



BUILDING A PREVENTATIVE SAFETY and HEALTH CULTURE in MINES

A guide to the Safety and Health in Mines Convention, 1995 (No. 176) and
Recommendation (No. 183)

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INTRODUCTION

Mining is one of the most hazardous industries in the world. Disasters, occupational accidents and diseases in the industry exact a heavy toll on miners and inflict a significant economic burden on society. These burdens constitute a serious concern for the International Labour Organization (ILO), for its constituents as well as for Turkey.

To tackle this challenge, Turkey is committed to apply key International Labour Standards adopted by the ILO in occupational safety and health (OSH) including the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). These standards assist the Government, employers and workers to build, implement and continuously strengthen a preventative safety and health culture in workplaces in the society at large.

To address the specific difficulties in mining, Turkey is committed to apply the ILO Safety and Health in Mines Convention, 1995 (No. 176) since 23 of March 2016. Convention No. 176 is an internationally recognized sector-specific standard which includes specific regulation of the relevant responsibilities of the Government, the Employers as well as rights and duties of the Workers and their representatives in mining. It builds on and reflects international best practice on how to prevent occupational accidents and diseases in mining. It has been developed through ILO's unique tripartite standard-setting mechanism which provides for a direct involvement of all Member States' Governments, as well as Employers' and Workers' organizations. The Occupational Safety and Health in Mines Recommendation (No. 183) ([hyperlink](#)) adds value as it supplements Convention No. 176 with further details on how to the Convention can be most effectively applied.

This guide provides an overview of the requirements in Convention No. 176 as well as the supplementing guidance in the Safety and Health in Mines Recommendation, (1995) No. 183. In terms of guidance on ILO instruments, ILO General Surveys are an important source of information as they include analyses of the impact of ILO instruments, the difficulties indicated by governments as impeding their application, and means of overcoming these obstacles. The 2017 General Survey focuses on the ILO instruments concerning the promotional framework, construction, mines and agriculture and includes

an examination of the effect given, in law and in practice, by ILO member States of Convention No. 176. Further guidance on law and practice regarding ILO instruments on OSH is available in the 2006 General Survey concerning the Convention No. 155, its Recommendation No. 164 and its Protocol of 2002. Information on these and further guidance material is included at the end of this guide.

RESPONSIBILITIES OF THE GOVERNMENT

The Convention requires the Government to formulate, implement and periodically review a national OSH policy in mining after consultations with the most representative organizations of policy employers and workers. The Government is also responsible to adopt and implement laws and regulations that prescribe the measures for ensuring the application of the Convention and to ensure that the required preventive and protective measures are effectively developed and implemented.

NATIONAL POLICY ON MINING

The requirement in Article 3 of Convention No. 176 to formulate, carry out and periodically review a national policy on OSH in mining is similar to Article 4 of Convention No. 155. Under Convention No. 176, developing and maintaining safety and health in mining must be an ongoing concern for the Government as well as for the Employers' and the Workers' organizations. Tripartite consultation and engagement is also a basic requirement of the Convention. The aim of the national policy shall be to ensure that the causes of hazards in mining are minimized as far as is reasonably practicable. A national policy is defined by its function and not by its form and it will evolve over time. While its actual content will depend on national conditions and practice, the national OSH policy in mining must be coherent in the sense that its components shall make up a consistent whole. The national OSH policy in mining shall be a dynamic tool and must be reviewed periodically. The Government and the social partners must therefore organize their work to provide regular input into the process and to ensure that account can be taken of experiences gained, of changes in the working environment as well as of scientific and technological progress.

In the light of national conditions and practice and after consultations with the most representative organizations of employers and workers concerned, the Member shall

formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the Convention.

The Recommendation adds that the consultations with the most representative organizations of employers and workers should include consultations on the effect of the length of working hours, night work and shift work on workers' safety and health. After such consultations, the Government should take the necessary measures in relation to working time and, in particular, in relation to maximum daily working hours and minimum daily rest periods.

MEASURES TO ENSURE APPLICATION

The Government shall prescribe measures to ensure the application of the Convention through laws and regulations and supplement these laws and regulations with technical standards, guidelines, codes of practice or other means of application as required.

Measures prescribed to ensure the application of the Convention shall include general measures including the setting up of a competent authority, providing inspection services, ensuring enforcement, ensuring the supervision of safety and health in mines, establishing procedures for consultation with and participation of workers and their representatives at the workplace and ensuring that accidents, diseases and dangerous occurrences are managed. Measures shall, more specifically, also include that: explosives are properly handled; hazardous substances are safely stored; and abandoned mines are secured. The Recommendation adds that suppliers of equipment, appliances, hazardous products and substances should be required to comply with national OSH requirements

GENERAL APPLICATION MEASURES

SETTING UP A COMPETENT AUTHORITY - The Government shall designate an authority responsible for monitoring and regulating safety and health in mine (Competent Authority). The Competent Authority shall be entitled to identify the needs to supplement national laws and regulations; designate mine inspectors; suspend or restrict mining activities on grounds of safety and health. The Competent Authority shall receive reports on accidents and dangerous occurrences from employers and workers.

The Recommendation adds that the competent authority should be set up with properly qualified and trained staff with the appropriate skills, and receive sufficient technical and professional support to inspect, investigate, assess and advise on the

matters dealt with in the Convention and to ensure compliance with national laws and regulations. It also provides that measures should be taken to encourage and promote research into and exchange of information on safety and health in mines at the national and international level and to encourage and promote programs or systems for the rehabilitation and reintegration of workers who have sustained occupational injuries or illnesses. In addition it provides that the Competent Authority should provide specific assistance to small mines with a view to assisting in transfer of technical know-how and in establishing preventive safety and health programs and encouraging cooperation and consultation between employers and workers and their representatives;

PROVIDING INSPECTION SERVICES - The Government shall set up appropriate inspection services to supervise the application of the Convention. These services should be endowed with the resources necessary for their task. Inspection of mines shall be carried out by inspectors designated for the purpose by the competent authority.

Turkey is a party to the Labour Inspection Convention, 1947 (No. 81) and the appropriate inspection services are therefore services set up according to the provisions this Convention.

ENSURING ENFORCEMENT - The Government shall take all necessary measures to ensure the effective enforcement of the Convention, including by imposing appropriate penalties and corrective measures.

SUPERVISION OF SAFETY AND HEALTH IN MINES - The Government shall ensure that national laws and regulations provide for the supervision of safety and health in mines.

The Recommendation adds that the requirements relating to the supervision, where appropriate, include requirements concerning certification and training, inspection of the mine, mining equipment and installations; supervision of the handling, transportation, storage and use of explosives and of hazardous substances used or produced in the mining process; performance of work on electrical equipment and installations; and supervision of workers.

ESTABLISHING PROCEDURES FOR CONSULTATION WITH AND PARTICIPATION OF WORKERS AND THEIR REPRESENTATIVES - The Government shall take measures to establish effective procedures to ensure the implementation of the rights of workers and their representatives to be consulted and to participate in measures relating to safety and health at the workplace.

ENSURING INVESTIGATION AND REPORTING OF ACCIDENTS, OCCUPATIONAL DISEASES AND DANGEROUS OCCURRENCES - The Government shall take measures to establish procedures for reporting and investigating fatal and serious accidents, dangerous occurrences and mine disasters, each as defined by national laws and regulations. It shall also take measures to ensure the compilation and publication of statistics on accidents, occupational diseases and dangerous occurrences.

The 2002 Protocol to Convention No. 155, provides guidance in this respect as well as on the meaning of the term ‘dangerous occurrence.’ The Protocol defines it to cover ‘a readily identifiable event as defined under national laws and regulations, with potential to cause an injury or disease to persons at work or to the public’.

SPECIFIC APPLICATION MEASURES

HANDLING OF EXPLOSIVES - National laws and regulations shall provide that the manufacture, storage, transport and use of explosives and initiating devices at the mine shall be carried out by or under the direct supervision of competent and authorized persons.

The term “competent person” is not defined in Convention No. 176 but guidance on the meaning of this term can be found in the Safety and Health in Construction Convention, 1988 (No. 167) which provides that a competent person means “a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill for the safe performance of the specific work” and that “the competent authority may define appropriate criteria for the designation of such persons and may determine the duties to be assigned to them.”

PROVISION OF SAFE STORAGE OF HAZARDOUS SUBSTANCES - National laws and regulations shall specify requirements for the safe storage, transportation and disposal of hazardous substances used in the mining process and waste produced at the mine.

MEASURES TO SECURE ABANDONED MINES - National laws and regulations shall provide for protective measures to secure abandoned mine workings to eliminate or minimize risks to safety and health.

RESPONSIBILITIES OF THE EMPLOYER

GENERAL RESPONSIBILITIES

The Employer is responsible to take all necessary measures to eliminate hazards or minimize the risk to safety and health in mines under their control. In taking preventive and protective measures, the Employer shall assess the risks and deal with it in the following order of priority: (a) eliminate the risk; (b) control the risk at source; (c) minimize the risk; (d) provide personal protective equipment, having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

Employers shall take all necessary measures to eliminate and minimize the risks to safety and health in mines under their control and in taking preventive and protective measures the employer shall assess the risk.

The Recommendation adds that hazard assessment and risk analysis should be followed by the development and implementation, where appropriate, of risk-management systems. In this respect guidance can, inter alia, be found in the [ILO Guidelines on Safety and Health Management Systems \(ILO-OSH 2001\)](#).

The Convention provides that the risk assessed shall be dealt with in a set order of priority - having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence - *firstly* by eliminating the risk; *secondly* by controlling the risk at source; *thirdly* by minimizing the risk by means that include the design of safe work systems; and *fourthly* - in so far as the risk remains – by providing for the use of personal protective equipment

SPECIFIC ORGANIZATIONAL AND DESIGN RESPONSIBILITIES

The Convention details the Employer's responsibilities in different situations and the Recommendation adds further supplementing guidance to many of these requirements. While all requirements apply generally, some of them pertain to organizational and design measures that can be implemented with greater ease and at lesser cost at an early stage in the development of a mine. These include: drawing up and maintaining plans of workings; drawing up operating plans for particular hazard zones; ensuring safe mine design, construction and equipment; ensuring safe commissioning and decommissioning of the mine; providing every underground workplace with two exits; maintaining ground stability; ensuring ventilation of underground mines; and preventing fires and explosions.

DRAWING UP PLANS OF WORKINGS - Before the start of mining operations, the Employer in charge of the mine shall ensure that appropriate plans of workings are prepared, and that, in the event of any subsequent significant modification, such plans are brought up to date periodically and kept available at the mine site.

DRAWING UP OPERATING PLANS FOR PARTICULAR HAZARD ZONES - In respect of zones where particular hazards may occur, the Employer shall draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers.

The Recommendation adds that in such operating plans account should be taken of: mine fires and explosions; gas outbursts; rock bursts; an inrush of water or semi-solids; rock falls; susceptibility of areas to seismic movements; hazards related to work carried out near dangerous openings or under particularly difficult geological circumstances; and loss of ventilation.

ENSURING SAFE MINE DESIGN, CONSTRUCTION AND EQUIPMENT - The Employer shall ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to provide conditions for safe operation and a healthy working environment.

ENSURING SAFE COMMISSIONING, OPERATION, MAINTENANCE AND DE-COMMISSIONING - The Employer shall ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons.

PROVIDING EVERY UNDERGROUND WORKPLACE WITH TWO EXITS - Whenever practicable, the Employer shall provide, from every underground workplace, two exits, each of which shall be connected to separate means of egress to the surface.

The Recommendation adds that the separate means of egress should be as independent of each other as possible, and that arrangements should be made and equipment provided for the safe evacuation of workers in case of danger.

MAINTAINING GROUND STABILITY - The Employer shall take steps to maintain the stability of the ground in areas to which persons have access in the context of their work.

The Recommendation adds that the Employer should take all appropriate measures to monitor and control the movement of strata as may be necessary; provide effective support of the roof, sides and floor of the mine workings, except for those areas where the mining methods selected allow for the controlled collapse of the ground; monitor and control the sides of surface mines to prevent material from falling or sliding into the pit and endangering workers; and ensure that dams, lagoons, tailings and other such impoundments are adequately designed, constructed and controlled to prevent dangers from sliding material or collapse.

ENSURING VENTILATION OF UNDERGROUND MINES - The Employer shall ensure adequate ventilation for all underground workings to which access is permitted.

The Recommendation adds that all underground mine workings to which workers have access, and other areas as necessary, should be ventilated in an appropriate manner to maintain an atmosphere: in which the risk of explosions is eliminated or minimized; in which working conditions are adequate, having regard to the working method being used and the physical demands placed on the workers; and that complies with national standards on dusts, gases, radiation and climatic conditions. Where national standards do not exist, the Employer should consider international standards.

PREVENTING FIRES AND EXPLOSIONS - The Employer shall take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires and explosions.

The Recommendation adds that these measures should, where applicable, prohibit persons from carrying underground any item, object or substance, which could initiate a fire, explosion or dangerous occurrence.

PROVIDING SELF-CONTAINED CHAMBERS

The Recommendation adds that mine facilities should include, where appropriate, sufficient fireproof and self-contained chambers to provide refuge for workers in the event of an emergency. The self-contained chambers should be easily identifiable and accessible, particularly when visibility is poor.

SPECIFIC OPERATING RESPONSIBILITIES

The Convention imposes responsibilities on the Employer pertaining to the operation of a mine including: monitoring, assessing and regularly inspecting the mine; supervising and controlling the mine; providing adequate training and retraining programs; providing medical health surveillance; keeping track of persons underground; managing situations involving serious danger; drawing up emergency response plan; providing self-rescue equipment; providing sanitary conveniences and facilities; providing mine rescue, first aid and medical facilities; coordinating OSH measures between two or more employers; investigating all accidents and dangerous occurrences; and reporting on such accidents and dangerous occurrences to the competent authority.

MONITORING, ASSESSMENT AND INSPECTION - The Employer shall be responsible for ensuring the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure.

SUPERVISING AND CONTROLLING THE MINE - The Employer is responsible to ensure that adequate supervision and control are provided on each shift to secure the safe operation of the mine.

The Recommendation adds that the Employer should ensure appropriate inspections of each workplace at the mine, and in particular, of the atmosphere, ground conditions, machinery, equipment and appliances therein, including where necessary pre-shift inspections; and keep written records of inspections, defects and corrective measures and make such records available at the mine.

PROVIDING ADEQUATE TRAINING AND RETRAINING PROGRAMS The Employer shall ensure that workers receive adequate training and retraining programs and comprehensible instructions, at no cost to them, on safety and health matters as well as on the work assigned.

PROVIDING MEDICAL HEALTH SURVEILLANCE - Based on general principles of occupational health and in accordance with national laws and regulations, the Employer shall ensure the provision of regular health surveillance of workers exposed to occupational health hazards specific to mining.

The Recommendation adds that where appropriate, this health surveillance should - at no cost to the worker and without any discrimination or retaliation whatsoever - provide workers with the opportunity to undergo medical examination related to the requirements of the tasks to be performed, prior to or just after commencing employment and thereafter on a continuing basis; and provide, where possible,

for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

KEEPING TRACK OF PERSONS UNDERGROUND - The Employer shall ensure that a system is established so that the names of all persons who are underground can be accurately known at any time, as well as their probable location.

MANAGING SITUATIONS INVOLVING SERIOUS DANGER - The Employer shall ensure that when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location.

DRAWING UP AN EMERGENCY RESPONSE PLAN - The Employer shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

The Recommendation adds that such a plan should include: effective site emergency plans; provision for the cessation of work and evacuation of the workers in an emergency; adequate training in emergency procedures and in the use of equipment; adequate protection of the public and the environment; and provision of information to, and consultation with, appropriate bodies and organizations.

PROVIDING SELF - RESCUE EQUIPMENT - Adequate self-rescue respiratory devices for workers shall be provided and maintained in underground coalmines, and - where necessary - in other underground mines.

The Recommendation adds that related requirements should cover the specifications and standards of the type of self-rescuers to be provided. In the case of mines susceptible to gas outbursts, and other mines where appropriate, the provision of self-contained respiratory devices should be required.

PROVIDING SANITARY CONVENIENCES AND FACILITIES - The Employer is required to provide sufficient sanitary conveniences and facilities to wash, change and eat, where appropriate, and these facilities shall be maintained in hygienic condition.

The Recommendation adds that, employers should, where appropriate, provide and maintain sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific; adequate facilities for the storage, laundering and drying of clothes; adequate supplies of potable drinking-water in suitable places; and adequate and hygienic facilities for taking meals.

PROVIDING MINE RESCUE, FIRST AID AND MEDICAL FACILITIES - National laws and regulations shall specify requirements concerning mine rescue, first aid and the provision of appropriate medical facilities.

The Recommendation adds that these requirements could cover: organizational arrangements; required equipment; standards for training; training of workers and participation in drills; the appropriate number of trained persons to be available; an

appropriate communication system; an effective system to give warning of danger; provision and maintenance of means of escape and rescue; establishment of a mine rescue team or teams; periodic medical assessment of suitability of, and regular training for, the persons on the mine rescue team or teams; medical attention and transportation to receive medical attention, both at no cost to workers who have suffered an injury or illness at the workplace; coordination with local authorities; and measures to promote international cooperation in this field.

COORDINATING OSH MEASURES BETWEEN TWO OR MORE EMPLOYERS -

The Employer in charge of the mine shall coordinate the implementation of all measures concerning the safety and health of workers and shall be held primarily responsible for the safety of the operations. This shall not relieve individual employers from responsibility for the implementation of all measures concerning the safety and health of their workers.

INVESTIGATING ACCIDENTS AND DANGEROUS OCCURRENCES - The Employer shall ensure that all accidents and dangerous occurrences are investigated and appropriate remedial action is taken.

REPORTING TO THE COMPETENT AUTHORITY - The Employer shall ensure that reports on accidents and dangerous occurrences are made to the competent authority. National laws and regulations shall specify the required content of such reports.

The 2002 Protocol to Convention No. 155 provides guidance on terminology and procedures regarding recording and notification of occupational accidents, diseases and dangerous occurrences.

SPECIFIC RESPONSIBILITIES FOR WORK INVOLVING EXPOSURE TO PHYSICAL, CHEMICAL AND BIOLOGICAL HAZARDS

In cases of mining work involving exposure to physical, chemical or biological hazards, the Employer has specific responsibilities which include eliminating and minimizing the risk; providing protective equipment; ensuring that workers are properly informed; and providing first aid and transportation. The Recommendation adds that protective measures should be taken regarding workers working alone or in isolation.

The Employer has specific responsibilities related to mining work involving exposure to physical, chemical or biological hazards.

The Recommendation adds that such hazards could include exposure to: airborne dusts; flammable, toxic, noxious and other mine gases; fumes and hazardous substances; exhaust fumes from diesel engines; oxygen deficiency; radiation from rock strata, equipment or other sources; noise and vibration; extreme tem-

peratures; high levels of humidity; insufficient lighting or ventilation; hazards related to work carried out at high altitudes or extreme depths, or in confined spaces; hazards associated with manual handling; hazards related to mechanical equipment and electrical installations; and hazards resulting from a combination of any of the above.

ELIMINATING AND MINIMIZING THE RISK - The Employer shall take appropriate measures to eliminate or minimize risks resulting from exposure to physical, chemical or biological hazards.

The Recommendation adds that such measures might include technical and organizational measures applied to relevant mining activities, or to the plant, machinery, equipment, appliances or structures. Where it is not possible to have resource to such measures, other effective measures should be taken including the use of personal protective equipment and protective clothing for at no cost to the workers. Where reproductive health hazards and risks have been identified, the measures might include training and special technical and organizational measures, including the right to alternative work, where appropriate, without any loss of salary, especially during health risk periods such as pregnancy and breast-feeding and regular monitoring and inspection of areas where hazards are present or likely to be present.

PROVIDING PROTECTIVE EQUIPMENT - Where adequate protection cannot otherwise be ensured, the Employer shall provide and maintain at no cost to the worker suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations.

The Recommendation adds that such protective equipment and facilities could include: roll-over and falling object protective structures; equipment seat belts and harnesses; fully enclosed pressurized cabins; self-contained rescue chambers; and emergency showers and eye wash stations.

ENSURING THAT WORKERS ARE PROPERLY INFORMED - Workers have a general right to know and be informed by the Employer of workplace hazards that may affect their safety and health. Where workers are exposed to physical, chemical or biological hazards, the Employer has a specific obligation to inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures.

Note: There is a significant repository of relevant scientific and technological data that is freely available at national, regional and international institutions, including at the ILO and the European Agency for Safety and Health at Work (EU-OSHA).¹ As regards work involving exposure to chemicals note should be

¹ For an overview see pp. 109-117 and 141-144, ILO: General Survey 2009.

taken of the International Chemical Safety Cards (ICSC).²

PROVIDING FIRST AID AND TRANSPORTATION - The Employer shall provide workers who have suffered from an injury or illness at the workplace with first aid, appropriate transportation from the workplace and access to appropriate medical facilities.

PROVIDING FOR PROTECTION OF WORKERS WORKING ALONE OR IN ISOLATION -

The Recommendation provides that the Employer should take appropriate measures for the protection of workers working alone or in isolation.

² The cards are data sheets intended to provide essential safety and health information on chemicals in a clear and concise way. The primary aim of the cards is to promote the safe use of chemicals in the workplace. The main target users are workers and those responsible for occupational safety and health. The ICSC project is a common undertaking between the World Health Organization (WHO) and the ILO, with the cooperation of the European Commission. All cards are available in English, and translations into other languages are under way.

RIGHTS AND DUTIES OF WORKERS

RIGHTS OF WORKERS

The Convention provides that Workers shall have the right to: report to the employer and the competent authority; request and obtain inspections; obtain information of relevant workplace hazards; obtain safety and health information; remove themselves from dangerous workplaces; select safety and health representatives; and not be subject to discrimination or to retaliation.

REPORT TO THE COMPETENT AUTHORITY - Workers shall have the right to report accidents, dangerous occurrences and hazards to the employer and to the competent authority.

REQUEST AND OBTAIN INSPECTIONS - Workers shall have the right to request and obtain, where there is cause for concern on safety and health grounds, inspections and investigations to be conducted by the Employer and the competent authority.

OBTAIN INFORMATION ON RELEVANT WORKPLACE HAZARDS - Workers shall have the right to know and be informed of workplace hazards that may affect their safety or health.

The Recommendation adds that workers should receive or have access to information which should include, where appropriate: notice of any safety or health related visit to the mine by the competent authority; reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment; copies of orders or instructions issued by the competent authority in respect of safety and health matters; reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer; information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine; any other documentation concerning safety and health that the employer is required to maintain; immediate notification of accidents and dangerous occurrences; and

any health studies conducted in respect of hazards present in the workplace.

OBTAIN SAFETY AND HEALTH INFORMATION - Workers shall have the right to obtain information relevant to their safety and health, held by the employer or the competent authority.

REMOVE THEMSELVES FROM DANGEROUS WORKPLACES - Workers shall have the right to remove themselves from any location at the mine when circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety or health.

The Recommendation adds that this right could include requirements concerning notification of supervisors and safety and health representatives of the danger referred to in that provision of the Convention; participation by senior representatives of the employer and representatives of the workers in endeavoring to resolve the issue; participation, where necessary, by a representative of the competent authority to assist in resolution of the issue; no-loss of pay for the worker and, where appropriate, assignment to suitable alternative work; notification, to be given to any worker who is requested to perform work in the area concerned, of the fact that another worker has refused to work there and of the reasons therefor.

SELECT SAFETY AND HEALTH REPRESENTATIVES - Workers shall have the right to collectively select safety and health representatives.

NOT BE SUBJECT TO DISCRIMINATION OR TO RETALIATION - National laws and regulations shall ensure that the rights of workers and of workers' representatives above can be exercised without discrimination or retaliation.

The Recommendation adds that there should be no discrimination or retaliation against any worker who exercises rights provided by national laws and regulations or agreed upon by the employers, workers and their representatives.

DUTIES OF WORKERS

The Convention also imposes the following duties on the Workers: to comply with safety and health measures; to take reasonable care; to report risks to their supervisor; and to cooperate with the employer.

COMPLY WITH SAFETY AND HEALTH MEASURES - Workers shall have the duty, in accordance with their training, to comply with prescribed safety and health measures.

TAKE REASONABLE CARE - Workers shall have the duty, in accordance with their training to take reasonable care for their own safety and health and that of other persons

who may be affected by their acts or omissions at work, including the proper care and use of protective clothing, facilities and equipment placed at their disposal for this purpose.

REPORT RISKS TO THEIR SUPERVISOR - Workers shall have the duty, in accordance with their training, to report forthwith to their immediate supervisor any situation, which they believe could present a risk to their safety or health or that of other persons, and which they cannot properly deal with themselves.

COOPERATE WITH THE EMPLOYER - Workers shall have the duty, in accordance with their training, to cooperate with the employer to permit compliance with the duties and responsibilities placed on the employer pursuant to the Convention.

RIGHTS OF WORKERS' REPRESENTATIVES

To ensure that the workers' representatives effectively can carry out their work, Convention No. 176 attributes specific rights to them. They shall have the right to: represent workers; participate in inspections and investigations; monitor and investigate safety and health matters; have recourse to advisers and independent experts; consult with employer on OSH matters; consult with the competent authority; receive notice of accidents and dangerous occurrences; and not be subject to discrimination or to retaliation.

REPRESENT WORKERS - Workers' safety and health representatives shall have the right to represent workers on all aspects of workplace safety and health, including where applicable, the exercise of the workers' rights provided for.

PARTICIPATE IN INSPECTIONS AND INVESTIGATIONS - Workers' safety and health representatives shall have the right to participate in inspections and investigations conducted by the Employer and by the competent authority at the workplace.

MONITOR AND INVESTIGATE SAFETY AND HEALTH MATTERS - Workers' safety and health representatives shall have the right to monitor and investigate safety and health matters.

The Recommendation adds that safety and health representatives should, where appropriate, give reasonable notice to the Employer of their intention to monitor or investigate safety and health matters.

HAVE RECOURSE TO ADVISERS AND INDEPENDENT EXPERTS - Workers' safety and health representatives shall have the right to have recourse to advisers and independent experts.

CONSULT WITH THE EMPLOYER ON OSH MATTERS - Workers' safety and health representatives shall have the right to consult with the Employer in a timely fashion on safety and health matters, including policies and procedures.

CONSULT WITH THE COMPETENT AUTHORITY - Workers' safety and health representatives shall have the right to consult with the competent authority.

RECEIVE NOTICE OF ACCIDENTS AND DANGEROUS OCCURRENCES - Workers' safety and health representatives shall have the right to receive, relevant to the area for which they have been selected, notice of accidents and dangerous occurrences.

NOT BE SUBJECT TO DISCRIMINATION OR TO RETALIATION - National laws and regulations shall ensure that the rights of workers' safety and health representatives can be exercised without discrimination or retaliation.

RECOMMENDED FURTHER RIGHTS

The Recommendation provides that workers' safety and health representatives also should be given the right to:

- have their appropriate training during working time, without loss of pay, on their rights and functions as safety and health representatives and on safety and health matters;
- have access to appropriate facilities necessary to perform their functions;
- to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives;
- to assist and advise workers who have removed themselves from a workplace because they believe their safety or health has been endangered.
- receive or have access to, where appropriate, information which should include
 - where practicable: notice of any safety or health related visit to the mine by the competent authority;
 - reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;
 - copies of orders or instructions issued by the competent authority in respect of safety and health matters;
 - reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;
 - information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;
 - any other documentation concerning safety and health that the employer is required to maintain;
 - immediate notification of accidents and dangerous occurrences; and
 - any health studies conducted in respect of hazards present in the workplace.

COOPERATION

COOPERATION BETWEEN EMPLOYERS AND WORKERS AND THEIR REPRESENTATIVES – The Convention provides that measures shall be taken, in accordance with national laws and regulations, to encourage cooperation between employers and workers and their representatives to promote safety and health in mines.

The Recommendation adds that such measures should include the establishment of cooperative mechanisms such as safety and health committees, with equal representation of employers and workers, and having prescribed powers and functions, including powers to conduct joint inspections; the appointment by the Employer of suitably qualified and experienced persons to promote safety and health; the training of workers and their safety and health representatives; the provision of ongoing safety and health awareness programs for workers; the ongoing exchange of information and experience on safety and health in mines; the consultation of workers and their representatives by the Employer in establishing safety and health policy and procedures; and the inclusion, by the Employer, of workers' representatives in the investigation of accidents and dangerous occurrences, as provided in the Convention.

FURTHER RECOMMENDED MEASURES

The Recommendation provides that the following further measures should be taken:

COMPLIANCE BY SUPPLIERS WITH NATIONAL OSH STANDARDS

Specific national requirements could provide that the suppliers of equipment, appliances, hazardous products and substances to the mine should ensure their compliance with national standards on safety and health, label products clearly and provide comprehensible information and instructions.

SAFE USE AND MAINTENANCE OF REMOTE CONTROL EQUIPMENT

National laws and regulations should prescribe measures for the safe use and maintenance of remote control equipment.

ENSURING CORRECT USE OF SAFETY DEVICES

All persons should have a duty to use safety devices correctly and refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant and buildings. It is further recommended that Employers should have a duty to provide workers with appropriate training and instructions to comply with such a duty.

GIVING DUE REGARD TO THE ENVIRONMENT

Due regard should be given to the possible impact of mining activity on the surrounding environment and on the safety of the public. In particular, this should include the control of subsidence, vibration, fly-rock, harmful contaminants in the water, air or soil, the safe and effective management of waste tips and the rehabilitation of mine sites.

FURTHER GUIDANCE

- For information on all ILO standards see the [NORMLEX](#) database.
- ILO standards ratified by Turkey are available on the website of the ILO Office for Turkey [in English](#) and [Turkish](#).
- ILO: [General Survey concerning the Occupational Safety and Health Convention, 1981 \(No. 155\), the Occupational Safety and Health Recommendation, 1981 \(No. 164\) and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Report of the Committee on the Application of Conventions and Recommendations \(Articles 19, 22 and 35 of the Constitution\), Report III \(Part 1B\), Geneva 2009.](#) (Centre of Labour and Social Security Training and Research (ÇASGEM)).
- [ILO: General Survey on the occupational safety and health instruments concerning the promotional framework, construction, mines and agriculture - Occupational Safety and Health Convention \(No. 187\), and Recommendation \(No. 197\), 2006; Safety and Health in Construction Convention, 1988 \(No. 167\), and Recommendation \(No. 175\), 1988; Safety and Health in Mines Convention \(No. 176\), and Recommendation \(No. 183\), 1995; Safety and Health in Agriculture Convention \(No. 184\), and Recommendation \(No. 192\), 2001, Report of the Committee on the Application of Conventions and Recommendations \(articles 19, 22, 23 and 35 of the Constitution\) Report III \(Part 1B\) Geneva 2017.](#)
- ILO: [Guidelines on Occupational Safety and Health Management systems \(ILO-OSH 2001\).](#)
- [ILO Code of Practice on safety and health in underground coalmines, Geneva 2006.](#) Also available in Turkish (http://www.kmo.org.tr/resimler/ekler/aec5df88c63d1a0_ek.pdf?tipi=4&turu=R&sube=0)
- [ILO Code of Practice on safety and health in opencast mines, Geneva 1991.](#)

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and Recommendations, go to: www.ilo.org/normlex**

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