

Convention 176 Safety and Health in Mines Convention, 1995

The Convention applies to all mines. However, the competent national authority may, after consultations with the most representative organizations of employers and workers concerned, exclude certain categories of mines if the overall protection afforded at these mines under national law and practice is not inferior to that which would result from the full application of the provisions of the Convention.

Each State which ratifies the Convention, after consultations with the most representative organizations of employers and workers concerned, has to formulate, carry out and periodically review a coherent policy on safety and health in mines.

The measures for ensuring application of the Convention have to be prescribed by national laws and regulations, where appropriate supplemented by:

- technical standards, guidelines or codes of practice; or
- other means of application consistent with national practice.

National laws and regulations must designate the competent authority that is to monitor and regulate the various aspects of safety and health in mines.

They have to provide for:

- the supervision of safety and health in mines and their inspection;
- the procedures for reporting and investigating accidents, dangerous occurrences and mine disasters;
- the compilation and publication of statistics on accidents, occupational diseases and dangerous occurrences;
- the power of the competent authority to suspend or restrict mining activities on safety and health grounds;
- the establishment of procedures for the consultation of workers and their representatives.

They have to provide that the manufacture, storage, transport and use of explosives and initiating devices at the mine must be carried out by or under the direct supervision of competent and authorized persons.

National laws and regulations have to specify:

- requirements relating to mine rescue, first aid and appropriate medical facilities;
- an obligation to provide adequate self-rescue respiratory devices for workers in underground coalmines.

Finally, they have to provide that the employer in charge of the mine must ensure that appropriate plans of workings are prepared before the start of operation and that they are brought up to date periodically and kept available at the mine site.

Employers have to:

- assess, eliminate, control or minimize the risk;
- provide for the use of personal protective equipment in so far as the risk remains;
- prepare an emergency response plan specific to each mine;
- provide information and training to workers on safety and health;
- provide workers who have suffered from an injury or illness at the workplace with first aid and access to appropriate medical facilities;
- ensure that all accidents and dangerous occurrences are investigated and appropriate remedial action is taken;
- ensure the provision of regular health surveillance of workers exposed to occupational health hazards specific to mining.

Workers must have the right to:

- report accidents and hazards to the employer and to the competent authority;
- request inspections and investigations to be conducted by the employer and the competent authority where there is cause for concern on safety and health grounds;
- know workplace hazards that may affect their safety or health;
- 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;
- collectively select safety and health representatives.

Workers' safety and health delegates must be afforded the right to:

- represent workers on all aspects of workplace safety and health;
- participate in inspections and investigations conducted by the employer and by the competent authority at the workplace;
- have recourse to advisers and independent experts;
- consult with the employer and the competent authority in a timely fashion on safety and health matters;
- receive notice of accidents and dangerous occurrences.

Workers have the duty to:

- comply with prescribed safety and health measures;
- take reasonable care for their own safety and health and that of other persons who may be affected by their acts or omissions;
- report forthwith to their immediate supervisor any situation presenting a risk to their safety or health or that of other persons;
- cooperate with employers to permit compliance with their duties.

Measures have to be taken to encourage cooperation between employers and workers and their representatives to promote safety and health in mines.

Recommendation 183

Safety and Health in Mines Recommendation, 1995

The consultations provided for by Convention No. 176 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 State should take the necessary measures in relation to working time.

Measures should be taken to encourage:

- specific assistance by the competent authority to small mines;
- programmes for the rehabilitation and reintegration of workers who have sustained occupational injuries or illnesses.

Employers should undertake hazard assessment and risk analysis and then develop and implement, where appropriate, systems to manage the risk.

The Recommendation also contains detailed provisions on the implementation of the various measures envisaged by the Convention.

Taken from the Guide to international labour standards - ILO, Revised edition 2006