

ACTRAV Regional symposium on OSH in the mining industry in Asia and the Pacific

Conclusions

The symposium, which was attended by 25 participants from 11 countries (such as China, India, Pakistan, Vietnam, Indonesia, the Philippines, Australia, New Zealand, Myanmar, Fiji and Mongolia) and a representative from IndustriALL, discussed challenges concerning Occupational Safety and Health (OSH) in mining in Asia and the Pacific. It was held from 26 to 29 August in Ulaanbaatar, Mongolia. The participants unanimously adopted the following conclusions:

Although all workers have a right to decent work and decent work requires safe and healthy workplaces and health and life at work are a basic human right, this right is still not a reality for many miners.

Mining is a strategic industry in the mineral rich countries, substantially contributing to the GDP growth. However, its wealth is not adequately shared with the workers and their families and their rights, in particular to health and life, are not fully respected in the industry.

Trade unions need to be recognised as central OSH actors and workers must be consulted in respect to all decisions affecting their workplaces in the mines.

The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98) are inextricably linked to ensuring health and safety of workers. Given the link between high levels of union membership and good occupational safety and health, there is a particular need for subcontracted or precarious workers or workers that work in the informal mining sector to receive help in unionizing.

Safety and health representatives are highly important in this respect. Their training must be provided in a way that they see fit and that ensures their competence and independence from employers' interests.

The participants stress the importance of union check inspectors (as existing in Australia and India) and recommend that they be created in all countries.

The Safety and Health in Mines Convention, 1995 (No. 176) is central to achieving good occupational safety and health standards in mines. The participants welcomed the progress made so far in its promotion, but noted that many important mining countries have not yet ratified. For this reason, the participants urge all governments to take steps to its ratification and full implementation.

Subcontracting and precarious work are continuing to increase as well as their negative repercussions on OSH of all workers as well as the working conditions of those workers affected, in particular in respect to their wages, training and provision of PPE.

The prevalence of excessive working time and of insufficient periods of rest in the region and the numerous resulting cases of fatigue has led to serious accidents and the impairment of workers' health.

A large number of miners suffering from unidentified pneumoconioses, silicosis and other occupational diseases and there is a strong need for the appropriate infrastructure and training to be put into place in order to ensure that these diseases are identified, treated and compensated.

The introduction of fly-in fly-out (FIFO) schemes has led to disastrous effects on miners and their families and stifles the development of communities.

Since in many countries women are still banned from underground work in mines, the participants call upon governments to create OSH conditions in mines that are favourable for both men and women and thus end the undue discrimination of women workers in underground mines.

Child labour, bonded labour and OSH problems result from the lack of regulation of small-scale mining for workers in the sector and their families.

Poor safety and health in large and small-scale mining can have disastrous social and environmental effects on adjacent communities.

The development of 'Fitness for Work' policies, which require companies to ensure that measures are taken to address central hazards such as fatigue and heat stress, has been beneficial to workers' health and wellbeing.

Action by trade unions

- I. The participants call upon trade unions to:
 - a. conduct campaigns to promote the ratification of C.176, to support the IndustriALL campaign for C.176 and to make use of the IndustriALL campaign manual for C.176 in this respect;
 - b. promote awareness of the Occupational Health Services Convention, 1985 (No.161), and the Indigenous and Tribal Peoples Convention, 1989 (No.169) and call for their ratification,
 - c. take advantage of international trade union affiliation, particularly in view of the international nature of the mining industry;
 - d. advocate that Global Framework Agreements contain a provision endorsing and promoting the ratification of C.176 in countries where that employer operates;
 - e. professionally develop the management and governance of all trade unions;
 - f. be united and stand together on all OSH issues;
 - g. educate and train all members on safety awareness;
 - h. select, train and support safety activists;
 - i. liaise with governments to strengthen and implement existing safety laws and regulations; and
 - j. lobby for the coverage of injuries, sickness and fatalities arising from occupational activities (such as heart attacks at work or accidents during travel to or from work) by workers' compensation insurance.

Action by governments

- II. The participants urge governments to:
 - a. ratify and fully implement C.176, as well as other relevant ILO instruments, in particular C.161 and C.169, after consultations with the most relevant organizations of employers and workers;
 - b. regulate mine rescue, giving consideration to the recommendations in Article 8 of R.183, and recovery operations and to involve trade unions both in the development of such laws, provision of infrastructure and in the training of rescue teams;
 - c. take measures to eliminate precarious work as well as to ensure that subcontracted workers are afforded the same benefits and protection as other workers, in particular in relation to wages, training and OSH;
 - d. ensure that OSH conditions in underground mines are favourable for both women and men workers and to amend laws that might discriminate against female workers in underground mines;
 - e. make laws establishing severe penalties for non-compliance with C.176;
 - f. carry out awareness-raising programmes for both employers and workers organizations (including plant level miners unions) about C.176;
 - g. strengthen labour inspection and regulatory bodies by:
 - building the capacity of the labour inspection machinery;
 - provision of proper training of labour inspectors and appointment of accredited/qualified inspectors;
 - allowing unions to be part of labour inspections;
 - allowing unions to carry out un-announced inspections;
 - create incentives to ensure corruption-free labour inspection;
 - using modern technology for monitoring the operations of companies;
 - h. ensure that OSH Basic Training Programs are conducted in each mine on:
 - personal safety;
 - first aid;
 - survival; and
 - other systematic and regular basic training;
 - i. conduct general workers education on all OSH aspects involving workers and employers organizations;
 - j. register small-scale mines and ensure that they are covered by labour laws including labour welfare laws;
 - k. establish tripartite OSH councils in the mining areas, regions and national levels;
 - l. eliminate precarious work and ensure that subcontracted workers have the same benefits and protection as permanent workers; and
 - m. eliminate discrimination practice in mines for local and non-local workers.

Action by the ILO

- III. The participants call upon the ILO to:
 - a. become more active in promoting the ratification of C.176 and in monitoring its implementation, particularly by working more closely with trade unions, including IndustriALL, and target countries where existing mining laws and regulations result in unacceptable levels of sickness, injuries and fatalities;
 - b. conduct research on the effects of FIFO schemes on workers, their families and local communities;
 - c. assist member States in setting up centres for research and development as well as training of medical practitioners in the identification of pneumoconioses, silicosis and other occupational diseases;
 - d. facilitate tripartite meetings on C.176 or make assistance available for their organization;
 - e. conduct training, campaign and educate stakeholders about OSH and C.176;
 - f. raise the awareness of mining companies, especially small and mid-sized companies or clusters of these companies, of C.176 and OSH in mines;
 - g. create an communication tool to allow participants to provide information on the OSH situation and difficulties encountered in their countries;
 - h. strengthen its links with mining inspectorates;
 - i. promote the concept of union check inspectors; and
 - j. establish a network of participants of this symposium.