

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

SAFETY AND HEALTH IN MINES CONVENTION, 1995 (No. 176)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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The Government may deem it useful to consult the appended text of the Safety and Health in Mines Recommendation, 1995 (No. 183), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;

- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
 - (c) **in reply to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.
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Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

SAFETY AND HEALTH IN MINES CONVENTION, 1995 (No. 176)

(ratification registered on)

- I. Please give a list of the laws and regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the above-mentioned laws and regulations, etc., or other measures, which give effect to each Article.**

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require the competent authority or authorities to take action, such as a definition of its exact scope and the institution of indispensable practical measures and procedures to apply it.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. DEFINITIONS

Article 1

1. For the purpose of this Convention, the term “mine” covers —
- (a) surface or underground sites where the following activities, in particular, take place:
 - (i) exploration for minerals, excluding oil and gas, that involves the mechanical disturbance of the ground;
 - (ii) extraction of minerals, excluding oil and gas;
 - (iii) preparation, including crushing, grinding, concentration or washing of the extracted material; and
 - (b) all machinery, equipment, appliances, plant, buildings and civil engineering structures used in conjunction with the activities referred to in (a) above.

2. For the purpose of this Convention, the term “employer” means any physical or legal person who employs one or more workers in a mine and, as the context requires, the operator, the principal contractor, contractor or subcontractor.

PART II. SCOPE AND MEANS OF APPLICATION

Article 2

- 1. This Convention applies to all mines.
- 2. After consultations with the most representative organizations of employers and workers concerned, the competent authority of a Member which ratifies the Convention:
 - (a) may exclude certain categories of mines from the application of the Convention, or certain provisions thereof, 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;
 - (b) shall, in the case of exclusion of certain categories of mines pursuant to clause (a) above, make plans for progressively covering all mines.

3. A Member which ratifies the Convention and avails itself of the possibility afforded in paragraph 2 (a) above shall indicate, in its reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any particular category of mines thus excluded and the reasons for the exclusion.

If recourse is had to paragraph 2, please:

- (a) *indicate the employers' and workers' organizations concerned that have been consulted and how they are consulted on the application of this paragraph;*
- (b) *communicate information on plans for progressively covering all mines.*

Article 3

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.

Please indicate:

- (a) *the measures taken to formulate, carry out and periodically review the policy on safety and health in mines;*
- (b) *the employers' and workers' organizations concerned that have been consulted and how they are consulted;*
- (c) *the national conditions and practice that have been taken into consideration.*

Article 4

1. The measures for ensuring application of the Convention shall be prescribed by national laws and regulations.

2. Where appropriate, these national laws and regulations shall be supplemented by:

- (a) technical standards, guidelines or codes of practice; or
- (b) other means of application consistent with national practice, as identified by the competent authority.

If national laws and regulations:

- (a) *have been supplemented by technical standards, guidelines or codes of practice, please supply information on the bodies that adopted these standards, guidelines or codes of practice;*
- (b) *have been supplemented by other means of application as identified by the competent authority, please supply information on the nature of these means and on the competent authority for their identification.*

Article 5

1. National laws and regulations pursuant to Article 4, paragraph 1, shall designate the competent authority that is to monitor and regulate the various aspects of safety and health in mines.

2. Such national laws and regulations shall provide for:

- (a) the supervision of safety and health in mines;
- (b) the inspection of mines by inspectors designated for the purpose by the competent authority;
- (c) the procedures for reporting and investigating fatal and serious accidents, dangerous occurrences and mine disasters, each as defined by national laws or regulations;
- (d) the compilation and publication of statistics on accidents, occupational diseases and dangerous occurrences, each as defined by national laws or regulations;
- (e) the power of the competent authority to suspend or restrict mining activities on safety and health grounds, until the condition giving rise to the suspension or restriction has been corrected; and
- (f) the establishment of effective procedures to ensure the implementation of the rights of workers and their representatives to be consulted on matters and to participate in measures relating to safety and health at the workplace.

3. Such 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.

4. Such national laws and regulations shall specify:

- (a) requirements relating to mine rescue, first aid and appropriate medical facilities;
- (b) an obligation to provide and maintain adequate self-rescue respiratory devices for workers in underground coal mines and, where necessary, in other underground mines;

- (c) protective measures to secure abandoned mine workings so as to eliminate or minimize risks to safety and health;
- (d) requirements for the safe storage, transportation and disposal of hazardous substances used in the mining process and waste produced at the mine; and
- (e) where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition.

5. Such national laws and regulations shall provide that the employer in charge of the mine shall ensure that appropriate plans of workings are prepared before the start of operation and, in the event of any significant modification, that such plans are brought up to date periodically and kept available at the mine site.

Please indicate the competent authority referred to in this Article and the steps taken to ensure that effect is given to this Article.

PART III. PREVENTIVE AND PROTECTIVE MEASURES AT THE MINE

A. RESPONSIBILITIES OF EMPLOYERS

Article 6

In taking preventive and protective measures under this Part of the Convention the employer shall assess the risk and deal with it in the following order of priority:

- (a) eliminate the risk;
 - (b) control the risk at source;
 - (c) minimize the risk by means that include the design of safe work systems; and
 - (d) in so far as the risk remains, provide for the use of personal protective equipment,
- having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

Please indicate the measures that have been taken to ensure that the risks are assessed and dealt with in the prescribed order of priority.

Article 7

Employers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control, and in particular:

- (a) 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;
- (b) 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;
- (c) take steps to maintain the stability of the ground in areas to which persons have access in the context of their work;
- (d) whenever practicable, provide, from every underground workplace, two exits, each of which is connected to separate means of egress to the surface;
- (e) ensure 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;
- (f) ensure adequate ventilation for all underground workings to which access is permitted;
- (g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers;
- (h) 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; and
- (i) 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.

Please indicate the steps that have been taken to ensure that effect is given to this Article.

Article 8

The employer shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

Please indicate the measures that have been taken to ensure that response plans are prepared.

Article 9

Where workers are exposed to physical, chemical or biological hazards the employer shall:

- (a) inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures;
- (b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;
- (c) where adequate protection against risk of accident or injury to health, including exposure to adverse conditions, cannot be ensured by other means, provide and maintain at no cost to the worker suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations; and
- (d) 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.

Please indicate the measures that have been taken to ensure that effect is given to this Article, including the laws and regulations that may have been adopted to give effect to subparagraphs (a), (b) and (d).

Article 10

The employer shall ensure that:

- (a) adequate training and retraining programmes and comprehensible instructions are provided for workers at no cost to them on safety and health matters as well as on the work assigned;
- (b) in accordance with national laws and regulations, adequate supervision and control are provided on each shift to secure the safe operation of the mine;
- (c) 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;
- (d) all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated and appropriate remedial action is taken; and
- (e) a report, as specified by national laws and regulations, is made to the competent authority on accidents and dangerous occurrences.

Please indicate the legislative or practical measures and procedures that have been taken or established to give effect to this Article.

Article 11

On the basis of 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.

Please indicate the measures that have been taken to ensure that effect is given to this Article.

Article 12

Whenever two or more employers undertake activities at the same mine, 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.

Please indicate how the primary responsibility for safety of the employer in charge of the mine has been established and which other measures have been taken to give effect to this Article.

B. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

Article 13

1. Under the national laws and regulations referred to in Article 4, workers shall have the following rights:

- (a) to report accidents, dangerous occurrences and hazards to the employer and to the competent authority;
- (b) 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;
- (c) to know and be informed of workplace hazards that may affect their safety or health;
- (d) to obtain information relevant to their safety or health, held by the employer or the competent authority;
- (e) 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; and
- (f) to collectively select safety and health representatives.

2. The safety and health representatives referred to in paragraph 1 (f) above shall, in accordance with national laws and regulations, have the following rights:

- (a) to represent workers on all aspects of workplace safety and health, including where applicable, the exercise of the rights provided in paragraph 1 above;
- (b) to:
 - (i) participate in inspections and investigations conducted by the employer and by the competent authority at the workplace; and
 - (ii) monitor and investigate safety and health matters;
- (c) to have recourse to advisers and independent experts;
- (d) to consult with the employer in a timely fashion on safety and health matters, including policies and procedures;
- (e) to consult with the competent authority; and
- (f) to receive, relevant to the area for which they have been selected, notice of accidents and dangerous occurrences.

3. Procedures for the exercise of the rights referred to in paragraphs 1 and 2 above shall be specified:

- (a) by national laws and regulations; and
- (b) through consultations between employers and workers and their representatives.

4. National laws and regulations shall ensure that the rights referred to in paragraphs 1 and 2 above can be exercised without discrimination or retaliation.

Please provide information on legislative and other measures to determine the procedures for exercising the rights listed in paragraphs 1 and 2.

Please indicate the measures taken to ensure that the rights listed in paragraphs 1 and 2 can be exercised without discrimination or retaliation.

Article 14

Under national laws and regulations workers shall have the duty, in accordance with their training:

- (a) to comply with prescribed safety and health measures;
- (b) 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;
- (c) 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; and
- (d) to cooperate with the employer to permit compliance with the duties and responsibilities placed on the employer pursuant to the Convention.

Please indicate the measures that have been taken to ensure that effect is given to this Article.

C. COOPERATION

Article 15

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.

Please indicate the measures that have been taken to encourage cooperation between employers and workers to promote safety and health in mines.

PART IV. IMPLEMENTATION

Article 16

The Member shall:

- (a) take all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of the Convention; and
- (b) provide appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and provide these services with the resources necessary for the accomplishment of their tasks.

Please indicate the penalties and corrective measures that have been adopted to ensure the enforcement of the provisions of the Convention.

Please provide information on the organization and functioning of the inspection service responsible for supervising the application of the measures to be taken in pursuance of the Convention and on the resources available to the inspection service.

- III. Please state to what authority or authorities the application of the above-mentioned legislation, regulations, etc., is entrusted, and by what methods such application is supervised.
- IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- V. Please give a general appreciation of the manner in which the Convention is applied in your country and supply — in so far as the information in question has not already been supplied in connection with other questions in this form — extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explains the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

APPENDIX

RECOMMENDATION CONCERNING SAFETY AND HEALTH IN MINES

I. GENERAL PROVISIONS

1. The provisions of this Recommendation supplement those of the Safety and Health in Mines Convention, 1995 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

2. This Recommendation applies to all mines.

3. (1) In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, a Member should formulate, carry out and periodically review a coherent policy on safety and health in mines.

(2) The consultations provided for by Article 3 of the Convention should include consultations with the most representative organizations of employers and workers on the effect of the length of working hours, night work and shift work on workers' safety and health. After such consultations, the Member should take the necessary measures in relation to working time and, in particular, to maximum daily working hours and minimum daily rest periods.

4. The competent authority should have properly qualified and trained staff with the appropriate skills, and 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.

5. Measures should be taken to encourage and promote:

- (a) research into and exchange of information on safety and health in mines at the national and international level;
- (b) specific assistance by the competent authority to small mines with a view to:
 - (i) assisting in transfer of technical know-how;
 - (ii) establishing preventive safety and health programmes; and
 - (iii) encouraging cooperation and consultation between employers and workers and their representatives; and
- (c) programmes or systems for the rehabilitation and reintegration of workers who have sustained occupational injuries or illnesses.

6. Requirements relating to the supervision of safety and health in mines pursuant to Article 5, paragraph 2, of the Convention should, where appropriate, include those concerning:

- (a) certification and training;
- (b) inspection of the mine, mining equipment and installations;
- (c) supervision of the handling, transportation, storage and use of explosives and of hazardous substances used or produced in the mining process;
- (d) performance of work on electrical equipment and installations; and
- (e) supervision of workers.

7. Requirements pursuant to Article 5, paragraph 4, of the Convention, 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.

8. Requirements relating to mine rescue and first aid pursuant to Article 5, paragraph 4 (a), of the Convention and to appropriate medical facilities for emergency care could cover:

- (a) organizational arrangements;
- (b) equipment to be provided;
- (c) standards for training;
- (d) training of workers and participation in drills;
- (e) the appropriate number of trained persons to be available;
- (f) an appropriate communication system;
- (g) an effective system to give warning of danger;
- (h) provision and maintenance of means of escape and rescue;
- (i) establishment of a mine rescue team or teams;
- (j) periodic medical assessment of suitability of, and regular training for, the persons on the mine rescue team or teams;
- (k) medical attention and transportation to receive medical attention, both at no cost to workers who have suffered an injury or illness at the workplace;
- (l) coordination with local authorities;
- (m) measures to promote international cooperation in this field.

9. Requirements pursuant to Article 5, paragraph 4 (b), of the Convention, could cover the specifications and standards of the type of self-rescuers to be provided and, in particular, in the case of mines susceptible to gas outbursts and other mines where appropriate, the provision of self-contained respiratory devices.

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

11. National laws and regulations should specify that the employer should take appropriate measures for the protection of workers working alone or in isolation.

II. PREVENTIVE AND PROTECTIVE MEASURES AT THE MINE

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

13. In order to maintain the stability of the ground, in accordance with Article 7 (c) of the Convention, the employer should take all appropriate measures to:

- (a) monitor and control the movement of strata;
- (b) 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;
- (c) monitor and control the sides of surface mines to prevent material from falling or sliding into the pit and endangering workers; and
- (d) ensure that dams, lagoons, tailings and other such impoundments are adequately designed, constructed and controlled to prevent dangers from sliding material or collapse.

14. Pursuant to Article 7 (d) of the Convention, separate means of egress should be as independent of each other as possible; arrangements should be made and

equipment provided for the safe evacuation of workers in case of danger.

15. Pursuant to Article 7 (f) of the Convention, 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:

- (a) in which the risk of explosions is eliminated or minimized;
- (b) in which working conditions are adequate, having regard to the working method being used and the physical demands placed on the workers; and
- (c) that complies with national standards on dusts, gases, radiation and climatic conditions; where national standards do not exist, the employer should give consideration to international standards.

16. The particular hazards referred to in Article 7 (g) of the Convention requiring an operating plan and procedures might include:

- (a) mine fires and explosions;
- (b) gas outbursts;
- (c) rockbursts;
- (d) an inrush of water or semi-solids;
- (e) rockfalls;
- (f) susceptibility of areas to seismic movements;
- (g) hazards related to work carried out near dangerous openings or under particularly difficult geological circumstances;
- (h) loss of ventilation.

17. Measures that employers could take pursuant to Article 7 (h) of the Convention should include, where applicable, prohibiting persons from carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.

18. Pursuant to Article 7 (i) of the Convention, 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.

19. The emergency response plan referred to in Article 8 of the Convention might include:

- (a) effective site emergency plans;
- (b) provision for the cessation of work and evacuation of the workers in an emergency;
- (c) adequate training in emergency procedures and in the use of equipment;
- (d) adequate protection of the public and the environment;
- (e) provision of information to, and consultation with, appropriate bodies and organizations.

20. The hazards referred to in Article 9 of the Convention might include:

- (a) airborne dusts;
- (b) flammable, toxic, noxious and other mine gases;
- (c) fumes and hazardous substances;
- (d) exhaust fumes from diesel engines;
- (e) oxygen deficiency;
- (f) radiation from rock strata, equipment or other sources;
- (g) noise and vibration;
- (h) extreme temperatures;
- (i) high levels of humidity;
- (j) insufficient lighting or ventilation;
- (k) hazards related to work carried out at high altitudes or extreme depths, or in confined spaces;
- (l) hazards associated with manual handling;

- (m) hazards related to mechanical equipment and electrical installations;
- (n) hazards resulting from a combination of any of the above.

21. Measures pursuant to Article 9 of the Convention might include:

- (a) technical and organizational measures applied to relevant mining activities or to the plant, machinery, equipment, appliances or structures;
- (b) where it is not possible to have recourse to the measures referred to in (a) above, other effective measures, including the use of personal protective equipment and protective clothing at no cost to the worker;
- (c) where reproductive health hazards and risks have been identified, 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;
- (d) regular monitoring and inspection of areas where hazards are present or likely to the present.

22. The types of protective equipment and facilities referred to in Article 9 (c) of the Convention could include:

- (a) roll-over and falling object protective structures;
- (b) equipment seat belts and harnesses;
- (c) fully enclosed pressurized cabins;
- (d) self-contained rescue chambers;
- (e) emergency showers and eye wash stations.

23. In implementing Article 10 (b) of the Convention, employers should:

- (a) 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
- (b) keep written records of inspections, defects and corrective measures and make such records available at the mine.

24. Where appropriate, the health surveillance referred to in Article 11 of the Convention should, at no cost to the worker and without any discrimination or retaliation whatsoever:

- (a) provide 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
- (b) provide, where possible, for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

25. Pursuant to Article 5, paragraph 4 (e), of the Convention, employers should, where appropriate, provide and maintain at no cost to the worker:

- (a) sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific;
- (b) adequate facilities for the storage, laundering and drying of clothes;
- (c) adequate supplies of potable drinking-water in suitable places; and
- (d) adequate and hygienic facilities for taking meals.

III. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

26. Pursuant to Article 13 of the Convention, workers and their safety and health representatives should

receive or have access to, where appropriate, information which should include:

- (a) where practicable, notice of any safety or health related visit to the mine by the competent authority;
- (b) reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;
- (c) copies of orders or instructions issued by the competent authority in respect of safety and health matters;
- (d) reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;
- (e) information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;
- (f) any other documentation concerning safety and health that the employer is required to maintain;
- (g) immediate notification of accidents and dangerous occurrences; and
- (h) any health studies conducted in respect of hazards present in the workplace.

27. Provisions to be made pursuant to Article 13, paragraph 1 (e), of the Convention could include requirements for:

- (a) notification of supervisors and safety and health representatives of the danger referred to in that provision;
- (b) participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;
- (c) participation, where necessary, by a representative of the competent authority to assist in resolution of the issue;
- (d) non-loss of pay for the worker and, where appropriate, assignment to suitable alternative work;
- (e) 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.

28. Pursuant to Article 13, paragraph 2, of the Convention, the rights of safety and health representatives should include, where appropriate, the right:

- (a) to 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;
- (b) of access to appropriate facilities necessary to perform their functions;
- (c) to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives; and
- (d) to assist and advise workers who have removed themselves from a workplace because they believe their safety or health has been endangered.

29. Safety and health representatives should, where appropriate, give reasonable notice to the employer of their intention to monitor or investigate safety and health matters, as provided for in Article 13, paragraph 2 (b) (ii), of the Convention.

30. (1) All persons should have a duty to:

- (a) refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant and buildings; and
- (b) use such, safety devices correctly.

(2) Employers should have a duty to provide workers with appropriate training and instructions so as to enable them to comply with the duties described in subparagraph (1) above.

IV. COOPERATION

31. Measures to encourage cooperation as provided for in Article 15 of the Convention should include:

- (a) the establishment of cooperative mechanisms, such as safety and health committees, with equal representation of employers and workers and having such powers and functions as may be prescribed, including powers to conduct joint inspections;
- (b) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;
- (c) the training of workers and their safety and health representatives;
- (d) the provision of ongoing safety and health awareness programmes for workers;
- (e) the ongoing exchange of information and experience on safety and health in mines;
- (f) the consultation of workers and their representatives by the employer in establishing safety and health policy and procedures; and
- (g) the inclusion, by the employer, of workers' representatives in the investigation of accidents and dangerous occurrences, as provided for in Article 10 (d) of the Convention.

V. OTHER PROVISIONS

32. 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.

33. 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.