sectoral meetings. The three agenda topics that were decided by the Governing Body, namely employment, working time and training, were important elements of the ILO's overall objective of decent work. Moreover, the two other topical issues in the report – HIV/AIDS and sustainable development – were also important when trying to ensure that everyone in the mining industry could aspire to decent work. Social dialogue was not only a strategic objective of the ILO, it was also a means to achieve the ILO's other three strategic objectives – labour standards and rights at work; employment; and social protection. Without social dialogue there could be no cooperation and therefore no commitment. Meetings such as this one were social dialogue in action. In concluding, the Secretary-General encouraged the participants, while they were at the ILO, to take the time to learn more beyond the discussions in the meeting room.

Part 1

Consideration of the agenda item

Report of the discussion ¹

Introduction

1. The Meeting met to examine the item on the agenda. In accordance with the provisions of article 7 of the *Standing Orders for sectoral meetings*, the Officers presided in turn over the discussion.
2. The spokesperson for the Employers' group was Mr. Peelish and the spokesperson for the Workers' group was Mr. Zokwana. The Meeting held five sittings devoted to the discussion of the agenda item.

Composition of the Working Party

3. At its fifth sitting, in accordance with article 13, paragraph 2, of the Standing Orders, the Meeting set up a Working Party to draw up draft conclusions reflecting the views expressed during the course of the Meeting's discussion of the themes. The Working Party, presided over by the Government Vice-Chairperson, Ms. Hermanus, was composed of the following members:

Government members

Canada:	Ms. Kaszycki
Egypt:	Mr. El-Saie
India:	Ms. Misra
South Africa:	Ms. Hermanus
United States:	Mr. Caylor

Employer members

Mr. Benmlih
Mr. Maritim
Mr. Masson
Mr. Peelish
Mr. Schön

Worker members

Mr. Geissler
Mr. Koffi
Mr. Mokhnachuk
Mr. Zama
Mr. Zokwana

¹ Adopted unanimously.

Presentation of the report and general discussion

Presentation of the report

4. The Deputy Secretary-General presented to the Meeting the report that had been prepared by the ILO. He acknowledged the information he had obtained from a wide range of sources, many of whom were participating in the Meeting. In addition to the agenda topics – employment, working time and training – two additional topics – HIV/AIDS and sustainable development – were included in the report. Each was timely and relevant in the context of the Meeting and as far as the work of the ILO was concerned. The job losses that had occurred in mining, particularly over the last five years, were likely to continue, even when a general increase in the level of contract labour was taken into account. Changes in the quantity and structure of employment had significant implications for working time and training. Working time issues needed to be examined in relation to new work methods and any health, safety and social implications that might arise. There seemed to be a gap between them. The effects of fatigue, for example, needed more and wider understanding and appreciation. Training was the link between employment and working time. It had been changing, chiefly due to the introduction of flatter work structures, certified competency, multiskilling and teamwork. The Deputy Secretary-General highlighted the importance to the industry, mining communities and national economies of coping with the consequences of HIV/AIDS in the mining industry. The key question was how the mining industry could assist and how it could help HIV-positive workers to remain productive for as long as possible, particularly in the light of new work regimes and new skills. The ILO had been active in the lead-up to the World Summit on Sustainable Development, as had the mining industry. This Meeting was an opportunity to see how best to go forward, under the umbrella of the ILO, linking sustainable development, mining and decent work.

General discussion

5. The Employer spokesperson said the Meeting was an opportunity for both employers and workers to promote a positive image of mining so as to encourage people to join the industry. He noted the skills, wages and benefits of those working in the sector and the demand for increased employment. Further, he addressed the need to combat illegal mining and to promote the enforcement of national and state laws. Employers and workers should be allies to protect the right to mine and promote sustainable development, while minimizing the burdens of governmental regulations enacted in a response to environmental groups. Employers made large social investments through the provision of health care to workers and through efforts to combat poverty in rural areas where mines existed. Social responsibility existed where mining was done responsibly, but not where mining was performed irresponsibly. There were some gaps in the report – for example, the statistics were skewed because there were not enough countries portrayed to create a true global picture. Mining was a major employer which had a direct and indirect impact on economies of all countries.
6. The Worker spokesperson said the real challenge for the industry was to change its image of low wages and hazardous work in order to attract young workers. Considering the industry's impact on local communities, he called for community involvement in the industry's decision-making process, as communities were a key stakeholder. Their participation would ensure that all consequences of the sector's actions were taken into account. The recommendations from the Mining, Minerals and Sustainable Development (MMSD) project should be implemented and all stakeholders should develop solutions together to change the lives of workers, in particular when downsizing affected local communities.

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7. The representative of the Government of Kenya thanked the Office for a clear and focused report and welcomed the opportunity of the Meeting to exchange views and practices while enabling conclusions to be formulated. He recognized the changing employment trends, in particular the negative impact of mergers and acquisitions on the workforce, as well as the accuracy of the report concerning the changes in safety and health and the quality of life. Workers and employers should debate and agree on working hours. There was also a need for tripartite involvement in training. He highlighted the mining sector in Kenya and the Government's desire to maximize the industry's potential through a new mining policy that was being developed. In closing, he stressed the impact that HIV/AIDS had on productivity and on the country as a whole, noting that it had been declared a national disaster.
 8. The representative of the Government of Egypt thanked the Office for a good report and recognized that the industry worked on small margins. The participants should take into consideration the capacity of developing countries when they formulated decisions.
 9. The representative of the Government of Chile thanked the Office for the high-quality report and for the opportuneness of the Meeting. He commended the Office for dealing with the mining industry as a whole for the first time, as different countries had different specialties. The report dealt clearly with relevant topics where both public and private enterprises were involved. The report and the Meeting emphasized the ILO's vision to seek out important issues for governments, employers and workers.
 10. While noting that the ILO was a standard-setting organization, the representative of the Government of India said that employment issues expanded into retrenchment and differed between the public and private sectors. Appropriate attention should be paid to skills development. Moreover the Meeting should consider the issues that irresponsible mining created.
 11. The representative of the Government of China stated that the ILO's report contained the specific detail necessary upon which to base the debate. He highlighted the impact mining had had on China's economy, and its important contribution to sustainable development and the security of the country, as more than 300 million inhabitants lived in areas around mines. He pointed out the gap between China and developed countries and indicated his country's desire to develop better measures concerning the industry.
 12. The representative of the Government of Indonesia noted the need of mining for economic development in developing countries. The economic, social and environmental pillars should be taken into account in mining. However, these three pillars should be addressed clearly, and should be put in proper perspective within the national context. It often happened that concern for the environmental issue was so excessive as to overshadow the importance of social and economic development. If this continued to happen, a large number of jobs may be lost in Indonesia.
 13. The representative of the Government of South Africa concurred with others concerning the quality of the report – it was an apt summary of the challenges, but it was not a comprehensive overview. The Meeting should look forward so as to bring the social, economic and environmental considerations into balance. The Meeting should review best practices concerning HIV/AIDS, safety and health, sustainable development and retraining to formulate a way forward.
 14. The representative of the Government of Namibia highlighted the safety and health issues concerning small-scale mines in his country. In this regard, he called for more training and improved practices by employers.

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15. The observer from the United Nations complimented the Office on the report and echoed the comments of the representative of the Government of South Africa for the Meeting to contribute to the development of a new paradigm for the industry. New mines were likely to be opencast mines which had implications for training, retraining and the quality of employment, considering their short lifespan. Their impact on local development often conflicted with other economic activities.

 16. The Secretary-General of the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) felt that the Meeting would be on the right course if it focused on the theme of sustainable development, especially in the wake of two major meetings in 2002: the Global Mining Initiative Conference (Toronto, 12-15 May) and the World Summit on Sustainable Development (Johannesburg, 26 August-4 September). Similarly, he emphasized the relevance of the objectives of the MMSD project carried out by the International Institute for Environment and Development (IIED) entitled *Breaking new ground: Mining, minerals and sustainable development*. Referring to the industry's adherence to the UN Global Compact, he considered that only a cynical attitude would lead one to interpret this as a response to pressure from civil society and the international financial institutions. Instead the mining industry's membership of the Global Compact was a brave step, one which would place mining clearly in the domain of sustainable development and open the way for dialogue. All companies which were members of the UN Global Compact deserved to be congratulated, even if their membership marked only the beginnings of dialogue to achieve the ultimate objective of securing sustainability. The Meeting should aim to implement the conclusions of the Toronto Declaration, which called on the industry to engage with the social partners, primarily through the International Council on Mining and Metals (ICMM). He welcomed the establishment of the ICMM, which had a mandate to discuss social issues, whereas its predecessor organization did not. Initial discussions had already taken place between ICEM and ICMM. This Meeting provided an opportunity to take those initial discussions further. The mining industry was not just about mineworkers: beyond and around the workers in the mine was society as a whole; and the entire community in turn depended on how the mine and its workers fared. The Meeting should arrive at one key agreement: mining companies should devise a plan for those left behind when mining ceased. Imaginative solutions could be found. The ICEM was a major stakeholder in the mining industry, with a vested interest in its success. However, while the workers were ready to support sustainable development, they would not do so by defending the undefendable. The suggested points for discussion fell within the ambit of sustainable development. He stressed the preparedness of the workers to influence the outcome of the Meeting in a meaningful way.

Point-by-point discussion

Employment and training

17. The Employer spokesperson observed that the statistics and case studies from Central and Eastern Europe that had been referred to bore no comparison to market-based industries. The industry's goal was to promote a positive image. While the employers recognized that they had recourse to contract labour, that practice did not preclude applying state laws in the same way. Contract labour was an effective way to achieve greater efficiency, and to deal with specialized or non-core areas. Good basic education was essential for effective training and retraining, and the report underlined the need not only for technical skills but also for behavioural skills. Workers therefore had a responsibility to learn, and workers' organizations needed to be more responsible in dealing with the "multi-cross-training" of employees. The retraining of miners should not fall solely on employers; it was a responsibility to be shared with workers and governments.

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- 18.** The Worker spokesperson wished to raise some important issues. First, the governments' role was to ensure adequate and basic education for all, by eliminating illiteracy among mineworkers. They also needed to develop policies which would ensure lifelong learning. Secondly, tripartite structures were also necessary to provide certification in safety and health practices. At the same time, in implementing social measures, care should be taken to include training for workers, as provided in the Paid Educational Leave Convention, 1974 (No. 140).
 - 19.** The Worker Vice-Chairperson of the Meeting observed that while the issue of contractors was important in all industries, it was particularly so in the mining industry. The Workers' group acknowledged that contract labour was necessary for dealing with unforeseen tasks, and that supplementary labour could at times be required. However, the industry, for its part, expected predictability, for example in dealing with governments. Similarly, workers expected some degree of predictability as well, as far as their security of employment was concerned. Workers saw the unfettered use of contractors as a threat to their sustainability. It was therefore essential that the industry engage in proper dialogue about the use of contract labour. There were many examples of contract labour having been used effectively to make various operations more efficient and more profitable. The issue was not to question the effective use of contract labour in certain cases where it fulfilled a role: the real issue was that of permanent employment. What was to be avoided were contract labour practices which led to the non-observance of safety and health standards, to the erosion of wages and conditions of work which had been brought up to mark after years and years of effort. In consequence, the workers could not accept an all-embracing statement from the employers on the effectiveness of the use of contract labour. While a degree of flexibility was necessary, such flexibility was a two-way process, benefiting the workers as well. The permanent workforce felt threatened by contract labour, something the employers should acknowledge. The issue of contract labour needed more attention. Workers were not opposed to it as such, their concerns were for long-term jobs and decent working conditions. There were, however, certain distasteful characteristics associated with contract work which they guarded against, thus it was essential to arrive at a common understanding.
 - 20.** The Employer spokesperson agreed that standards must be maintained. At the same time, it had to be understood that company decisions were driven by market pressures.
 - 21.** The representative of the Government of South Africa recognized that tremendous challenges were posed by the issue of contract labour. In particular, the social security system was not geared to deal with contract labour. From a regulatory point of view, too, the governments were often not equipped to cope with all the issues involved in contract labour. Contract workers operated on different sites and in distant regions. It was a question of determining what regulation was appropriate when contract labour constituted a considerable proportion of the labour force. Similarly, safety and health regulations were not well geared to the needs of the contract labour workforce. Thus the entire work environment needed rethinking. One question that urgently needed to be addressed was how far social dislocation should be tolerated. As for retraining, governments were well placed to provide a broader understanding of the context where training took place. What was training? What was meant by reskilling? The answers to such questions could be provided by governments who needed to dwell carefully on those questions.
 - 22.** The representative of the Government of Egypt observed that flexibility and uncertainty characterized the mining industry at the present time, but that did not mean that rules should be applied differently. Regulations and laws applied to all companies and workers, however small or large. The government's role was to develop learning, while the employer's role was to develop skills.

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23. The representative of the Government of Chile considered that the point raised by the Workers' group with regard to contract labour was interesting. Undoubtedly, contract labour jeopardized wages. However, outsourcing was a fact of life and it was important that responsibility for safety and health issues be spelt out and clarified, with effective guarantee mechanisms set in place. State laws, while necessary, would not be sufficient on their own. Instead, labour practices would be the instruments required to ensure that contract labour was not used for fraudulent purposes or a lowering of standards. Such labour practices should be agreed on in order to safeguard workers' interests. For this purpose it was necessary to combine the efforts of government through permanent labour inspections and through an effective and active collaboration with the social partners.
 24. The representative of the Government of Indonesia declared that in the transfer of non-renewable resources to renewable resources, both employers and subcontractors shared the responsibility for community development.
 25. The representative of the Government of Greece emphasized the necessity for migrant workers to receive special training as they usually do not know the language of their host country and this fact may create significant problems related to their safety and health.
 26. The representative of the Government of Ghana threw a different light on the debate of the points under discussion. While the role of the government as a stakeholder was to ensure that appropriate training programmes and policies were in place, it was not the government's role to deal with the day-to-day administration of any industry. In terms of training in the mining sector, it was the responsibility of the organizations in the sector to develop their own training programmes as part of their overall training policies. Similarly, those organizations should also set in place mechanisms for dealing with the movement of workers in the industry, for instance retirement, leave, or resignation.
 27. A Worker member added that in Canada there was a shortage of skills. Employers were having difficulty in finding skilled workers in certain trades. In the steel industry, a project called Canadian Iron and Steel Trades Employment Congress (Cistec) had been set up as a joint effort, with government funding. The government had recognized that the industry was downsizing, with implications for employees, pensions, and so on. It was therefore decided that an effort should be made to try to enhance young people's chances. The project proved very successful. More than 90 per cent of the workers who had been laid off were reemployed in jobs that were either equivalent or higher. A second project, Mining Industry Trades Employment Congress (Mitec), was then set up, also with government funding, to deal with "upsized" and "downsized" training. Very few companies had anticipated training needs in their policies. For instance, workers who had been employed 30 years ago also needed to be integrated into training programmes so that they could be given options. However, the federal Government had cut back on funding. In Quebec, those problems were dealt with by legislation that required employers to allocate 1 per cent of the payroll to training.
 28. A Worker member said that over 76 per cent of industry in the Russian Federation was privately owned. The mining industry was restructuring as a result of the owners' concern to maximize profits and reduce costs. The Government was less interested in trade unions and creating jobs than in controlling or increasing tax revenues. However, the workers were interested in sustainability and earning sufficient wages. Perhaps some kind of framework conditions were needed in Russia which, in times of restructuring, would provide a mechanism suitable for all parties, particularly with regard to social programmes and retraining of staff. Employment in mining had been reduced by 177,000, and it was difficult to attract young trained recruits to the workforce. Since it was important that workers received training that could help to ensure the best use of human resources, it was important that the Meeting, in its recommendations, took into account hours of work,

health and safety, the HIV/AIDS pandemic and other diseases. It was also essential to develop a framework for ensuring safety in the workplace. In the Russian Federation, 133 mines had been closed as a result of unsafe conditions, leading to a huge number of job losses. So the Meeting needed to emphasize such problems in adopting its conclusions and resolutions. The possibility of shaping an ILO framework recommendation needed to be considered.

- 29.** The representative of the Government of Canada declared that certain mechanisms had been put in place in Canada to ward off negative consequences for workers when mines closed. For instance, in Manitoba, a community reserve fund had been set up and was proving successful. All the same, such an approach was reactive. Governments were being called on to be more proactive so that issues could be dealt with effectively throughout the life of the mine and after its closure.
- 30.** An Employer member from South Africa observed that various stakeholders had raised the issues of improving the image of the industry and attracting young people. However, it must be recognized that downscaling was the result of cost pressures and market instability. It was important to understand that the employers needed to strike a balance between the importance of social issues and the environment. Some participants had referred to community development, training, and framework agreements as falling solely within the ambit of the employers. But those speakers had to understand that such responsibilities meant additional burdens, further costs. If they were to be shouldered they could lead to even more downsizing. The issues raised needed to be addressed on a common front.
- 31.** The Worker spokesperson pointed out that such tripartite machinery was already in place in South Africa.
- 32.** The representative of the Government of China recognized that contract labour helped to reduce pressure on the industry and increase productivity. Among coalminers in China, contract labour was practised to a considerable extent. However, those workers were recruited among the peasantry and had little or no professional competence. The question was how to adjust the workforce to meet the changing needs of the industry. Specific stipulations were required, which led to the adoption of a clear set of rules. For instance, it was compulsory that young or new miners be given at least 92 hours of pre-work training, and an additional 40 hours in the case of underground mining or when changing job. Government regulations were very detailed and had to be observed by the informal, small-mines sector in the same way. It was clear that all three parties needed to cooperate in order to ensure that training was carried out effectively. Trade unions in particular had a special role to play in monitoring.
- 33.** A Worker member from Australia took issue with the Employers' group's view on the question of additional burdens on the industry. The MMSD project recorded sustainable development principles and recognized that the industry had not costed them properly; it had externalized instead of internalizing these costs. It was now recognized that the industry must properly cost everything.
- 34.** The Worker spokesperson remarked that any cost the industry incurred on training would enhance productivity and safety. Retraining could be a joint venture which would help to find qualified employees. Rather than shoulder burdens, the employers had a critical role to play. There was no contradiction between the interests of workers and employers, as the Canadian and South African experience had shown. It was therefore important that the social partners arrived at an agreement on the issues in question.

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35. The Employer spokesperson recognized that a tripartite effort was needed to enhance productivity, provide training, and guarantee employment in the industry, as well as to ensure health and safety.

Working time

36. The Employer spokesperson stated that this forum should not be used to support a particular type of working time arrangement. The report for the Meeting had intimated that the use of flexible working time arrangements needed to be restricted, but working time arrangements should be left to employers and workers to agree on. However, the report also noted that “one size fits all” was not a correct approach. He emphasized that it was too simplistic to focus on one type of scheme. Job content and exposure levels must also be considered, which involved reviewing the safety and health aspects of different working time arrangements. There was a gap in the research about how working time affects occupational safety and health, as well as its impact on family life. Research on these subjects should be conducted within the ILO.
37. The Worker spokesperson noted that research showed differences in the numbers of hours worked by different types of employees. Experience had shown that, particularly where there was no legislation in place, there was a need to ensure there was collective bargaining on hours of work. In addition, there was already sufficient evidence to understand that certain working time arrangements caused fatigue. Such research should be made available to everyone, including workers and their organizations. These arrangements were linked to the fact that workers had to work continuous shifts to meet enterprises’ commercial requirements. Labour inspections were important and labour inspectors should be given the powers to enforce hours of work and working time arrangements. Workers should be included in planning working time arrangements. Since low wages necessitated longer hours, it was important that any efforts to move to a five-day workweek should not have the effect of lowering workers’ wages. Research should give the industry clear guidance to know the effects of different types of working time arrangements. For example, the impact on workers who had to work away from their families, and the specific impact on underground workers should be examined. These workers should not be forced to work long hours, and their working conditions needed to be improved. The impact of shift work should also be taken into account, in order to deal with the health and safety problems of shiftworkers. Employers and governments should support more research on the effects of working time arrangements and there should be greater collaboration between employers and workers on planning such arrangements.
38. The representative of the Government of the United States agreed that the issues raised were important, and that occupational safety and health was the most relevant issue relating to working hours. He pointed out that planning and accommodation must be considered with respect to long hours; that clear guidance was necessary and desirable; and that this should be the primary focus of public policy.
39. The representative of the Government of India observed that it was necessary to have the number of hours prescribed for safety reasons. Good communication between workers and employers was required if reasonable working time arrangements were to be achieved, and mining plans should take up the issues of hours worked and shifts needed. While labour inspectorates served an important function, they tended to be far away from mining sites. Merely punitive measures would not assist in solving problems. Rather, there was a need for collaborative action. Mechanisms should be created outside normal channels, such as through communities, because it was difficult to strictly monitor implementation of norms. The issue of involving communities in mining plans, closure plans and rehabilitation is under discussion by a task force set up for this purpose. Discussions have raised questions

regarding the extent of empowerment of communities and the quality of such involvement in the mining process. There were certain constitutional provisions and statutes specific to India. However, there were general issues to be resolved regarding the need to ensure intensive involvement of different stakeholders and the creation of awareness regarding working time arrangements and their effects.

40. The representative of the Government of Benin felt that there should be some permanent way to measure the effects of different working time arrangements. More information should be disseminated so that everyone had the same level of awareness about these effects. There were a number of concerns in his country where there were few labour inspectors. He hoped that the ILO could assist them in strengthening their labour inspection arrangements.
41. The representative of the Government of Kenya noted that in the formal sector, where working time arrangements were negotiated, working time was no more than 40 hours a week. Working time was fixed and stipulated in law, to ensure that there were paid holidays and rest days. There were important issues related to the safety and health effects of working time.
42. A Worker member from Ukraine discussed working time problems in his country. While the low wages of mineworkers were a problem, many workers were not even paid. As a result, they were often forced to work in small groups in informal mines, sometimes at night having worked in government mines during the day. These groups also included children – boys and girls, working in underground mines. Government-sanctioned trade unions in Ukraine were not in a position to address that issue, and non-governmental trade unions in the country were not protected, and officials had suppressed demonstrations about this problem.
43. The representative of the Government of South Africa observed that it was difficult to generalize about working time and shift work; however, she emphasized that both clearly had an impact on occupational safety and health and on stress. In this respect, it might be useful to look at a variety of approaches to working time. First, there was the use of statutory limits on hours. Second, many countries had an approach to working time based on work assessments and self-regulation. Third, research would provide more clarity to address circumstances related to working time. Fourth, research would also help regulators, as labour inspectors might feel that there was a relationship between working hours and shift patterns. Finally, she noted that research could also help to promote social dialogue between government, employers and workers, and within the mining industry itself. It would also be useful to increase community involvement in mining workplaces as well.
44. An Employer member from Australia observed that it was opportune to discuss working time in the mining industry. Australia had just completed a review of working time arrangements, in which the Australian Industrial Relations Commission concluded that working time arrangements were extremely complex, and accepted that hours of work had increased. However, the Commission found that the “one size fits all” approach that the trade unions wanted was impractical. He stated that it was too simplistic to attribute working time arrangements to bargaining structures; rather, there were specific types of operational needs that drove working time arrangements. Some important examples include “fly in, fly out” arrangements. Also, the report on working time in the mining industry in Tasmania, which was mentioned in the presentation of the ILO report, was not the end, but rather the first stage in a process involving workers and employers, designed to provide feedback to the State government. Finally, he noted that, while there was much qualitative research on the safety and health effects of working time, there was less data.

The follow-up phase of the study in Tasmania would focus on quantitative research regarding the effects of working time on occupational safety and health.

45. A Worker member from India reported that working time in the formal sector was regulated, and many of the mining operations in that sector were run by the Government. In the unorganized sector, however, the situation was very precarious. There was illegal mining where there was no employer, and operations run by smaller employers who did not have the capacity to enforce safety measures. While there were bipartite mechanisms in the formal sector, nothing similar existed for independent mines in India. Thus, there was a need for workers to join with government and employers to improve working conditions in the independent mines; in particular, he believed that a tripartite commission was required for these mines.
46. The representative of the Government of China stated that working time in mining was a very important issue. The needs of the firm, making working time uniform, and protecting workers' rights had to be addressed. Despite the difficulties, the Meeting needed to reach useful conclusions. In China, from the 1950s to the 1970s, there was local application of the eight-hour working system, although if travel time to the job were taken into account, then total working time would have been 12 hours. However, to protect workers' health and safety, since that time China had been using a system of four shifts of six hours each over a five-day week in the mining industry.
47. The representative of the Government of Germany said the ILO report clearly illustrated the changing face of the mining industry. The German mining industry, especially coalmining, was changing, including through the common efforts by employers, workers' organizations and the Government. Flexible working time had helped to increase productivity, deal with overtime, and bring work and family life more into balance. In Germany, collective bargaining took place within a framework legislation on working time. Health and safety was of key importance in this context and maximum working time and minimum hours of rest were fixed. However, legislation also gave employers flexibility as to when the hours were worked, but this flexibility had to be enshrined in collective agreements. More generally, workers could change from full-time to part-time work, and employers could no longer ignore reasonable requests of this nature. There were also means for older workers to reduce their hours step by step until retirement, and working time accounts had been created to allow hours to be saved for use later as time off.
48. The representative of the Government of Ghana said that where employers wanted to maximize the number of hours of work of miners, efficiency and productivity could be reduced. While it was not the role of government to be involved in the day-to-day operations of mining, it should be possible for governments to devise reasonable guidelines and flexible regulations. The conclusions of this Meeting should balance the interests of workers and employers carefully.
49. The representative of the Government of Namibia recalled that the Labour Act of 1992, which governed working hours in the mining industry and other sectors in Namibia, was the product of tripartite discussions. While it is the priority of employers to exploit mineral resources as much as possible, the Labour Act also recognized that this should not mean that workers had to work long hours for this purpose. Under the law, workers may not work more than eight or nine hours unless both workers and employers agree to work overtime and, if so, these hours must be paid as overtime. The Meeting should draft a conclusion about the regulation of working hours in the mining industry. Workers needed time to rest and to be with their families.

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- 50.** The representative of the Government of South Africa identified as a major current challenge for the mining industry the need to diversify its workforce. One of the biggest barriers to women working in mining was “unsocial hours”. If the industry wanted to recruit more women, it would have to address the issue of working hours in relation to the balance between work and family life.
 - 51.** An Employer member from South Africa referred to the diverse types of working time arrangements in different countries, and the fact that there was no single recipe for dealing with them. Rather, it was necessary to take into account the particular circumstances of work in each country. While a number of workers had referred to the need to arrange working time through collective agreements between employers and workers’ organizations, there were no unions in many workplaces. It was important to try to cover smaller-scale employers where there was no collective bargaining. In these cases, arrangements for agreements on working time could be made by employers and individual workers.
 - 52.** A Worker member from Australia recalled that there had been many changes in working hours in the mining industry since he had started as a worker on eight-hour shifts. Working time opened an enormous potential for exploitation. Employers could offer low-paid workers overtime and many would willingly accept it because they needed the extra money or because they feared losing their jobs if they did not accept it. If they were new workers, they might have been hired on the condition that they would be available to work overtime as directed. While this was not an issue that could be easily resolved, it was important that the mining industry dealt with it. There was no hope for gender balance in the industry, given the hours of work shown in the report. There were also social issues relating to alcohol and drug consumption, and family issues for workers in remote site arrangements. Workers were looking for a framework from this Meeting to address the problem of hours of work.
 - 53.** The representative of the Government of France emphasized the importance of the role of government in establishing a legislative and regulatory framework for regulating working time and safety in the mining industry. The normal workweek in the mining industry in France was between 38 and 40 hours per week, and legal provisions included a complete prohibition on women and children working underground. With respect to health and safety, there were also regulations which required the presence of doctors in mines, as well as regular safety inspections by elected safety officials.
 - 54.** The representative of the Government of the United States stated that it was difficult to devise one approach to apply to all countries. It appeared that countries with more sophisticated regulatory systems had fewer problems with hours of work in mining. In the United States, for example, the Mine Safety and Health Administration tracked all accidents in the mining industry, including the time they occurred. The data did not show that there was a prevalence of accidents in the latter part of shifts. While he agreed that a working time framework was needed, it should be directed towards situations in countries that were not highly industrialized or regulated.
 - 55.** An Employer member from Mexico remarked that the problem was more one of illegal mining than of working hours. Health and safety regulations for the mining industry had to be applied to illegal mines as well.
 - 56.** A Worker member from Peru felt there was no real social dialogue in the Meeting. Existing positions were merely being reinforced. In Peru, workers in the mining industry had no right of freedom of association, no right to strike, and no right to organize. In terms of working time, increased flexibility, that began under the Fujimori Government, had resulted in a situation in which employers had extended the working hours to more than

48 hours per week, and workers very often had to work 12 hours a day, for 14 days in a row, followed by seven days off. When travel time was included, many workers were actually working 16 hours per day. This shift schedule, implemented by an Australian company, had led to deteriorating health conditions of workers. He further emphasized the need to respect the fundamental rights of workers and the environment, but in Peru there were no real negotiations; everything was imposed by employers. The ILO should make a recommendation to the Peruvian Government to respect the eight-hour day. He also noted the availability of two reports on this issue, one by the ILO Office in Lima, and one by his trade union.

- 57.** The Employer spokesperson believed that there was insufficient information to draft conclusions on working time thus far. The conclusions of the Meeting should identify the need for further research in the area of working time, particularly in countries not covered by the report. There was also no conclusive evidence available that there was an impact of working time on safety and health.
- 58.** The representative of the Government of Egypt concurred with the Government representatives of Mexico and the United States that an outcome of this Meeting could not be applied to all countries, especially those employers with non-organized workforces. Small mine operations presented a very different reality, and it would be difficult for them to comply.
- 59.** An observer from the United Nations added that there was now less mining in developed countries, and more in developing countries and transition economies. Also, the shift from formal mining to informal mining, such as the example from Ukraine, was an important trend that needed to be addressed. There should be a collective dialogue when a mine opened to prevent this shift from legal to illegal mines. There was a need to look at this topic proactively, to keep it from occurring in other countries.
- 60.** The representative of the Government of South Africa outlined several points for consideration in terms of a framework for a plan of action. First, there was sufficient information to make the link between excessive hours of work and problems of safety and health, by way of the link between hours of work and fatigue, although situations clearly differed. For South Africa, the starting point needed to be limits on hours of work, but with the flexibility to look at different shift arrangements and other working time arrangements within those maximum limits. Hours of work were driven by the need for productivity and flexibility, not only for employers, but also for workers to arrange their working lives. She also emphasized the real need for research and information to raise public awareness regarding the relationship between working time, fatigue and safety. Finally, issues relating to informal and illegal mining went beyond the mining industry, because they related to economic opportunities in general. Nonetheless they should be addressed.
- 61.** The representative of the Government of India agreed. In particular, there was a need to take up information, education and awareness campaigns to help communities regulate their own situations.
- 62.** A Worker member from the Philippines did not believe that the effects of long hours of work on health and safety varied around the world. These effects were the same for workers in all countries. Working time was also closely linked with the issue of wages. Workers in his country worked overtime because they needed additional income. It was the responsibility of employers to inform workers of the health hazards of working extended overtime, but they did not do so because it would cut their output. The conclusions of the Meeting should promote national legislation to limit overtime in the mining industry.

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63. The Employer spokesperson concluded by emphasizing the appropriateness of measures to protect occupational safety and health. However, it would not be appropriate for this Meeting to suggest direct controls on working time. That was a matter for national governments, employers, and workers to decide, because circumstances varied too much across countries for a “one size fits all” approach.
 64. The Worker spokesperson concluded by emphasizing that mineworkers loved the mining industry, and wanted to defend it. The image of the industry needed to be changed, and this was a point of agreement with the Employers. The Workers’ group wanted agreement on a framework to ensure that research was done in areas where information was currently insufficient, to deal with the issue of disadvantaged communities, and to assist the industry in complying with health and safety legislation. He urged the Employers’ group to work in partnership with the Workers’ group and governments to improve the mining industry.

HIV/AIDS

65. An Employer member from South Africa said the report clearly identified the differential impact of the pandemic on a variety of countries and regions. Of all the issues facing the industry, HIV/AIDS was the priority area for tripartite cooperation. He stressed the importance of awareness programmes to promote safe sex, abstinence and fidelity to one’s partner. There was no “quick-fix” solution to this problem – it was necessary to change behaviour, to run effective prevention programmes, to facilitate HIV/AIDS testing, but also to ensure that confidentiality was maintained, in order to prevent victimization and stigmatization.
66. The Worker spokesperson agreed, but observed that many mineworkers in South Africa lived in single-sex hostels for most of the year, perhaps seeing their families only once every six months. The migrant labour system led to the disruption of family life, and a need for a separate existence at the mine and in its local community – such separation was part of the problem. This was a key issue for governments, employers, workers and communities – and needed to be recognized when devising prevention, care, counselling, wellness and other programmes. It should also be stressed that victimization and stigmatization occurred not only among work colleagues, but could also arise from negative action on the part of employers and the community. This made care, mutual respect and confidentiality all the more important.
67. The representative of the Government of Kenya said that HIV/AIDS was a major workplace issue for the East African mining industry. Public awareness campaigns on HIV/AIDS were essential for the whole population, as well as explaining the impact of the pandemic on the national economy. The focus of HIV/AIDS action in Kenya was on youth and on the community. It included aspects such as a substantial public education programme, specific training of peer leaders among management personnel, cooperation between government and the social partners to eliminate all forms of discrimination against HIV/AIDS sufferers, and the preparation of joint leaflets on how to prevent HIV/AIDS and to reduce the impact of AIDS at the workplace.
68. An Employer member from France observed that in some countries, such as Botswana, society at large had a higher infection rate than that of the mining industry – this was a public health problem in such countries, and government and industry action were required. However, where the infection rate was higher in the mining industry itself, mining enterprises had the prime role to play.
69. The representative of the Government of South Africa stressed the relationship between HIV/AIDS as a public health concern and as a workplace issue, as well as the need for

confidentiality. It was difficult to manage and practise confidentiality, considering that mining was physically hard work and required a certificate of fitness – it would be difficult for affected workers to remain anonymous. There was need for support programmes and the protection of individuals with HIV/AIDS. She highlighted the negative correlation between health/wellness and the hazards of mine work, and called for more effort in managing physical hazards.

Sustainable development

- 70.** The Employer spokesperson stressed the need for access to mineral resources, so as to ensure the future of mining. If this obstacle were not overcome, sustainable development would be a meaningless concept. Costs, notably environmental costs, had to be internalized. Governments, employers and workers had to take decisions regarding mining using the concept of multiple use of the land. Decisions should be based on technical data, not the emotions of a vocal minority. Governments, employers and workers should address the issue of informal, illegal and artisanal mines, which had a negative impact on responsible companies and the environment.
- 71.** The Worker spokesperson called on governments to implement the core ILO standards and ensure that companies did too. Human rights, the right to freedom of association and to collective bargaining should be recognized. If they were, the negative impact of illegal mines would be eliminated. Employers had to be concerned with mining areas after extraction has ceased, to ensure there was life after mining for those that remained there.
- 72.** The representative of the Government of Canada reaffirmed her country's commitment to sustainable development in mines and minerals. She recalled a new initiative launched by a group of governments at the World Summit on Sustainable Development that sought to promote dialogue and build upon regional networks to develop ways for governments to initiate programmes to achieve the Summit's objectives. Her Government had contacted a number of organizations, including the ILO, in this regard. She looked forward to the ILO's participation in this initiative. One outcome of a meeting in 2003 could be the establishment of an ongoing high-level forum to address the sustainability of mines and minerals.
- 73.** The representative of the Government of Kenya said that governments, employers and workers should develop a common framework to guide the industry and ensure that mining was done in an environmentally friendly manner. Mining companies should not only create jobs, but also enable mining communities to benefit from the wealth generated, through investing in social projects such as roads, amenities, and educational and health facilities. Employers should respect workers' rights as outlined in the ILO's Declaration on Fundamental Principles and Rights at Work.
- 74.** The representative of the Government of Chile recalled comments by the Employers' group that mining was a factor in development for economies and for humanity. The sector had to be productive, especially in a competitive market which needed flexible instruments in all areas, but it had to take into account that the legal and contractual rights of workers must be protected and guaranteed. A consensus on this was important if conclusions were to be reached. Concerning sustainable development, there might be a need for long- and short-term investment to ensure that the environment was not adversely affected.
- 75.** The representative of the Government of South Africa pointed out that sustainable development was a broad and complex issue, to be viewed from several different perspectives (economic, social, environmental, governance). She referred to the ILO report's box 5.1 that set out sustainable development principles. There were also both

upstream and downstream issues from mining to be taken into account. There was also a struggle between competing concerns – particularly in developing countries, where mining stimulated long-term economic development – to determine which path to take. There was “no one size fits all” approach. Direct competition existed between the needs of the sector and those of communities that were dependent on mining.

- 76.** The representative of the Government of Indonesia stressed that mining was essential to economic development in his country, as it helped other sectors to grow and create employment. Mining helped to reduce poverty, and its economic and social impact should be considered in the decision-making process concerning sustainable development. He called for all stakeholders to be consulted, to ensure that sustainable development meant concern for economic, environmental and social issues. Total dependence on mining should be avoided and emphasis should be placed on sustaining communities after extraction ceased. This could include the mining industry providing training that was not directly related to mining, such as management, sales, and fisheries, for which the government could also play a role.
- 77.** The representative of the Government of Morocco saw mining as a major force in the economy, but was concerned about how to sustain socio-economic activities in communities after mines had closed, especially those far from urban centres.
- 78.** The representative of the Government of India pointed out that many sustainable development issues arose because of illegal mining. Her Government is working with industry to develop mine closure plans.
- 79.** The representative of the Government of Benin noted the importance of mining to the economy. He also stressed the need to consider the environment through long-term planning and to respect the standards of decent work.
- 80.** A Worker member from the Ukraine provided information on the demise of much of the mining industry in his country and the problems that existed as a result of restructuring. There was no concern for ecology. He called on participants to promote the ratification and implementation of the ILO’s Safety and Health in Mines Convention, 1995 (No. 176), by his Government and their own.
- 81.** The Employer spokesperson said that it was the governments’ responsibility to develop the social fabric of communities and mining enterprises were ready to work with governments on this. But the mining industry should not be singled out to carry the burden of economic development. He asked which other industries were expected to provide health care and educational facilities, roads and other infrastructure.
- 82.** A Worker member from India recalled the trade unions’ strong role in the industry, but echoed concerns about illegal mining activities. Mining and mineral policy in his country had been decentralized to state governments. The social partners in India should plan a strategy for sustainable development in mining.
- 83.** The Worker spokesperson said there were examples of agreements between the stakeholders to take steps to deal with the environment, employment and small-scale illegal mining. He referred to the conclusions of the Tripartite Meeting on Social and Labour Issues in Small-scale Mines (1999) in this regard.
- 84.** The Employer spokesperson did not disagree with the identification of employers’ general responsibilities concerning employment and health and safety issues. But there were limits to the scale of the requests being made of them, particularly regarding the construction of

facilities that were the responsibility of the local authorities or governments. There also came a point at which it was no longer profitable to invest.

- 85.** A Worker member from the Philippines thought that, while a lot was being asked of mining companies, this was the nature of the industry. Mining companies extracted natural resources owned by the State, and they should shoulder, at least partially, the obligations of the State to provide for the well-being of workers and those in the mining communities.

Priority areas for ILO action

- 86.** The Employer spokesperson outlined five essential points concerning ILO action: no additional ILO structures needed to be created. Second, the ILO should lead further research to collect data on working time arrangements in the mining industry, in order to fill the gaps in the information provided in the report. Once such information was pooled, the ILO should make recommendations and monitor them with a view to ensuring the safety and viability of mining companies. Third, employers should be involved in planning and resolving issues dealt with through ILO structures. Fourth, the ILO should promote safety and health in small-scale, informal and illegal mining sectors to ensure compliance. Fifth, governments employers and workers, should – with the ILO – promote the positive image of the mining industry, without new regulations governing the mining industry, so that all could benefit from the contribution of the industry in their daily lives.
- 87.** The Worker spokesperson emphasized the need for the ILO to promote the concept of decent work within the mining sector, principally to ensure safe working conditions. The ILO should undertake further research on the links between longer working hours and occupational accidents. The ILO must follow up on the conclusions of the 1999 Tripartite Meeting on Social and Labour Issues in Small-scale Mines. Other areas for ILO action included: a study of the impact of the consequences of spiralling job losses, which were continuing; action to ensure that drastic steps were taken to contain the HIV/AIDS pandemic, in particular as it affected the industry in Botswana, Namibia, South Africa and elsewhere. If not, the future of the mining industry in those countries would be bleak. Further research was necessary on the evolution of work in the mining industry, focusing on issues raised during the Meeting, notably the impact of closures. The ILO should continue to promote the ratification and implementation of the Safety and Health in Mines Convention, 1995 (No. 176).
- 88.** The representative of the Government of China stressed that Employers and Workers had agreed on issues concerning the industry that were at the core of the ILO's mandate and therefore must arouse the ILO's interest. While it was incumbent on governments to ratify Convention No. 176, ensuring decent work in the mining industry was a challenge to the ILO. A key problem lay in inequalities arising from the different conditions prevailing in small-scale and large-scale mines. Contract labour in smaller mines led to poor working conditions and a lack of safety and health protection. The ILO had a key role to play in redressing this situation. The future work of the Office should give priority to training, subsequent to which the ILO should communicate relevant information to governments, workers and employers to ensure that they were aware of developments in the industry and so find a way to protect workers and maintain sustainable employment. The ILO should assist in establishing relations between the social partners to bring into focus the need to train and retrain workers faced with unemployment prospects, in order to qualify them for other jobs.
- 89.** The representative of the Government of Kenya proposed that the Meeting's conclusions stress the promotion of the Decent Work Agenda as the first priority. The ILO had a crucial role to play in the mining sector as a standard-setting body, especially with regard

to Convention No. 176, the ratification and implementation of which would help to promote decent work in the industry. Extending technical advisory services and technical cooperation to developing countries was also important. Among the proposals for ILO action was the promotion of the ILO Declaration on Fundamental Principles and Rights at Work (1998) and the four strategic objectives of the ILO: employment, social protection, standards and fundamental principles, and social dialogue. The ILO Declaration of Principles concerning Multinational Enterprises and Social Policy should be applied to the mining industry, to ensure that mining companies respected the principles enshrined in the Declaration as a way of establishing good practice. The ILO needed to research working time arrangements, contract labour and HIV/AIDS in the mining sector, to determine whether and to what extent they had a negative impact. It was necessary to update the available literature on these questions by producing training manuals, conducting research and disseminating findings, particularly on the rehabilitation of disused mines. Training packages could be developed on how to finance small-scale mines.

90. The representative of the Government of Indonesia felt that the key priorities for future ILO action on mining were in the areas of employment, working time, and safety and health, but the ILO also needed to consider formulating a policy with regard to the jobless.
91. The representative of the Government of Egypt agreed that further ILO research was needed on working time, safety and health, and other basic questions raised during the Meeting, and that such research should be encouraged and financed jointly by the ILO and mining companies. As many countries as possible should be covered, since different factors affect each country diversely, and the findings should be communicated to all.
92. The Worker spokesperson declared that it was important that the ILO's follow-up proposals to the Meeting took into account the need to ensure that the Johannesburg Summit and MMSD discussions were kept in focus.
93. A Worker member from Germany suggested that the ILO pursue research on best practices in restructuring, referring to the experience of the former German Democratic Republic where, after a strategic employer-worker alliance, some closed mines had been rehabilitated, creating a significant number of jobs and contributing considerably to the economic and social development of the areas concerned. In that way, sustainable development had been ensured and the positive image of the industry enhanced. Present difficulties would be compounded in the future, so all the best practices currently available should be documented.
94. A Worker member from the Philippines said that it was a fundamental task for the ILO to determine the reasons for worker displacement. In his own country conflict had arisen between small-scale miners and large-scale mining operations. Workers in large-scale mines felt their rights had been transgressed by the authorization given to small-scale miners. Indigenous people's rights to operate mines in certain areas needed examination. Measures needed to be taken to ensure that companies were able to operate peacefully and without any hindrance. The ILO should also examine the various causes of mine closures. In the Philippines, for example, large numbers of workers had lost their jobs without ever knowing why. In such instances, their training for other occupations should be guaranteed. Compounding the problems in the mining sector was the militancy of the environmental lobby, whose objective was to eliminate mining activities altogether. Insurgency, corruption, and the intervention of the Church placed further brakes on the proper evolution of the sector.
95. The representative of the Government of Germany supported the views of the Worker member from Germany, urging that no new standards be adopted governing the mining sector. Instead, those already in place should be ratified and implemented. At the same

time, the issues should be prioritized. In drawing up proposals for future ILO action, any programme should take into account the very real budgetary constraints.

- 96.** A Worker member from Bulgaria observed that in his country, and throughout Central and Eastern Europe, many mines had been closed, especially coal mines. Western countries had also not been immune. He drew attention to the work of the European Commission on rehabilitating former mining regions.
- 97.** A Worker member from Australia reverted to the theme of major industrial restructuring resulting from severe international competition. Future employment prospects in the mining sector appeared bleak. The report had provided trends for the 1990s – over 5 million jobless as a result of restructuring. Important challenges lay ahead for the sector.
- 98.** The representative of the Government of Chile felt that the deliberations had placed core issues at the centre of the debate. It was clear that a tripartite effort was required with regard to charting a course for the future. An adviser provided information on how CODELCO, the Chilean copper state enterprise, had formed a strategic alliance with the trade unions to ensure its survival, then success. CODELCO had successfully adjusted to technological changes, discarded obsolete practices and adopted new approaches to the organization of shifts, with the result that the company continued to compete internationally. A key ILO task for the future was to document fully as many good practices as possible, not omitting to include those Latin American countries whose experiences had not been reflected in the report. The degree of consensus arrived at in the Meeting was a rare occurrence, and needed to be seized as an opportunity to deal with key issues currently faced to ensure a sustainable future for mining.
- 99.** The representative of the Government of the United States saw the restructuring of the mining industry as one of supply and demand, competition and technological advancement. In his country, 5,250 mines had produced 857 million tons of coal in 1985. In 2001, 2,127 mines produced just over 1 billion tons. So technology had a major impact on the industry's restructuring.
- 100.** An observer from the United Nations Economic Commission for Europe (UNECE) drew the Meeting's attention to the work of the Sustainable Energy Division on coal industry restructuring. An ad hoc expert group on coal and thermal power would meet in November to address coal industry restructuring, with specific emphasis on the social and economic impact, and special regard to transition economies. An extensive questionnaire has been developed on how to facilitate the economic regeneration of restructured coal regions in transition economies, looking at issues such as training, retraining, gender issues, social issues, how to facilitate the establishment of small and medium-sized enterprises by establishing the appropriate legal framework. The questionnaire would be the focus of extensive discussions at an expert meeting where a paper would also be discussed highlighting the lessons to be learned from the experiences of restructuring in some Western European countries, for example France, where the economic regeneration of certain coalmining areas had proved a success. The UNECE therefore looked forward to renewing its cooperation with the ILO in the light of the present Meeting.
- 101.** A Worker member from Côte d'Ivoire said that the needs and issues for developing countries were different from the developed countries, but that training and retraining of workers when mines closed was essential. He provided an example of cooperation between his country and China concerning reintegrating workers, and also suggested that the ILO look into improving the collaboration between large and small mines.
- 102.** A Worker member from Peru stressed the importance of health and safety, and encouraged more countries to ratify the ILO's Safety and Health in Mines Convention, 1995 (No. 176).

In addition, he was concerned about abandoned mines where children were employed, and the lack of prospects for workers who were made redundant.

- 103.** An Employer member from the United States pointed out that restructuring in several countries had been backed by government financing, not borne entirely by employers. The only subsidies provided by his Government were for trade unions.
- 104.** A Worker member from India called for the review and regulation of small mines that did not meet minimum standards and for the ratification of the ILO's Safety and Health in Mines Convention, 1995 (No. 176).
- 105.** A Worker member from Brazil requested the Government and the ILO to devise a mechanism to bring subcontractors into line with minimum standards.
- 106.** The representative of the Government of Benin called on all actors to face their responsibilities when mines closed, as more could be done to reintegrate and retrain workers. In this regard, he suggested that a communication and information base be developed to share experiences.
- 107.** A Worker member from Canada noted that there were success stories in restructuring, particularly those that had ample warning of closures, with collaborative efforts to retrain, and employing workers at other sites.
- 108.** The representative of the Government of India requested information sharing so as to learn from other experiences on how to best develop mine rehabilitation programmes.
- 109.** An observer from the International Energy and Mines Organization remarked that approaches to mine closures for countries and situations were different because of varying circumstances. Regarding ILO Convention No. 176, he was concerned at the low number of ratifications.

Consideration and adoption of the draft report and the draft conclusions by the Meeting

- 110.** The Working Party on Conclusions submitted its draft conclusions to the Meeting at the latter's sixth sitting.
- 111.** Following consultations between the groups, a new paragraph, under the heading "Employment and training" was added after paragraph 3 of the draft conclusions.
- 112.** Reservations to the last sentence of paragraph 5 of the draft conclusions were expressed by the representatives of the Governments of France and Morocco and the Employer members from France and Morocco. The word "analogous" in the English text posed technical, regulatory and juridical problems for their countries.
- 113.** Slight editing changes were made to paragraphs 8, 13 and 17 of the draft conclusions better to reflect the agreement reached in the Working Party.
- 114.** At the same sitting, the Meeting adopted the present report and the draft conclusions.

Geneva, 11 October 2002.

(Signed) Mr. G. Attigbe,
Chairperson.

Conclusions on the evolution of employment, working time and training in the mining industry¹

The Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry,

Having met in Geneva from 7 to 11 October 2002;

Adopts this eleventh day of October 2002 the following conclusions:

General considerations

1. Mining makes the prime, or a substantial contribution to the economic performance of many countries in all regions, and we are confident that it will continue to do so provided that the challenges and constraints are managed with a view to overcoming them. At the local level, mining is often the main source of direct and indirect employment, fostering community and regional growth. Mining as a substantial contributor to the development of society should be promoted by the stakeholders.
2. The social, environmental and economic challenges that face the mining industry should be brought more into balance so that a healthy, safe and profitable industry can be sustained. This will require a determined and coordinated effort by employers and workers' organizations, in concert with governments and relevant government bodies. Firm links and continuing engagement between mines and their communities are important. They should be developed and improved.
3. The outcomes of the Mining, Minerals and Sustainable Development (MMSD) project and the Global Mining Initiative Conference are important inputs in the development of an effective credible stakeholder partnership for moving towards a truly sustainable mining industry through social dialogue. This opportunity for progress should not be lost.

Employment and training

4. The major employment and training issues facing the mining industry involve new workers, existing workers, workers leaving the industry and contract workers. An ageing workforce and structural change increase the importance of securing adequate, trained new entrants to mining. Governments, employers and workers' organizations should cooperate to ensure that the necessary frameworks are in place to ensure that separations are undertaken in a fair manner.
5. The employers should review best practices with a view to establishing, at the earliest appropriate time, a framework, in accordance with national and local laws and regulations,

¹ Adopted unanimously.

for the development of long-range plans for eventual separation and implement them in consultation with workers' representatives.²

6. Contract work is an integral part of mining. It can increase flexibility, efficiency and enable specialist services to be provided at short notice. Contract work can be a temporary or a long-term activity. In the latter case it can be analogous to permanent employment.³
7. The same laws should apply to contractors and principal employers and they should be equally enforced. When regulating contract work, government inspectorates should take account of its often short-term or transient nature. Governments should ensure that their regulatory systems are sufficiently adequate to monitor and regulate contract work.
8. Training, retraining and lifelong learning are significant components of labour market adjustment. Training, particularly appropriate on-the-job training, can pay dividends in terms of increased productivity and reduced labour turnover.
9. When developing training and retraining programmes for a mining industry that is restructuring, downsizing or closing, successful examples from other sectors should be evaluated by governments, employers and workers' organizations, and adapted and used where appropriate. The availability of sufficient, stable resources is the key to successful training programmes. Governments should ensure that core resources for training are available.
10. A proactive approach to all training should be developed and implemented by governments, employers and workers' organizations through a continuing process of social dialogue so that training can take place throughout the life of the mine and contribute to health and safety and to community and regional development.
11. As work methods change and new technologies are introduced, particular efforts should be made by employers and workers' representatives to provide existing workers with the opportunity to acquire the necessary skills and competence to continue in productive, safe employment in mining.
12. Contract workers should receive training commensurate with the nature of the job, particularly in safety and health.

² Throughout this text when the term "workers' representatives" is used, it refers to Article 3 of the Workers' Representatives Convention, 1971 (No. 135), which reads as follows: "For the purpose of this Convention the term 'workers representatives' means persons who are recognised as such under national law or practice, whether they are: (a) trade union representatives, namely, representatives designated or elected by trade unions or by the members of such unions; or (b) elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned."

³ Reservations to the last sentence of paragraph 5 of the draft conclusions were expressed by the representatives of the Governments of France and Morocco and the Employer members from France and Morocco. The word "analogous" in the English text posed technical, regulatory and juridical problems for their countries.

Working time

13. Flexible working arrangements in the mining industry can be beneficial to both employers and workers, provided that certain conditions are taken into account when working time arrangements are developed and implemented.
14. The nature of the mining industry means that a single, prescriptive approach to working time is not feasible. Nonetheless, there are some common elements that should be included. First, governments should, after consultation, adopt and apply local regulatory frameworks to deal with working time in the context of occupational safety and health. Second, the particular regulatory framework should be flexible enough to meet reasonable operational needs. Third, employers and workers' representatives should be free to negotiate working time arrangements within collective agreements where they exist. Fourth, working time arrangements should be monitored by the competent authority consistent with the locally applied regulatory framework.
15. New working time arrangements should comply with standards established by local and national regulatory frameworks. These frameworks should, as far as possible, take into account the needs of existing and potential women workers and young people, with a view to improving opportunity and gender equity.
16. Any financial implications for workers of changes in working time should be the subject of consultations with the affected workers and their representatives.
17. While there is much research regarding the link between excessive hours of work and safety and health problems, such as fatigue and stress, there is a lack of quantifiable data to enable informed decisions to be made. More research into how and to what extent working time affects safety and health and family life is needed. The results should be widely disseminated.

HIV/AIDS

18. HIV/AIDS is largely a public health issue. Employers and workers' organizations should play a key role in advocacy and prevention among the workforce and their families. Further, employers and workers' organizations should play a key role in the care of the workforce.
19. Governments, employers and workers' organizations should seek to eliminate any HIV/AIDS-related victimization and prejudice in the workplace and implement the provisions of the ILO code of practice on HIV/AIDS and the world of work.
20. Cooperation and trust between governments, employers, workers and their representatives are the key elements in implementing an HIV/AIDS policy. Governments, employers and workers' representatives should promote, through social dialogue and the use of trained professionals, awareness programmes and advocate changes in personal behaviour to lessen the risk of infection. The specific risks faced by migrant workers should receive special attention.
21. In the presence of HIV/AIDS, governments, employers and workers' organizations should address opportunistic infections and physical and work environment risks, such as heat and dust, that have a more severe impact on workers who are HIV-positive. Workplace programmes should take into account, within national frameworks, additional risks posed by HIV/AIDS.

Sustainable development

22. Mining is important to the economic and social development of many countries, but it requires ongoing access to mineral deposits and attention to social and environmental concerns if it is to be sustainable.
23. To enhance the contribution of mining to sustainable development, governments, employers and workers' organizations, together with other relevant stakeholders, should develop a framework to ensure that mining is carried out in a responsible manner and in accordance with the principles and rights enshrined in the ILO Declaration on Fundamental Principles and Rights at Work. Special attention should be given to resolving land-use conflicts that affect mining.
24. Governments, employers and workers' organizations should make special efforts to ensure that artisanal and small-scale mining is carried out using sustainable mining practices, including through the provision of technical assistance, as was discussed and agreed at the Tripartite Meeting on Social and Labour Issues in Small-scale Mines in 1999.

Priority areas for ILO action

25. In cooperation with governments, employers and workers' organizations concerned, the ILO should collect, analyse and disseminate data on working time arrangements in the mining industry.
26. The ILO should carry out or commission research into the relationship between working time and occupational safety and health, taking into account the operational well-being of the mining industry and disseminate the results.
27. The ILO should collect, analyse and disseminate information, including examples of best practices, on the evolution of employment in the mining industry, including the impact of mine closures on workers and mining communities.
28. The ILO should continue to follow up on the conclusions and resolution of the Tripartite Meeting on Social and Labour Issues in Small-scale Mines, particularly in relation to safety and health and collaboration between large and small mines.
29. The ILO should play an active role in the mining-related initiatives launched at the World Summit on Sustainable Development to promote dialogue, networks and initiatives to achieve the Summit's objectives as far as mining is concerned.
30. The ILO should continue to promote the ratification and implementation of the Safety and Health in Mines Convention, 1995 (No. 176), and continue to promote the implementation of the code of practice on HIV/AIDS and the world of work, principles and rights enshrined in the Declaration on Fundamental Principles and Rights at Work, and the Tripartite Declaration concerning Multinational Enterprises and Social Policy.
31. The ILO should examine ways to strengthen its work and programmes that promote social dialogue in the mining industry in the workplace, at international, regional and national levels.
32. To the extent possible, the ILO should take all pertinent measures, including budget increases where possible, to ensure that sectoral meetings and their follow-up are maintained on a regular basis and continue to be a relevant opportunity for representatives of governments, employers and workers' organizations from the sector to meet, exchange information and experience, and express their views on important issues that are relevant to the mining industry.

Part 2

Resolutions

Consideration and adoption by the Meeting of the draft resolutions

At its fourth plenary sitting, the Meeting set up a Working Party on Resolutions, in accordance with article 13, paragraph 1, of the Standing Orders.

The Working Party, presided over by the Chairperson of the Meeting, consisted of the Officers of the Meeting and three representatives from each of the groups. The members of the Working Party were:

Officers of the Meeting:

Mr. G. Attigbe (Chairperson)

Ms. M. Hermanus (Government Vice-Chairperson)

Mr. G. Eneas (Employer Vice-Chairperson)

Mr. J. Maitland (Worker Vice-Chairperson)

Government members:

Chile: Mr. M. Albornoz

France: Ms. J. Ory

Indonesia: Mr. R. Sukhyar

Employer members:

Mr. S. Almazan Escueda

Mr. F. Barker

Mr. B. Coke

Worker members:

Mr. J. Godoy Bolvarán

Mr. K. Neumann

Mr. R.A. Padilla

The Working Party had before it three draft resolutions submitted by the Workers' group: the draft resolution concerning future ILO work programme for the mining sector (WPR/D.1), the draft resolution concerning mining, finance and sustainability (WPR/D.2), and the draft resolution concerning trade union violations in Colombia and Myanmar (WPR/D.3).

The texts of these draft resolutions were discussed and the draft resolution concerning future ILO work programme for the mining sector (WPR/D.1) was declared receivable.

While the draft resolution concerning mining, finance and sustainability (WPR/D.2) was declared receivable by the Working Party, the Employers noted that they wanted their objections to its receivability duly recorded.

The draft resolution concerning trade union violations in Colombia and Myanmar (WPR/D.3) was declared not receivable as, according to article 14, paragraph 4, of the Standing Orders, the draft resolution did not relate to the general social and labour issues in the sector, nor to the future activities of the ILO relating to the problems of the sector concerned.

The Working Party met again to examine the texts of these draft resolutions in detail and to amend them where necessary in a manner that would secure general acceptance. The draft resolution concerning future ILO work programme for the mining sector (WPR/D.1), and the draft resolution concerning mining, finance and sustainability (WPR/D.2) were amended on the basis of proposals made by members of the three groups.

At the Meeting's sixth plenary sitting, the Chairperson, in his capacity as Chairperson of the Working Party on Resolutions, and in accordance with article 14, paragraph 8, of the Standing Orders, submitted a report on the deliberations of the Working Party on Resolutions.

The spokesperson for the Workers' group, referring to the draft resolution concerning trade union violations in Colombia and Myanmar (WPR/D.3) that had been declared not receivable, said that it was in the interest of the Meeting to ensure that human rights and workers' rights were respected in all countries. Workers in the countries mentioned had no rights, were harassed and their conditions of employment were disregarded. The Meeting should note this and empower the ILO to do more in order to ensure that these workers had the rights to which they were entitled.

The Chairperson recommended the adoption by the Meeting of the two draft resolutions amended by the Working Party.

Resolution concerning future ILO work programme for the mining sector

The Meeting unanimously adopted the resolution.

Resolution concerning mining, finance and sustainable development

The Meeting unanimously adopted the resolution.

Texts of the resolutions adopted by the Meeting

Resolution concerning future ILO work programme for the mining sector ¹

The Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry,

Having met in Geneva from 7 to 11 October 2002;

Adopts this eleventh day of October 2002 the following resolution:

The ILO Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry invites the Governing Body of the International Labour Office:

- (1) to promote programmes for the application in the mining sector of the principles and rights contained in the ILO Declaration on Fundamental Principles and Rights at Work and the ILO's Decent Work Agenda;
- (2) to take into account the report and continue implementing the conclusions of the Tripartite Meeting on Social and Labour Issues in Small-Scale Mining held in Geneva in 1999;
- (3) to continue to promote the ratification and implementation of the ILO's Safety and Health in Mines Convention, 1995 (No. 176), by those countries that have not done so yet;
- (4) to promote and enhance activities aimed at increasing and improving cooperation between governments, employers' and workers' organizations² in promoting the social, economic and environmental dimensions of sustainable development in the mining industry, and to take cognizance of the Mining and Minerals for Sustainable Development (MMSD) report, *Breaking new ground*;
- (5) to promote adherence and support for the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;
- (6) to urge governments, employers and workers' organizations to cooperate in the development and implementation of effective programmes to prevent and minimize the impact of HIV/AIDS with a view to its eradication in the mining industry. Such programmes may include promotion of family life, wellness programmes for and protection of the rights of those infected and affected by HIV/AIDS;
- (7) to request the Director-General of the ILO to:

¹ Adopted unanimously.

² When the term "workers' organization" is used, it refers primarily to trade unions.

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- (a) examine the impact of working time arrangements on the health and social life of permanent and contract workers, taking into account the operational well-being of the mining industry;
 - (b) examine the socio-economic impact of HIV/AIDS in the mining industry;
 - (c) enhance in consultation with the tripartite constituents, existing structures and appropriate mechanisms involving the social partners for follow-up and continuity of activities in the mining industry.

Resolution concerning mining, finance and sustainable development³

The Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry,

Having met in Geneva from 7 to 11 October 2002;

Adopts this eleventh day of October 2002 the following resolution:

The ILO Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry invites the Governing Body of the International Labour Office:

- (1) to call on the member States to take account of the importance of the following issues concerning mining finance and sustainable development in the mining industry. These being:
 - (a) supporting efforts to address the environmental, economic, health and social impacts and benefits of mining, throughout its life cycle – including decent work, health and safety – and use a range of partnerships, furthering existing activities at the national and international levels, among interested governments, intergovernmental organizations, mining companies and workers' organizations, and other stakeholders, to promote transparency and accountability for sustainable mining;
 - (b) recognizing the input of stakeholders in the development of the mining industry throughout the life cycle of mining operations;
 - (c) fostering sustainable mining practices through the provision of financial, technical and capacity-building support to developing countries and countries with economies in transition for mining, including small-scale mining, and, where possible and appropriate, improve value added processing, upgrade scientific and technological information, and reclaim and rehabilitate degraded sites;
 - (d) recognizing the importance of employers' and workers' organizations in the development of national mining policy;

³ Adopted unanimously.

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- (e) developing programmes to prevent and minimize the impact of HIV/AIDS with a view to its eradication in the mining industry;
 - (f) recognizing the importance of mining in economic development and poverty reduction;
- (2) to request the Director-General of the ILO to take appropriate action for follow-up on paragraph 1.

Part 3

Other proceedings

Presentations

Mine rescue

Moderator: Ms. Christine Kaszycki, Chairperson of the Government group

The Quecreek No. 1 Mine rescue operations

Presenter: Mr. John R. Caylor, Deputy Assistant Secretary of Labor, Mine Safety and Health Administration (MSHA), United States Department of Labor

Mr. Caylor presented the successful rescue operation at the Quecreek No. 1 Mine of the Black Wolf Coal Company in Pennsylvania, United States, from 24 to 28 July 2002. Nine coalminers were trapped in a flooded shaft after they had drilled into the adjacent abandoned Saxman Mine that was last worked in the 1950s and was filled with water. It appeared that the maps on which they relied were inaccurate and had led them to believe that the abandoned mine was 300 feet away. The nine miners were trapped 239 feet underground in an area that was fast filling with water. Within six hours of the incident, MSHA and the Pennsylvania Deep Mine Safety Personnel had set up a command centre at the site. The rescue team pumped water from the mine's main portals, while boreholes to extract water and provide air were drilled near the miners' last known location. A global positioning system (GPS) was instrumental in determining locations for the boreholes. Drilling of a 30-inch rescue borehole was started as close to the miners as possible. An airlock was designed and constructed to enable the rescuers to drill into the mine, remove the drill steel and install the rescue capsule. Because of concerns about differences in air pressure between the miners' location and the surface, decompression chambers were brought to the site. The drill steel in the escape borehole broke when it was about halfway to the trapped miners. A new borehole location was established and drilling recommenced. Meanwhile pumps were withdrawing about 20,000 gallons of water a minute from the mine in order to reduce the water level so that the borehole would break through into a dry area near the miners. Drilling in the first borehole recommenced at a reduced diameter. The drill bit of the second borehole broke about 37 feet from the mine 64 hours after the incident occurred. Drilling continued in the first borehole and it broke into the mine 73 hours after the incident. Once the air pressure had been equalized, the trapped miners were heard tapping on the steel of the small borehole. An escape capsule was lowered and the nine miners were brought to the surface one at a time. The rescuers believed throughout that the trapped miners were alive, although they had no proof until just before the rescue was effected. This, and the tremendous teamwork by all concerned led to a successful conclusion. An important lesson was that rescue equipment had to be well maintained and be ready to use at any time. The rescue capsule had been built by the MSHA about 30 years ago after an accident at the Sunshine Mine. This rescue was the first time it had been used, and it had worked.

Discussion

A Government participant wondered whether precautionary measures could have been taken to prevent the accident. Mr. Caylor replied that the regulations required mining companies, prior to mining, to submit to the appropriate authority the mining plan along with certifications of survey engineers. The regulations also required mining companies to drill a borehole as a precautionary measure when a new mine came within 200 feet of an old mine. In the case of Quecreek No. 1 Mine, a borehole should have been drilled, but the

inaccurate mine map led them to believe they were more than 200 feet from the abandoned mine.

An Employer member commented that an inaccurate mine map was also the issue at a mine disaster in 1981 in Newcastle, Australia. He asked how accurate mine maps could be maintained when numerous parties, such as commercial map companies and government authorities, kept different sets of mine maps. Mr. Caylor replied that accurate mine maps required continual efforts and there were many measures to be taken. For example, MSHA was organizing symposia to call on everyone in the industry to cooperate in keeping mine maps accurate and up to date. A task force had been set up to verify the accuracy of mine maps and update them if necessary. The latest technologies such as GPS could be effective in keeping maps accurate.

An Employer member noted the difficulty of having reliable mine maps when different government agencies had different mine maps by mineral.

A Worker member from Ukraine congratulated the American rescue team. He referred to repeated tragic mine accidents in his country. In the last three years, many hundreds of workers had died in mine accidents in Ukraine. About 90 per cent of the accidents were due to human error, particularly by management who did not exercise their duty of care to protect their workers' lives. Management was also reluctant to provide mineworkers with appropriate training to prevent the occurrence of mine disasters.

A Worker member from South Africa recalled similar tragedies in his country. He wondered if tripartism or social dialogue could support effective preventive measures. He wondered whether professional rescue teams were an answer. Mr. Caylor replied that numerous actions had to be taken continually to prevent mine accidents. Learning from a good example in Australia, it might be a good idea to have a professional mine rescue service. It might be appropriate to ask for the ILO to develop recommendations for international standards for professional rescue teams and relevant issues.

An Employer member from India said that a similar accident had occurred in India about 20 years ago. The rescuers had built a capsule on the site and had successfully rescued 17 miners. Having accurate mine maps was the most effective preventive measure, backed up by new technology. He requested the ILO to collect and disseminate information on the successful use of new technologies.

A Government representative from South Africa commented that similar accidents had occurred in his country. He agreed that the pivotal issue was accurate mine maps.

An Employer member wondered if the drilling equipment was adequate for the rock concerned. Mr. Caylor replied that the rescue team could not choose the equipment; they used what they had. The important issue was good maintenance of reliable equipment.

Mine safety

Moderator: Mr. Oscar de Vries Reilingh, Director, Sectoral Activities Department, ILO

Minesafe: A web-based information exchange from Australia

Presenter: Mr. John Maitland, National Secretary, Construction, Forestry, Mining and Energy Workers' Union (CFMEU), Sydney, Australia

Mr. Maitland presented the Internet web page of Minesafe (www.minesafe.org), a work in progress that provided an interactive framework for mineworkers to have access to the world's best practice on occupational health and safety in the coalmining industry. For many years mining was considered an inherently hazardous industry and accidents were seen as inevitable. However, this perception had now changed. Mr. Maitland emphasized that today the premise that no death was inevitable pervaded the thinking among safety specialists. Considerable efforts and resources were therefore being used to improve occupational safety and health. These efforts had motivated the CFMEU to develop a web-based information exchange tool that mineworkers could use easily. It also gave them the best, latest, accurate and easy-to-comprehend information in order to improve occupational safety and health conditions. Mr. Maitland demonstrated the portal and its contents and expressed the hope that it could be expanded beyond Australia for use in other countries and also cover non-coal mines. The CFMEU would continue to seek funds and partners to improve the size, scope and accessibility of the site.

Discussion

A Government representative from South Africa asked how mineworkers' access to Minesafe had been promoted. Mr. Maitland replied that a computer with Internet access had been installed at every coalmine. This had enabled mineworkers to study safety and health information before and after work. The CFMEU was also attempting to furnish an Internet cafe in mining communities, which should increase access to web-based information by society at large. Data from the Australian Bureau of Statistics showed that, on average, mineworkers were in the income group in which half of the families owned a personal computer and had Internet access. The CFMEU was considering developing training programmes for mining families in order to deepen their understanding of occupational safety and health.

A Worker member asked whether Minesafe would be expanded to non-coal mines and be available in other languages. Mr. Maitland replied that they chose coalmining as the first, experimental stage. It was too early to predict how the pages would develop in the future but, if resources were available, it would be enhanced by including safety and health issues in other mining sectors. There were no plans to move to other languages.

Mr. de Vries Reilingh, Director of the Sectoral Activities Department, ILO, asked about funding of this project. Mr. Maitland replied that it had been funded by the CFMEU, the Queensland Department of Natural Resources and Mines, and the New South Wales Department of Mineral Resources. He added that the project had additional contributors because many organizations, institutes and agencies, including the ILO, had offered valuable information resources to post on the web page.

Dr. Khalef, Bureau for Workers' Activities, ILO, asked what feedback they had received on the web page, and how it provided workers with information about infectious diseases. Mr. Maitland replied that the site had received very positive and encouraging responses from mineworkers, their families and the Governments of Queensland and New South Wales. The medical information was provided by Coal Services Pty. Ltd., a private firm specializing in occupational safety and health in the coalmining industry that was working with the CFMEU. The firm had three medical professionals who could provide mineworkers with medical information, usually within 48 hours, by means of a web-based information exchange tool.

HIV/AIDS

Moderator: Mr. John Maitland, Worker Vice-Chairperson of the Meeting

ILO code of practice on HIV/AIDS and the world of work

Presenter: Ms. Susan Leather, Programme on HIV/AIDS, ILO

Ms. Leather presented the ILO code of practice on HIV/AIDS and the world of work and stressed that one of the most important mandates of the ILO was to deal with HIV/AIDS. She said that at least 40 million people in the world were infected with HIV, 25 million of whom were workers. As the ILO Director-General had said: "AIDS has a profound impact on workers and their families, enterprise and national economics. It is a workplace issue and a development challenge." She noted that the ILO regarded the HIV/AIDS epidemic as workers' issues for three reasons. First, unless the ILO's constituents took adequate actions and measures to protect workers from HIV/AIDS impacts, workers would lose their incomes and employee benefits. Second, workers would be stigmatized and discriminated against. Third, pressure on families would increase due, for example, to the increase in the number of orphans. HIV/AIDS was a serious issue for companies since the loss of workers' lives due to HIV/AIDS had multiple impacts through the loss of skilled and experienced workers; through a reduced supply of labour and an increase in labour costs; and because of reduced productivity and subsequent lower profit and investment. The ILO was concerned about the impact of reduced productivity on business, particularly in enterprises in Africa and Asia. Ms. Leather underscored that the workplace provided the best opportunity to help limit the spread and mitigate the impact of HIV/AIDS. This could be achieved through protecting job security and workers' rights; through helping reducing HIV infection through information, education and practical prevention measures; through offering care, support and treatment; and through ensuring social protection. Ms. Leather referred to five roles the ILO could play in helping to overcome HIV/AIDS. First, the ILO could assist in mainstreaming HIV/AIDS into all its programmes and activities. Second, it could establish standards and guidelines, such as the code of practice. Third, it could advocate increased awareness of and research about HIV/AIDS. Fourth, it could mobilize the social partners about HIV/AIDS epidemic issues. Finally, the ILO could provide technical cooperation, advisory services and training to its constituents. The most important achievement in this area was the adoption of the code of practice by the Governing Body in June 2001. The code of practice included key principles for policy development for constituents. It provided guidelines for workplace programmes and combated discrimination. The key principles of the code of practice were: no discrimination; no screening; confidentiality; healthy work environment; the right to programmes of prevention and care; no dismissal; and gender equality. In order to have all the constituents follow the philosophy and principles laid down by the code of practice, the ILO had been focusing on education, training and information. To mitigate workplace impact, all constituents had a duty and responsibility to provide reasonable accommodation, care, support and social protection to affected workers. Ms. Leather stressed that all constituents must ensure that the code of practice would be incorporated in the national legal and policy framework.

Discussion

The Chairperson of the Meeting thanked the Presenter for her excellent presentation and congratulated the ILO on adopting the code of practice on HIV/AIDS and the world of work. Because workers in the workplace, particularly in the informal sector were vulnerable to the HIV/AIDS epidemic, he emphasized the importance of the code of

practice as an advocacy tool, and as a forerunner to addressing the HIV/AIDS problems more broadly. The Chairperson also stressed that good information had to be disseminated broadly, possibly via the ILO's multidisciplinary teams. He wondered if the ILO had a strategy to systematically and effectively distribute the code of practice to all workers around the globe. Noting that many mineworkers were illiterate, he suggested that the ILO consider alternative media to disseminate this important information to those workers. Furthermore, he pointed out the importance of translating the code of practice into local languages in order to promote its wider dissemination. Ms. Leather said that the code of practice was available on the ILO's web page. The ILO had been studying the feasibility of adapting the code of practice to the African continent. She fully agreed that the ILO should further promote awareness throughout the informal sector. Translations of the code of practice into African languages were under way through the ILO's multidisciplinary teams.

Dr. Khalef, Bureau for Workers' Activities, ILO, emphasized the importance of the code of practice as an example of consensus among the tripartite constituents of the ILO. HIV/AIDS was not merely a concern of workers, it was a tripartite concern. There was no question that preventive measures were the most effective ways to overcome the HIV/AIDS epidemic. The ILO should disseminate information on the epidemic. The ILO should focus on two issues: how could it provide adequate information to workers; and how could it organize qualitative training. He was concerned that care and treatment for HIV/AIDS sufferers were hindered by a lack of funding in the United Nations. He was disappointed that, despite efforts by the Secretary-General of the United Nations and other United Nations agencies to raise funds, the programme had not been going well. Ms. Leather added that the ILO had mobilized its resources to increase the dissemination of information on the HIV/AIDS epidemic issues at work. The ILO was one of the United Nations agencies most active in addressing this epidemic.

A Worker member from the Russian Federation said that efforts should focus on the dissemination of information and increased training of workers to prevent the spread of HIV/AIDS. Because the disease transcended national borders, the ILO should act globally. He agreed that the epidemic not only affected workers, but society at large. Supporting Dr. Khalef's view of the need for a tripartite partnership in mitigating HIV/AIDS problems, he emphasized the importance of including national governments. Workers were taxpayers and, if the presumption was that more money could help mitigate the epidemic, they should insist their governments made it available. Ms. Leather underscored that, at the local and community levels, there were many ways to provide care and treatment for HIV/AIDS sufferers using relatively few resources. Everyone had to assist those who needed support.

An Employer member commented that since not all countries could provide adequate programmes and training, due to the financial restrictions, the ILO should focus on the most affected regions in order to provide programmes and training to help cope with the epidemic.

A Government representative from Zambia said that everyone in his country was worried about infection from HIV/AIDS. It had seriously affected the national economy and was a national disaster. The Zambian health scheme for mineworkers included coverage for family members who were suffering from HIV/AIDS. Because of the considerable financial burden placed on pension schemes, their trustees had decided to exclude health plan coverage for those who were infected with HIV/AIDS. He wondered whether the ILO could provide a solution to this problem. Ms. Leather replied that the ILO was aware that HIV/AIDS put a great strain both on formal social security systems, and on micro-insurance and other informal schemes. Several ILO departments were looking at aspects of the issue and the ILO had just published a working paper on the role of decentralized systems of social protection.

Managing emerging health-related problems at work

Moderator: Mr. G. Eneas, Employer Vice-Chairperson of the Meeting

The ILO's SOLVE Programme

Presenter: Ms. Carin Hakansta, SafeWork, ILO

Ms. Hakansta said that stress, alcohol and drugs, violence (both physical and psychological), HIV/AIDS and tobacco all led to health-related problems for the worker and lower productivity for the enterprise. Taken together they represented a major cause of accidents, fatal injuries, disease and absenteeism at work in both industrialized and developing countries. These problems could emerge due to the interaction between home and work. They might start at work and be carried home or outside work, or vice versa. To meet this challenge, the ILO had developed a new training package – “SOLVE” – designed to assist governments, employers and workers with a view to: improving psychosocial working conditions; reducing costs and improving productivity; and relieving the burden on the worker. To address these problems at the enterprise level, a comprehensive policy should be put into place. Apart from day-to-day operational issues, an enterprise policy should address occupational safety and health needs including psychosocial problems. Traditional approaches had neither addressed the policy requirements nor led to action required in reducing the negative impact of psychosocial problems. This new approach also represented a shift from treatment to prevention. The ILO, with its tripartite structure and its leadership in occupational safety and health, was in a unique position to develop and support activities which translated concepts into policies and policies into action at the national and enterprise levels. The SOLVE methodology was designed to allow for an organization or an enterprise to integrate psychosocial issues into overall enterprise policy and establish a framework for preventive action. While a five-day SOLVE policy workshop worked towards establishing a comprehensive organizational-wide policy, *MicroSolve* modules would address each of the major psychosocial problems and would provide step-by-step guidelines for putting preventative action into place. Hands-on, active training allowed the participants to develop and apply workplace strategies encompassing the five subject areas. The ILO had held courses in Italy, Malaysia, India and Namibia and had also held train-the-facilitator courses. The next step would be to translate the training packages for wider dissemination and to integrate the subject in university curricula.

Working time: Its impact on safety and health

Presenter: Mr. John Messenger, Conditions of Work Branch, ILO

A new report *Working time: Its impact on safety and health* prepared for the ILO by Dr. Anne Spurgeon, University of Birmingham, Institute of Occupational Health, was expected to be published in February 2003. The report drew on a wide range of research on working time and its impact on occupational safety and health. Information on the links was in great demand in many sectors, particularly the mining, oil and merchant shipping industries, as they changed their working time patterns by adopting compressed workweeks or schemes that averaged hours of work. Potential effects on working time included longer hours, increased night work, increased weekend work and unpredictability. The latter raised concerns for the work/family balance since it could make it harder to plan for family events even though the total work time was the same. Research pointed to several negative health and safety effects from long working hours. There was an increased risk of cardiovascular disease, particularly for work in excess of 60 hours per week. Long working hours also posed an increased risk of mental health problems, although the response to work stressors varied widely between individuals. Accident data showed an

increase in accident rates after nine hours of work. However, the picture was inconclusive as some company studies reported an equal or better safety record when changing from eight to 12-hour shifts. The effects of non-standard work, such as night work, were relatively well documented. There was strong evidence of increased risk of cardiovascular and gastro-intestinal disorders, as well as some evidence of reproductive disorders. Sleep disorders were also widely reported. Night workers had a higher risk of these disorders than other shiftworkers. As regards safety, the effects of longer working time were inconsistent and inconclusive due to data problems. The research findings offered possibilities for general guidelines for promoting health and safety regarding working time, which were included in the report. The report also suggested some limits for the use of overtime and compressed working time as well as a comprehensive strategy for managing working time.

Discussion

Replying to a question on how the ILO intended to disseminate the findings of the report, Mr. Messenger said it would be published in February 2003 and would be widely distributed among the different stakeholders. The report would also be presented at the International Labour Conference next year.

A Worker member said that employers should not be allowed to request overtime on top of a 12-hour shift. He urged the ILO to ensure an effective dissemination of the report's findings among its constituents.

Responding to a question on whether the OHS impacts of working time were the same for men and women, and if there were regional differences which needed to be taken into account, Mr. Messenger said that the report was based on the situation in industrialized countries. However, many of the issues raised were valid for other regions too. As regards the gender aspect, there were studies that pointed to a higher risk of breast cancer among night-working women, but it was hard to draw any general conclusions. He pointed out that pregnant women were a group that needed special attention.

A Worker member said that the industry's need for more work inputs should be tackled by employing more people rather than increasing overtime. This was an important issue that employers and workers should bring to the negotiating table. Mr. Messenger referred to a European Union study which had found that reduced hours of work could boost employment. For this to occur, however, several conditions had to be met. This was a strategy followed by countries such as France and Germany, though its effectiveness was still being debated.

A Worker member highlighted the situation in many countries with an industry obsessed by increasing profits and workers trying to make up for low pay by working excessive hours. Mr. Messenger stressed the role of government in providing balance and ensuring that rules and regulations were followed.

Closing speeches

The Secretary-General provided information on participation in the Meeting. The Governing Body of the ILO had invited Government representatives from all member States and 18 representatives each from the Employers' and Workers' groups. The Meeting was attended by 26 Government representatives, of which five were from mission in Geneva, 21 Government advisers, 18 Employer representatives, 16 Worker representatives and three Worker advisers. Forty-two countries were represented, plus six mining-related international governmental and non-governmental observers. The fact that women made up 10 per cent of the delegates was almost entirely due to women Government representatives. This figure was more or less in line with the extent of women's participation in the mining industry in a number of countries. The Meeting had been an important occasion to discuss employment, working time and training in the mining industry, plus two cross-cutting issues – HIV/AIDS and sustainable development in the light of the outcome of the World Summit on Sustainable Development. Less formal presentations, notably on mine safety and rescue, and on relevant ILO programmes, provided additional insights to current issues. The conclusions and the two resolutions, which had been adopted unanimously, carried a certain weight in the light of the fact that they were negotiated in a tripartite meeting that included participants from eight of the ten largest mineral-producing countries. It was therefore important that the conclusions and resolutions be acted upon by the ILO's mining industry constituents and by the Office itself. The latter would take careful note of the wide range of interesting activities it had been requested to undertake and would seek to undertake them to the extent that resources permitted.

Ms. M. Hermanus (Government Vice-Chairperson of the Meeting) said that the Meeting's discussions had been substantive and had the benefit of thoughtful analysis in the report and substantial experience among the participants. This had been social dialogue and tripartism at work and it had led to a meaningful outcome for the mining industry. Important steps in addressing the challenges currently facing the industry could be taken if the conclusions and resolutions were put to work at the national level and by the ILO.

Mr. F. Barker (Chairperson of the Employers' group) said that in addition to the conclusions and resolutions the participants were taking away from the Meeting, they were also taking the realization that, despite differences, the principal stakeholders held a deep love of the mining industry and were determined to improve its image by working together in a spirit of tripartism and social dialogue. At the end of the day, it was important that differences were resolved for the benefit of all concerned in mining.

Mr. S. Zokwana (Worker spokesperson) highlighted the importance of social dialogue between employers and workers' organizations. Only through this process was it possible to learn from each other and even change each other's views. Governments had an important role too in underpinning social dialogue. He urged all those present to carry forward the work started at this Meeting.

The Chairperson said that it had been an exciting and productive week during which key issues that affected the mining sector, and therefore just about everyone, were closely examined. The large attendance, in terms of numbers, experience and commitment to the industry, had ensured a realistic outcome. The conclusions and resolutions sent a clear message – to governments, the mining industry, its workers and their organizations, other stakeholders and the ILO – that there were a number of steps to be taken if mining was to continue to provide most of the world's daily needs, other than food and clothing, in a safe, healthy, profitable and sustainable manner. These outcomes testified to the high degree of consensus on both the issues facing the mining industry and on the action that its major stakeholders and the ILO needed to take to address them. The Chairperson declared the Tripartite Meeting on the Evolution of Employment, Working Time and Training in the Mining Industry closed.

Evaluation questionnaire

A questionnaire seeking participants' opinions on various aspects of the Meeting was distributed before the end of the Meeting.

1. How do you rate the Meeting as regards the following?

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	Average score
The choice of agenda item (subject of the Meeting)	13	8	1			4.6
The points for discussion	10	11	1			4.4
The quality of the discussion	8	13	1			4.3
The Meeting's benefits to the sector	12	9	1			4.5
The conclusions	5	13	4			4.1
The resolutions	5	13	4			4.1
Presentation on the Quecreek mine rescue	9	6	3			4.3
Presentation on Minesafe	5	12	4			4.1
Presentation ILO and HIV/AIDS	9	6	5			4.2
Presentation on ILO's SOLVE Programme	6	9	3			4.2
Presentation on working time and safety and health	6	5	3			4.2
Opportunity for networking	10	9	1		1	4.7

2. How do you rate the quality of the report in terms of the following?

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	Average score
Quality of analysis	12	8	2			4.5
Objectivity	10	10	2			4.4
Comprehensiveness of coverage	7	12	2	1		4.0
Presentation and readability	9	12	1			4.4
Amount and relevance of information	9	11	2			4.8

3. How do you consider the time allotted for discussion?

	Too much	Enough	Too little
Discussion of the report	1	21	
Presentations	1	20	1
Groups	1	18	2
Working Party on Resolutions	2	14	3
Working Party on Conclusions	2	14	3

4. How do you rate the practical and administrative arrangements (secretariat, document services, translation, interpretation)?

	5 Excellent	4 Good	3 Satis- factory	2 Poor	1 Unsatis- factory	Average score
	14	6				4.7

5. Respondents to the questionnaire

	Government	Employers	Workers	Observers	Total	Response rate (%)
	6	6	9	1	22	23

6. Participants at the Meeting

	Government	Employers	Workers	Technical advisers	Observers	Total
	26	18	16	24	12	96

7. Delegates/technical advisers

	Government	Employers	Workers	Total
Delegates	26	18	16	60
Technical advisers	21		3	24

8. Female participation

	Government	Employers	Workers	Total	%
Delegates	9	1		10	16.7
Technical advisers	5			5	

List of participants
Liste des participants
Lista de participantes

Representative of the Governing Body
of the International Labour Office
Représentant du Conseil d'administration
du Bureau international du Travail
Representante del Consejo de Administración
de la Oficina Internacional del Trabajo

M. Guillaume C. Attigbe, Secrétaire général, Centrale des syndicats autonomes du Bénin, Cotonou

Members representing Governments
Membres représentant les gouvernements
Miembros representantes de los gobiernos

BENIN BÉNIN

M. Moumouni Salami, Administrateur du travail, Observatoire de l'emploi et de la formation, ministère de l'Industrie, du Commerce et de la Promotion de l'Emploi, Cotonou

Adviser/Conseiller technique/Consejera técnica

M^{me} Rosemonde D. Adjanonhoun, Mission permanente du Bénin à Genève

CANADA CANADÁ

Ms. Christine Kaszycki, Assistant Deputy Minister, Manitoba Industry, Trade and Mines, Winnipeg, Manitoba

Adviser/Conseiller technique/Consejero técnico

Mr. Don Macphee, Adviser, Permanent Mission of Canada in Geneva

CHILE CHILI

Sr. Marcelo Albornoz, Subdirector del Trabajo/Dirección del Trabajo, Ministerio del Trabajo y Previsión Social de Chile, Santiago

Advisers/Conseillers techniques/Consejeros técnicos

Sr. Eduardo Loyola, Gerente General, Consejo Minero de Chile, Santiago

Sr. Raimundo Espinoza, Presidente, Federación del Cobre, Santiago

CHINA CHINE

Mr. Zhang Guoqing, Counsellor, Permanent Mission of China in Geneva

Advisers/Conseillers techniques/Consejeros técnicos

Mr. Zhang Feng, Director, International Institute of Labour and Information Studies, Ministry of Labour and Social Security, Beijing

Mr. Duan Dongwen, Second Secretary, Permanent Mission of China in Geneva

COLOMBIA COLOMBIE

Sra. Victoria González-Ariza, Ministro Consejero, Misión Permanente de Colombia en Ginebra

EGYPT EGYPTÉ EGIPTO

Mr. Ahmed Awad El-Saie, Head of Mining Engineering Department, Tabbin Institute for Metallurgical Studies, Cairo

Adviser/Conseiller technique/Consejera técnica

Ms. Nadia El-Gazzar, Labour Counsellor, Permanent Mission of Egypt in Geneva

FRANCE FRANCIA

M^{me} Joëlle Ory, Chargée de la mission internationale, Direction générale des stratégies industrielles, Service des industries manufacturières, Ministère de l'Industrie, Paris

GERMANY ALLEMAGNE ALEMANIA

Mr. Detlef Blesgen, Referent im Referat, Sektorate und Regionale Strukturpolitik, Bundesministerium für Arbeit und Sozialordnung, Bonn

Adviser/Conseiller technique/Consejero técnico

Mr. Valentin Klotz, Social Attaché, Permanent Mission of Germany in Geneva

GHANA

Mr. Kwadwo Adjel-Darko, Minister, Ministry of Mines, Accra

Advisers/Conseillers techniques/Consejeros técnicos

Mr. E.O. Marfo, Acting Chief Director, Ministry of Mines, Accra

Ms. Victoria Tettegah, First Secretary, Permanent Mission of Ghana in Geneva

GREECE GRÈCE GRECIA

Ms. Antonia Biri, Head of the Department for the Equality of Sexes, Athens

Adviser/Conseiller technique/Consejero técnico

Mr. Dimitrios Koleris, Head of the Department of Marble and Aggregate Quarries, Athens

INDIA INDE

Ms. Adarsh Misra, Additional Secretary, Department of Mines, Ministry of Coal and Mines, Government of India, New Delhi

Adviser/Conseiller technique/Consejero técnico

Mr. Satyanarayana Kanumuri, Ministry of Coal and Mines, Government of India, Nagpur

INDONESIA INDONÉSIE

Mr. R. Sukhyar, Secretary for the Directorate General of Geology and Mineral Resources, Ministry of Energy and Mineral Resources, Jakarta Selatan

ITALY ITALIE ITALIA

Ms. Carmen Ferraiolo, Funzionario in Servizio, Ministero del Lavoro e delle Politiche Sociali, Roma

KENYA

Mr. Abisai O. Ambenge, Labour Commissioner, Ministry of Labour and Human Resource Development, Nairobi
Advisers/Conseillers techniques/Consejeros técnicos

Mr. Abel Kiplagat Chumba, Mining Engineer, Ministry of the Environment and Natural Resources, Mines and Geological Department, Nairobi

Mr. Ephraim Ngare, Labour Counsellor, Permanent Mission of Kenya in Geneva

MOROCCO MAROC MARRUECOS

M. Youssef Bel-Lahcen, Chef de la Division de l'inspection des mines, Département de l'Energie et des Mines, Rabat

NAMIBIA NAMIBIE

Mr. Samson Nghiteeka, Mineral Economist, Ministry of Mines and Energy, Windhoek

NORWAY NORVÈGE NORUEGA

Mr. Gunnar Falch, Assistant Director, Directorate of Labour Inspection, Drobav

PHILIPPINES FILIPINAS

Ms. Yolanda C. Porschwitz, Labor Attaché, Permanent Mission of the Philippines in Geneva

POLAND POLOGNE POLONIA

Mr. Maciej Kapalski, Department for Industry Restructuring, Ministry of Economy, Warsaw
Adviser/Conseiller technique/Consejera técnica

Ms. Malgorzata Waksmanska, Expert, Department of Law and European Union Integration, State Mining Authority, Katowice

ROMANIA ROUMANIE RUMANIA

M. Staicu Balanescu, Directeur général, ministère de l'Industrie et des Ressources, Bucarest
Advisers/Conseillers techniques/Consejeros técnicos

M. Ion Stamin Purcaru, Directeur général, ministère de l'Industrie et des Ressources, Jud Hunedoara

M. Mircea Viorel Bucsa, ministère de l'Industrie et des Ressources, Bucarest

SLOVAKIA SLOVAQUIE ESLOVAQUIA

Mr. Ján Hijj, Director, Department of Fuels and Mining, Slovak Republic Ministry of Economy, Bratislava

Adviser/Conseiller technique/Consejero técnico

Mr. Fedor Boroska, Representative of Slovak Republic Union of Metallurgy, Mining Industry and Geology, Bratislava

SOUTH AFRICA AFRIQUE DU SUD SUDÁFRICA

Ms. Mavis Ann Hermanus, Chief Inspector of Mines, Department of Minerals and Energy, Pretoria

Advisers/Conseillers techniques/Consejeros técnicos

Mr. M.A. Zondi, Deputy Chief Inspector of Mines, Department of Minerals and Energy, Pretoria

Ms. Lindiwe Lusenga, Counsellor, Permanent Mission of South Africa in Geneva

**SYRIAN ARAB REPUBLIC RÉPUBLIQUE ARABE SYRIENNE
REPÚBLICA ARABE SIRIA**

Mr. Mohamad Khafif, Counsellor, Permanent Mission of the Syrian Arab Republic in Geneva

THAILAND THAÏLANDE TAILANDIA

Mr. Pakorn Amornchewin, Minister Counsellor, Permanent Mission of Thailand in Geneva

UNITED STATES ETATS-UNIS ESTADOS UNIDOS

Mr. John R. Caylor, Deputy Assistant Secretary for Mine Safety and Health Administration, Arlington

Adviser/Conseiller technique/Consejero técnico

Mr. Robert Hagen, Labor Attaché, Permanent Mission of the United States in Geneva

VENEZUELA

Sra. Madai Hernández, Consejera, Misión Permanente de Venezuela en Ginebra

Members representing the Employers

Membres représentant les employeurs

Miembros representantes de los empleadores

M. Marc Saleh Atibu, Directeur des ressources humaines, Fédération des entreprises du Congo, Kinshasa/Gombe

Sr. Sergio Almazan Escueda, Director General, Cámara Minera de México, México

Mr. Frans Barker, Senior Executive, Labour Relations, Rural Development, Education and Training, Chamber of Mines of South Africa, Johannesburg

M. Tayâ Benmlih, Secrétaire général, Fédération de l'industrie minérale (FDIM), Casablanca

Sra. Miriam Bueso, Directora Ejecutiva, Asociación Nacional de Minería Metálica de Honduras, Comayaguila M.D.C. Honduras

Mr. Burnett Coke, Industrial Relations Administrator, Alcoa Minerals of Jamaica, Kingston

Mr. W.J. Godfrey Eneas, Vice-President Corporate Affairs, Marcona Ocean Industries/AES, Nassau

M. Jean-Noël Gony, Directeur, Fédération des minéraux et métaux non ferreux, Paris

Mr. Wolfgang Herting, Head of Department, Wage and Personnel, Gesamtverband des Deutschen Steinkohlenbergbaus, Essen

Mr. Epimach Maritim, Human Resources Director, Bamburi-Lafarge Cement Co. Ltd., Nairobi

Mr. Ian Masson, National Industry Manager, Australian Mines and Metals Association, Melbourne

Mr. Amos George Mfite Basaza, General Manager, Kilembe Mines Limited, Kilembe, Uganda

Sr. José Moya Esponda, Presidente, Confederación Nacional de Empresarios de la Minería y la Metalúrgica (CONFEDEM), Madrid

Mr. Silvanus Nekundi, Industrial Relations Manager, Namibia Employers' Federation, Oranjemund, Namibia

Mr. Michael Peelish, Senior Vice-President, Safety and Human Resources, RAG American Coal Holding Inc., Linthicum Heights, Maryland

Sr. José Arturo Quiros Boada, Director, Cámara de Energía y Gas, c/o Asociación Nacional de Industriales (ANDI), Bogotá

Mr. Robert Schön, Director, Employers Association of Swedish Mine Owners, Stockholm

Mr. Raj Kumar Sharma, Secretary-General, Federation of Indian Mineral Industries, New Delhi

Members representing the Workers
Membres représentant les travailleurs
Miembros representantes de los trabajadores

Mr. R.K. Cole, General Secretary, Ghana Mineworkers Union, Accra

M. Marin Condescu, Centrala Nationala Confederativa a Sindicatelor Minière, Bucuresti

Sr. Pedro Escate Sulca, Secretario General, Federación Nacional de Trabajadores de Mineros, Metalúrgicos, Siderurgicos del Perú (FNTMMSP), Lima

Mr. Alfred Geissler, Regional President, IGBCE Landesbezirk, Bochum

Sr. Jorge Godoy Bolvarán, Presidente, Confederación Minera de Chile, Santiago

M. Assienin Koffi, Secrétaire général, Fédération ivoirienne des syndicats des mines, métaux, carrières et connexes, Abidjan

Mr. J. Maitland, National Secretary, CFMEU, Sydney

Mr. I. Mokhnachuk, President, ROSUGLEPROF, Moscow
Adviser/Conseiller technique/Consejero técnico

Mr. Victor Myachin, Secretary for International Relations, ROSUGLEPROF, Moscow

Mr. Ernest Mutale, General Secretary, Mineworkers Union of Zambia, Kitwe

Mr. Ken Neumann, Director, District 3, United Steelworkers of America, Vancouver

Mr. R.A. Padilla, National President, National Mines and Allied Workers Union, New Manila, Quezon City

Mr. P. Tokmakchiev, President, Federation of Independent Miners' Unions, Sofia
Adviser/Conseiller technique/Consejero técnico

Mr. Alexander Kanev, Adviser, Vice-President, Federation of Independent Miners' Unions, Sofia

Mr. M. Wolynetz, Chairman, Miners' Independent Union of Ukraine, Kiev

Mr. Zhao Yonglin, Chairman, Chinese Energy and Chemical Workers Union, All-China Federation of Trade Unions, Beijing

Adviser/Conseiller technique/Consejero técnico

Mr. Liu Jiyong, Division Chief, International Liaison Department, All-China Federation of Trade Unions, Beijing

Mr. S.Q. Zama, General Secretary, Indian National Mineworkers' Federation (INTUC), Nagpur, Maharashtra, India

Mr. Senzeni Zokwana, President, National Union of Mineworkers, Johannesburg

Representatives of the United Nations, specialized agencies
and other official international organizations

Représentants des Nations Unies, des institutions spécialisées et d'autres
organisations internationales officielles

Representantes de las Naciones Unidas, de los organismos especializados
y de otras organizaciones internacionales oficiales

European Commission
Commission européenne
Comisión Europea

Mr. Paul Anciaux, Directorate General for Enterprise, Brussels

United Nations Economic Commission for Europe (ECE)
Commission économique des Nations Unies pour l'Europe
Comisión Económica de las Naciones Unidas para Europa

Ms. Charlotte Griffiths, Sustainable Energy Division, Geneva

United Nations Organization
Organisation des Nations Unies
Organización de las Naciones Unidas

Ms. Beatrice Labonne, Senior Adviser, Department of Economic and Social Affairs, Geneva

Representatives of non-governmental international organizations
Représentants d'organisations internationales non gouvernementales
Representantes de organizaciones internacionales no gubernamentales

International Confederation of Free Trade Unions
Confédération internationale des syndicats libres (CISL)
Confederación Internacional de Organizaciones Sindicales Libres (CIOSL)

Mr. Dan Cunniah, Director, Geneva Office, Geneva

Ms. Anna Biondi, Assistant Director, Geneva Office, Geneva

International Energy and Mines Organization (IEMO)
Organisation internationale de l'énergie et des mines
Organización Internacional de Energía y Minas

Mr. Alain Simon, Secrétaire général, Pantin

International Federation of Chemical, Energy, Mines and General Workers' Union (ICEM)
**Fédération internationale des syndicats des travailleurs de la chimie, de l'énergie,
des mines et des industries diverses**
**Federación Internacional de Trabajadores de la Química, la Energía,
las Minas e Industrias Diversas**

Mr. Fred Higgs, General Secretary, Brussels

Ms. Yamina Zebchine-de Laet, Industry Officer, DGOJP Section, Brussels

Mr. Gino Govender, Industry Officer, Mines and Energy Section, Brussels

Mr. Erland Lindkvist, International Secretary, Swedish Metalworkers' Union, Metall, Stockholm

International Organisation of Employers (IOE)
Organisation internationale des employeurs
Organización Internacional de Empleadores

Mr. Jean Dejardin, Adviser, Cointrin/Geneva

Mr. Y.B. Amponsah, Human Resources Manager, AGC Ltd. (Iduapriem Mine), Accra

Mining Industry Associations of Southern Africa
Associations des industries minières d'Afrique australe
Asociaciones de la Industria Minera de Africa Meridional

Mr. Frans Barker, Senior Executive, Labour Relations, Rural Development, Education and Training, Chamber of Mines of South Africa, Johannesburg