

TOPIC 2

Your Obligations Under The Law

Quick Find

The coal mining industry in Australia is complex and relies heavily on the input of each of its coal mine workers. By its very nature, mining exposes workers to many hazardous situations that are discussed later in this book. As the result of carefully analysing the mining work environment, and by conducting enquiries into numerous accidents and incidents over the years, Governments have put in place several pieces of legislation that are designed to create a safety framework on coal mines. Its purpose is to reduce your chance of being injured or killed at work.

Throughout this topic you will find numbered references to this legislation. You will find the details of each reference in the 'Key to Legislation' for your State or Territory. These are found in the back of this book.

Look now at (1) for your State or Territory. This is a list of legislation that is particularly relevant to the coal mining industry.

Copies of these documents will be available for you to examine on the mine site where you will eventually work. If you move to a different State or Territory you should ensure that you become familiar with the legal requirements that apply there.

While the exact nature of the legislation varies, the implications are the same no matter which State or Territory you work in. The common theme is that you are required to think safe, act safe, and follow the rules. If you don't, penalties apply.

This legislation impacts directly on the day to day activities of a coal mine worker by providing clear procedures and guidelines about how a mine should operate safely. Each mine then applies these to their own operations and develops site rules and procedures. For this reason, the rules and procedures may vary slightly from site to site. It is important that you become familiar with your mine's site rules. It is also important to realize that site rules may change from time to time – as the result of finding a safer way of operating or as the result of an incident or accident.



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In this topic, we will look at the following aspects of legislation which affect all coal mine workers:

1. Personal Obligations under the law
2. The Site Safety and Health Management System
3. Nondiscrimination/anti-harassment

1. PERSONAL OBLIGATIONS

Each piece of legislation outlines things that you and others must do - and things that you and others must not do - in order to play your part in maintaining a safe work environment. These are known as your legal **obligations**, and they carry the full weight of the law. Put simply, **you have legal obligations – or a duty of care - to take steps to prevent an accident that was, or should have been, reasonably foreseeable**. If you fail to meet these obligations, you will leave yourself open to significant penalties under the relevant legislation. More importantly, failure to meet these obligations will expose you and your fellow workers to potential harm in the workplace.



When you take up your position on a mine site, you will be given a particular job to do. You will need to consider how each of these obligations applies to you in your particular workplace and position.

Note that the term ‘coal mine worker’ includes everyone who performs work on a coal mine – from senior management to the miners, contractors and employees of contractors.

Just as you have obligations as a coal mine worker under these pieces of legislation, so do the following groups (2):

- a. people in general
- b. a mining lease holder;
- c. a coal mine operator;
- d. a Site Senior Executive/Registered Mine Manager;
- e. a contractor;
- f. a designer, manufacturer, importer or supplier of plant for use at a coal mine;
- g. an erector or installer of plant at a coal mine;
- h. a manufacturer, importer or supplier of substances for use at a coal mine;
- i. a person who supplies a service at a coal mine.

So that you can get a clearer idea of your own obligations and of those of the people around you on a mine site, the following is an outline of the obligations that apply to each of these groups. You should be able to see that there are structures and processes in place at all levels that are designed to keep you safe at work.

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Please note that you may have obligations in more than one capacity (3). For example, a person may be a coal mine operator, contractor and supplier of plant at the same time for a single coal mine and be subject to obligations in each of the capacities.

A. OBLIGATIONS OF PEOPLE IN GENERAL (4)

All coal mine workers or parties who have any involvement with any task or procedure on a mine site are required to ensure that it can be done without accident or incident. This clearly includes the owners and operators of the mine, management, workers, contractors, suppliers and visitors.

All people have an obligation to act responsibly while on site and to perform their work in accordance with the Site Safety and Health Management System, the legislation, Standard Operating Procedures (SOP), manufacturer's/supplier's instructions, and any other documented procedures and instructions on site.



They must:

- ✓ Provide information they have to others who may need it to do their job safely
- ✓ Take any reasonable and necessary course of action to protect the health and safety of themselves and others
- ✓ Work in a way that does not expose themselves or others to an unacceptable level of risk
- ✓ Participate in and conform with the risk management processes of the mine
- ✓ Comply with safety and health instructions given by management or a supervisor
- ✓ Work only if in a fit condition to safely carry out the assigned work
- ✓ Not do anything willfully or recklessly that might adversely affect the safety and health of someone else at the mine

Some of the practical implications of this are:

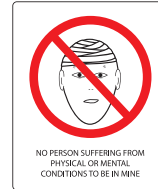
- **Work Area Behaviour**

While on site your behaviour will affect others. Do not behave in such a way as to endanger yourself, fellow workers or items of plant and equipment. Accordingly, you should observe the following behaviour:

- ✗ Do not engage in horseplay or practical jokes — they can be dangerous and may lead to physical injury, psychological damage, or even death.
- ✗ Do not fight on the job or behave in a riotous or disorderly manner.
- ✗ Do not use threatening, obscene, or abusive language to any other person employed at the mine.
- ✗ Do not come on to the mine site under the impairment of drugs or the influence of alcohol.



- ✘ Do not come on to the mine site if suffering from any physical or mental condition which would prevent you from performing your duties in a safe manner.
- ✘ Do not consume any intoxicating substance at a mine without the permission of the site's senior management.
- ✘ Do not bring contraband items onto the site. Contraband may include but is not limited to:
 - alcohol
 - illegal drugs
 - firearms
 - ammunition
 - explosives.
- ✘ Do not sleep on the job.
- ✘ Do not give false statements or reports
- ✘ Do not smoke in designated non-smoking areas.
- ✘ Do not ignore or disregard procedures.
- ✘ Do not willfully damage, destroy or deface mine property, equipment or signs
- ✘ Do not remove property from the mine without authorisation.
- ✘ Do not have any firearm in your possession at a mine, without the permission of the site's senior management.



In most cases, non-adherence to the above will result in the coal mine worker receiving a written warning. However, serious or repeated breaches of the regulations may result in dismissal or prosecution under the relevant legislation.

• **Fitness For Duty**

The legislation requires that you present yourself fit for duty in terms of alcohol, drugs, fatigue, and physical or psychological impairment. If you feel that you are not fit for duty for any reason at the start of or during your shift, you must talk to your supervisor about it immediately.

This is a shared responsibility between workers and management.

You have a responsibility to ensure that you are not impaired by drugs or alcohol when you are working. You should have adequate rest so that you are not fatigued at the start of shift. You also should take care with diet and exercise to maintain



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good health. If you are stressed to the point where it may affect your ability to work safely, you need to address this factor.

Management must ensure that working hours and rosters are organised to limit the fatigue levels experienced by coal mine workers and allow for adequate recovery time to ensure physical and mental health.

Medical examinations are completed before a coal mine worker commences work at a coal mine and at intervals of not greater than 5 years. These medicals are designed to ensure that workers are fit for the tasks assigned to them and to act as surveillance to prevent hazards in the workplace causing health problems.

You also have an obligation to report anything that may affect the safety of other workers. This includes reporting a workmate who may not be fit for duty.

→ *Employee Assistance Programs*

Most employers provide an Employee Assistance Program (EAP) which is a professional counselling service for coal mine workers who may be unfit for work for any work-related or personal reason. It is a free confidential service. You should find out the details of your site's service during site induction.

→ *Physical or Psychological Impairment (PPI)*

PPI refers to a physical or psychological illness, injury or other condition that causes a coal mine worker to be fully or partly unable to carry out the duties or tasks assigned to them at an acceptable level of risk to themselves or others. This does not include impairment due to alcohol, the improper use of drugs or personal fatigue.

Mines have a PPI Management Plan which is used to control the risks associated with other physical or psychological impairment. The plan also provides a fair and timely process for the assessment by medical practitioners of coal mine workers for PPI.

A coal mine worker's private behaviour, illness or injury is not the concern of the mining company in most cases. Intervention by the company can only occur when the behaviour, illness or injury increases, or has the potential to increase the risk to any coal mine worker at the mine to an unacceptable level. Where the risk is determined to be unacceptable, the coal mine worker will then be assisted in accordance with the PPI Management Plan.

You will need to become familiar with your mine's PPI Management Plan. It will outline the process that you need to follow if you become aware that you have physical or psychological illness, injury or other condition that causes you to be fully or partly unable to carry out your assigned duties or tasks. Likewise it will outline the process you must follow if you become aware of a workmate having PPI.



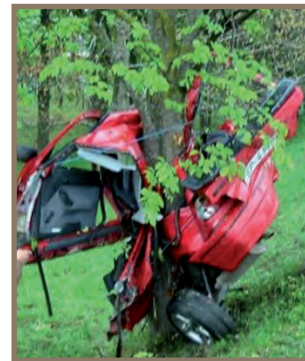
→ *Fatigue*

To enable continuous mining operations, coal mine workers work in shifts that normally commence early in the morning for day shift and early evening for night shift. Shiftwork disrupts the normal body digestive and sleeping functions of some coal mine workers when they initially commence shiftwork.

When working shifts, all coal mine workers should be aware of the problems associated with fatigue that may occur where there are periods of consecutive night shifts or during a series of long shifts.

It is important you understand how to recognise the signs of fatigue. These include:

- o Lethargy
- o Tiredness
- o Vagueness
- o Poor concentration (easily distracted)
- o Headaches



Some of the common causes of fatigue are:

Work related Fatigue	Non work related Fatigue
o Long hours	o Lack of sleep
o Rotating shifts	o Sickness in the family
o Night shifts	o New babies
o Demanding physical or mental work	o Demanding physical or mental activities
o Extreme conditions (hot / cold)	o Parties

If you feel fatigued for any of these reasons at the start of or during your shift, you must talk to your supervisor about it immediately so that you can work out a way to manage the risk.

You need to be aware too of your responsibility not to drive to and from your place of work while fatigued.

It is recommended that to overcome the problems associated with shiftwork you should:

- keep a regular sleep routine
- eat regular meals with a balanced diet
- exercise regularly
- avoid excessive alcohol
- avoid taking sleeping tablets.

Workers should have adequate rest so that they are not fatigued at the start of a shift.

The important point to remember when working shifts is to try to establish a life style and routine that is as normal as possible.

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→ Nutrition And Personal Fitness

What you eat plays an important role in your health. Being healthy helps to make you more alert and therefore enhances personal and site safety.

Eating a variety of different foods daily, together with an active lifestyle, are the key factors for good health. Through our adult years, our nutritional requirements change.

Enjoy a wide variety of nutritious foods

- Eat plenty of vegetables, legumes and fruits
- Eat plenty of cereals (including breads, rice, pasta and noodles), preferably wholegrain
- Include lean meat, fish, poultry and/or alternatives
- Include milks, yoghurts, cheeses and/or alternatives. Reduced-fat varieties should be chosen, where possible
- Drink plenty of water.

and take care to

- Limit saturated fat and moderate total fat intake
- Choose foods low in salt
- Limit your alcohol intake if you choose to drink
- Consume only moderate amounts of sugars and foods containing added sugars
- Prevent weight gain - be physically active and eat according to your energy needs
- Care for your food - prepare and store it safely

→ Alcohol

Random alcohol testing is required by law and a breathalyzer is usually used.

Each mine sets its maximum allowable blood alcohol limit. Generally sites do not allow personnel onto site if they have any level of alcohol in their system. Even though you may legally be allowed to drive with a BAC of less than 0.05% the sites who have dictated a level of 0.00% will require that you do not enter their site. You must ensure that you know your mine's policy.



→ Medication and Drugs

Many prescribed and over-the-counter medications may affect your ability to perform your normal work safely. Mine sites must maintain a system of recording the details of mine site workers who are currently using prescribed medicine. This system serves two purposes.

1. It allows the allocation of jobs and tasks which are safe for a coal mine worker on medication to perform.
2. It provides important information that may be of use in a medical emergency.

For your safety and the safety of others, ensure you notify the relevant person, through the appropriate channels, of any prescribed medicines or other medication you are required to take.

As part of managing drugs in the workplace, drug testing may be implemented. Drug testing may require the coal mine worker to provide a urine or saliva sample. The testing regimes may be random or regular. You will not be allowed on site if you have any level of recreational drugs in your system.

Note:

If you are taking any medication which makes you drowsy or affects your performance, do not carry out work where these side effects can reduce your safety. If necessary, discuss any work limitations with the person coordinating your work or the Safety Department.

• **Heat Stress (5)**

Your ability to remain alert, maintain concentration and make quick, accurate decisions will be adversely affected when working in high temperatures. To help reduce the effects of heat you should:

- ✓ wear suitable clothing for the task at hand. For example, light cotton clothing (not synthetic) and an approved safety helmet with protective extension (cotton/calico sunshade)
- ✓ drink more water than you need to quench your thirst (before and during work)
- ✓ work in the available shade
- ✓ when doing heavy work in hot areas, take short, regular rest breaks in a cool place before exhaustion sets in
- ✓ be aware of the dangers of sunburn and the damage it can cause



Helmet with sunshade

• **Standard Operating Procedures (SOPs)**

Later topics in this book will provide a foundation for the general procedures you will need to know. As well as general site procedures, you will also find that Standard Operating Procedures (SOP) have been devised for specific work areas and tasks. Ensure that you read, understand and observe all mine procedures.

Note:

Your own safety is your responsibility — accidents can be avoided.

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Now to the particular obligations of other parties at a mine:

B. OBLIGATIONS OF MINING LEASE HOLDERS (7)

If the mining lease holder contracts out the mining operations, they are obligated to provide the operator with all of the available relevant information that is needed to develop and implement both a safety and health management system and principal hazard management plans for the mine. They must also contractually require the operator to establish a safety and health management system for the mine, and to be party to a mines rescue agreement (unless the operator is only performing exploration activities).

C. OBLIGATIONS OF COAL MINE OPERATORS (8)

A coal mine operator has the following obligations:

- a. to ensure the risk to coal mine workers is at an acceptable level by providing and maintaining a safe place of work, safe plant, and safe systems of work
- b. to provide adequate information, instruction, training and supervision
- c. to audit and review the effectiveness and implementation of the safety and health management system to ensure the risk to persons from coal mining operations is at an acceptable level
- d. to provide adequate resources to ensure the effectiveness and implementation of the safety and health system
- e. not to operate the coal mine unless a safety and health management system is in place.

D. OBLIGATIONS OF THE SITE SENIOR EXECUTIVE/REGISTERED MINE MANAGER FOR THE COAL MINE (9)

A Site Senior Executive/ Registered Mine Manager for a coal mine has the following obligations in relation to people who may be affected by coal mining operations:

- a. to ensure the risk to all persons from coal operations, plant and substances is at an acceptable level
- b. to develop and implement a safety and health management system for the mine
- c. to develop, implement and maintain a management structure for the mine that helps ensure the safety and health of persons at the mine
- d. to train and assess coal mine workers so that they are competent to perform their duties
- e. to provide for adequate planning, organisation, leadership and control of coal mining operations
- f. to provide for the carrying out of critical work at the mine that requires particular technical competencies



- g. to ensure adequate supervision and control of coal mining operations on each shift at the mine
- h. to ensure the regular monitoring and assessment of the working environment, work procedures, equipment, and installations at the mine
- i. to ensure appropriate inspection of each workplace at the mine including, where necessary, pre-shift inspections.

E. OBLIGATIONS OF CONTRACTORS (10)

A contractor has an obligation to ensure that work they undertake at a mine complies with all applicable legislation and the site's safety and health management system.

F. OBLIGATIONS OF DESIGNERS, MANUFACTURERS, IMPORTERS AND SUPPLIERS OF PLANT FOR USE AT COAL MINES (11)

Designers, manufacturers, importers and suppliers of plant have an obligation to design, construct and test their equipment to ensure that, when used properly, there is an acceptable level of risk to the user.



They also have an obligation to take all reasonable steps to ensure appropriate information about the safe use and maintenance of the plant is available, including the use for which the plant was designed and tested, and any conditions that must be followed to ensure safe operation.

If the supplier becomes aware of a hazard or defect that may create an unacceptable level of risk to users of the plant, they have an obligation to take all steps to inform the coal mine operator or contractor of: (a) the nature of the hazard or defect and its significance; and (b) any modifications or controls that have been developed to eliminate or correct the hazard or defect or manage the risk.

They must take any action the chief inspector reasonably requires to prevent the use of unsafe plant anywhere. For example, the chief inspector may require a designer, manufacturer, importer or supplier to recall the plant to prevent its use.

G. OBLIGATIONS OF ERECTORS AND INSTALLERS OF PLANT (12)

When people are erecting or installing equipment at a mine, they have an obligation to do it in a way that is safe and does not expose persons at the mine to an unacceptable level of risk

They must ensure nothing about the way the plant was erected or installed makes it unsafe or likely to expose persons at a mine to an unacceptable level of risk when it is used properly.

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H. OBLIGATIONS OF MANUFACTURERS, IMPORTERS AND SUPPLIERS OF SUBSTANCES FOR USE AT A COAL MINE (13)

Manufacturers, importers and suppliers of substances used in a mine have an obligation to test the product so that when it is used, stored or disposed of properly, there is an acceptable level of risk to the user.

They also have an obligation to ensure appropriate information about the safe use, storage and disposal of the substance is provided with the substance, including any precautions that must be taken for its safe use, storage or disposal.

They must take action the chief inspector reasonably requires to prevent the use of an unsafe substance at a coal mine. For example, the chief inspector may require a manufacturer, importer or supplier to recall the substance to prevent its use.

I. OBLIGATIONS OF PROVIDER OF SERVICES AT A COAL MINE (14)

A person who provides a service at a coal mine has the following obligations:

- (a) to ensure the safety and health of coal mine workers or other persons is not adversely affected as a result of the service provided;
- (b) to ensure the fitness for use of the plant at the coal mine is not adversely affected by the service provided.

Training organisations, consultants and medical practitioners are examples of common service providers to mine sites

This brings to an end the specific personal obligations contained in the legislation.

Remember, it is vitally important that you understand how each of these obligations applies to you in your particular workplace and position.

2. SITE SAFETY AND HEALTH MANAGEMENT SYSTEM (6)

A safety and health management system for a coal mine is a system that incorporates risk management elements and practices that ensure safety and health of persons who may be affected by coal mining operations. It is the primary means by which an operator ensures the health, safety and welfare of employees and others at a coal operation.

It should be regarded as having the same force as legislation. In other words, disregarding or breaching the Site Safety and Health Management System is the same as breaking the law.

Your mine's Site Safety and Health Management System will be covered in more detail during the site-specific induction. In particular, you will be familiarized with standard operating procedures that are relevant to the tasks you will perform.

Copies of the Site Safety and Health Management System must be available on site for you to read.



Where you believe the system is wrong, inappropriate or impracticable to apply, you must follow-up or report the problem to the Site Senior Executive/Registered Mine Manager through your supervisor. The mine will have a process which allows the system to be modified.

WHAT THE SAFETY & HEALTH MANAGEMENT SYSTEM COVERS

All aspects of the mining operation are governed and regulated through a combination of legislation and a Safety and Health Management System. At your mine you should find procedures that cover most or all of the following areas of mining:

- The authorisation of supervisors
- Obligations
- Coal mine worker's obligations (workplace inspections, reporting, etc)
- Personal Protective Equipment (PPE)
- Hazard identification and risk assessment/management system
- Personal health and hygiene
- Working with chemicals
- Working with hazardous substances
- Working with/around explosives
- Working around conveyor systems
- Working with plant and mobile equipment
- The use of mobile equipment
- Generation and control of dust and noise
- Environmental protection
- Fire prevention and fire fighting
- Contraband/prohibited articles
- Mine site communications
- Mine site training
- Emergency response
- Tagging and isolation
- SOP development
- Defect reporting system
- Safety management plans
- Trigger Action Response Plans (TARPs)
- Work instructions
- Safety policies



Working with chemicals



Generation and control of dust

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The obligations and general procedures regarding these areas of operation are provided in the relevant sections of this manual. From time-to-time, you may encounter areas that are not covered by this list. If you are ever in any doubt with respect to the procedures of a given area, seek clarification from your supervisor, or the Occupational Health and Safety Officer before you commence work.

ON-SITE TRAINING

The coal mine's Safety and Health Management System must provide for a training scheme for coal mine workers at the mine.

By law, a new mine worker is not to carry out any duty or task until they have completed induction training for the mine.

Except in an emergency or during formal training, you are not permitted to operate any item of plant or equipment unless you have been assessed as being competent to do so against the relevant endorsed components of the coal training package. You must also have been authorised to do so by the site's senior management.



Simulator training

If your job is to maintain and repair plant and mobile equipment, you may only operate it for the purpose of maintenance and testing if you have been deemed competent and authorised by the site's senior management to do so.

Note:

Do not operate any equipment for which you have not been trained, assessed, and authorised. The exception to this requirement is in the case of an emergency or during a training session.

As part of the training and assessment for a particular item of equipment, your trainer/assessor should train and assess you in accordance with the documented training scheme. You should subsequently operate the equipment in accordance with the training and assessment you have been given.

Each coal mine worker employed at a mine shall complete refresher training within a specified period that is determined by both legislation and mine site risk assessments. This period varies from State to State and mine to mine – for example, in Queensland, refresher training must occur within each period of five years of the person's employment at the mine. For non-permanent coal mine workers, the interval for refresher training is at the discretion of the Site Senior Executive/Registered Mine Manager, but must not be greater than the legislated maximum.

The frequency of refresher training for both permanent and non-permanent coal mine workers will take into account the assessed risk of performing the task or operation, and this may well be affected by how often the person performs the task or operation.

CHECKS AND BALANCES

To ensure that the Site Safety and Health Management System is being followed, there must be methods put in place to measure, monitor and evaluate its effectiveness. As well as the checks made by the mine management team, the following mechanisms are in place:

- a. Mine record
- b. Inspectors
- c. Coal mine workers
- d. Supervisors
- e. Site Safety and Health Representatives / Site Check Inspectors
- f. Industry Safety and Health Representatives / Industry Check Inspectors

a. Mine Record

The Coal Mine Operator is required by legislation to keep a mine record on the mine site. This record is intended to provide a ready means of communication between the Site Senior Executive/Registered Mine Manager, inspectors, and all coal mine workers. Coal mine workers must have access to the mine record.



Under the legislation, the mine record must contain the following (15):

- Details of the management structure and of the persons holding those positions. The Site Senior Executive Registered Mine Manager must record all changes within 7 days of the change being made.
- Records of the appointment of various coal mine workers and the role they fill on the site (e.g. Shotfirers, Supervisors, ERZ Controller, Underground Manager, etc.).
- Statements by a permitted person that day-to-day supervision and weekly inspections have been correctly carried out.
- All reports, findings and recommendations resulting from inspections, investigations and audits carried out at a mine under the legislation.
- All directives issued under the legislation to the coal mine operator and the operator's agent or representatives, and a record of all remedial actions taken
- A record of and reports about all serious accidents and high potential incidents that have happened at the mine
- All other reports or information that may be prescribed under the legislation

The persons permitted to make entries in the mine record are the Site Senior Executive/ most senior site manager (or a person nominated to act on their behalf), Inspectors, Inspection Officers, Industry Safety and Health Representative/Industry Check Inspector and Site Safety and Health Representatives/Site Check Inspector.

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It is suggested that, from time-to-time, you should make yourself aware of what is in the mine record. This will help to keep you up-to-date with any procedural changes, etc. that are occurring around the mine.

b. Inspectors

Inspectors of Mines, Mechanical Inspectors, Electrical Inspectors and Inspection Officers are authorised under legislation to carry out the following duties:

- enter a mine to examine the conditions and inquire into anything affecting the health and safety of any coal mine worker
- conduct inquiries into accidents
- make entries in the mine record
- give any necessary directives to achieve an acceptable level of risk for the safety of a mine and any coal mine workers affected by its operations, including people living close to the mine
- issue directives to ensure compliance with the legislation.

c. Coal Mine Workers

All coal mine workers are required to take an active role in ensuring their own safety and that of their work mates. Specifically, the Site Safety and Health Management System will have the following requirements:

- Using the relevant standard operating procedures, you should ensure that your workplace and the equipment are in a safe condition before commencing work - do not use any equipment or work in any area which is not safe.
- You should immediately report any problem or defect which constitutes any kind of danger.
- You should report any incident/accident/injury immediately or as soon as possible after the incident/accident.



If you fail to follow any of these requirements you have breached the Site Safety and Health Management System.

d. Supervisors

The position of a supervisor is defined within the legislation (16). In some States, if you are required to hold a supervisory position, there are mandatory competencies that you will need to attain. These have been determined by the Safety and Health Advisory Council as required by legislation (17). Site requirements may also apply.

e. Site Safety and Health Representative/Site Check Inspectors



As well as all coal mine workers taking responsibility for workplace safety, the legislation provides for the election of Site Safety and Health Representatives/Site Check Inspectors. They are elected by coal mine workers at a mine through an approved ballot. They have the right (on giving notice to senior management) to inspect any area of the coal mine, including plant, and to examine documents.

They are provided with the power to order the suspension of coal mining operations if they believe a danger to the safety or health of coal mine workers exists. To do this, they must present a written report to senior management stating the reasons. They may also stop, or require a supervisor in charge to stop operations if they believe there is an **immediate danger**. Again, a written report to senior management must outline the action taken and the reason for that action.

The senior management must stop the coal mining operation mentioned in the report and are not permitted to restart the operation mentioned until the risk is at an acceptable level.

Note:

The Site Safety and Health Representative/Site Check Inspector must not unnecessarily impede production at a coal mine when exercising their powers or functions.

f. Industry Safety and Health Representative/Industry Check Inspector

Under the legislation, Industry Safety and Health Representatives/Industry Check Inspectors may be elected. Their role is similar to those detailed for the Site Safety and Health Representative/Site Check Inspector, but these are full time positions across the industry.

In addition to the Site Safety and Health Representative's/Site Check Inspector's powers, they are empowered to give a '**directive**'. This **directive** is to be in writing, stating the reason for the directive to the senior management and entered into the mine record. The directive remains effective until the Industry Safety and Health Representative/Industry Check Inspector or an Inspector withdraws it in writing. They also have powers to conduct investigations, copy safety and health documents and initiate prosecutions under the Act.

Note:

The Industry Safety and Health Representative/Industry Check Inspector must not unnecessarily impede production at a coal mine when exercising their powers or functions.

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OTHER SPECIFIC REQUIREMENTS

The following requirements apply to all surface coal mines (18):

- **Identifying Defects and Hazards:**
Fixed and mobile plant used at a mine must be checked by a competent person for hazards that might reasonably be expected from operating the plant. These checks must be made at the specified intervals and before starting plant that has been stopped for at least 24 hours.
- **Safety Inspections and Checking and examining work areas:**
A surface mine must have a standard operating procedure for carrying out safety inspections of workplaces, including an inspection by an open-cut examiner (OCE), before on-site activity is carried out and periodically during activities. The results of the inspection, including details of hazards and recommended corrective action, are to be made available to the mine's coal mine workers.

A coal mine must have a standard operating procedure for checking for hazards in a work area before coal mine workers proceed to it and before workers start work in it. **The procedure must provide for checks and examinations to be carried out by each coal mine worker who works in the area.**

Together, in practice, these two requirements mean that coal mine workers shall NOT:

- ✗ commence work in any part of an open-cut excavation until an inspection by an OCE has been completed.
 - ✗ proceed to any place of work at a mine until they have taken all reasonable steps to ensure that no danger exists at that place.
- **Tracking Coal Miners' Movements**
Because of the size and nature of mine sites, it is a requirement that coal mine workers' movements be monitored in the interests of general safety and so that all coal mine workers can be accounted for in the event of an emergency. You must notify your supervisor if for any reason you are going to be away from your normal place of work.
- 
- **Reporting**
The obligations and requirements of the legislation simply mean that any incident, accident, defect, or dangerous situation should be reported immediately or as soon as practically possible through the appropriate channels. Most reports would be made through your immediate supervisor to your:
 - OCE Controller
 - Site Senior Executive/Registered Mine Manager.
 - Shift supervisor/Shift coordinator
 - Site Safety and Health Representative/Site Check Inspector/Safety Department

When you arrive on your mine site, it is important to learn the correct method for reporting incidents, accidents, defects and hazards.

Caution:

Any worker who neglects or fails to follow these obligations/requirements is in breach of the legislation.

- **Order**
 - ✓ An OCE must be present on site and contactable when mining activities are carried out in and around the mining excavation
 - ✓ You must obey any direction given by a supervisor in accordance with that supervisor's duties and responsibilities.
 - ✗ You must not enter an area of a mine which has been fenced or barricaded without the authority of the Site Senior Executive/Registered Mine Manager, OCE or of an official having responsibility for that area.

- **Communications**

Under the Site Safety and Health Management System, a communication system must be implemented and all mine workers must become familiar with it and able to operate it.

- **Electrical Work (19)**

Because of the risk of electrical sparks igniting explosive gases in hazardous areas, the legislation allows only people who have the recognised competency for repairing, overhauling and maintaining electrical equipment for explosive atmospheres to carry out the following work at a coal mine:

 - (a) work on explosive protective electrical equipment installed at a surface mine;
 - (b) electrical work in an area at a surface mine that a risk assessment shows has an explosive risk.

3. NON-DISCRIMINATION / ANTI-HARASSMENT

All mines will have in place a policy on discrimination and harassment in the workplace. These policies will fall into line with anti-discrimination/harassment laws that have already been enacted by parliaments at State and Commonwealth levels. Therefore any form of discrimination or harassment is a breach of the law and of company policy.

TOPIC 2

Your Obligations Under The Law

Discrimination may be described as acting with prejudice against any person because of their:

- gender
- ethnicity (country of origin)
- physical appearance/disability
- sexual preference
- religion
- political persuasion
- participation in union activities

Harassment may be described as inflicting inappropriate attention or communications upon a person who does not wish to be a participant in the attention or communication. Harassment may include, but is not limited to:

- offensive jokes, offensive comments
- displaying offensive or obscene posters
- physical contact — patting, pinching, etc
- repeated invitations to ‘go out’.

Bullying is another form of workplace harassment. A bully could be your manager, supervisor, a contractor or a fellow worker.

Bullies may subject you to:

- verbal abuse
- teasing
- put-downs and insults
- threats
- intimidation
- violence
- unreasonable criticism
- or constant exclusion



If you are a victim of workplace bullying, you should seek to resolve the issue with the person involved. If the problem is not resolved, contact the site Equal Employment Opportunity Officer (EEO) who will provide the appropriate pathway for further consideration.

SUMMARY

This topic has provided an overview of the ways in which coal mines are regulated and governed in order to create a safe workplace. It has also clearly shown that, whatever role you are in at a mine, there are very specific legal obligations that you must fulfill. There are also obligations that the mine owners and operators, contractors, suppliers, etc must fulfill in order to enhance your personal safety while at work. Specific requirements and techniques for working in certain areas are provided in later sections of this book, and you will receive further training and assessment once you take up your position at a mine. Wherever the obligations/requirements originate and however they apply, it is your job to become familiar with them and obey them at all times.

Remember, the obligations/requirements are in place for your protection — obey them and enjoy a safe working life.