

# UNION PERSPECTIVE OF PROPOSED NEW COAL MINING HEALTH AND SAFETY ACT

BY MATT BEST

The Queensland District Branch of the United Mine Workers has continued to support the general thrust of the new legislation but to say there are no concerns and that everyone agrees would be a misrepresentation of the situation.

The United Mine Workers, along with many others, believed that the existing Coal Mining Act had evolved as a result of reaction. It has often been said that "it was written in blood" - mine workers' blood.

In fact, the very first Coal Mining Act in Queensland came about as a result of the Mount Mulligan disaster. Since then it has been amended to include open-cut coal mining which was made to fit into something which had been designed to control underground coal mining.

A lot of the regulations in the existing Act were based on the Great Britain Mines Act. When underground coal mine disasters occurred in Queensland, the industry would see changes made via mainly the political arena. Consultation between all sectors of the industry to incorporate change was non-existent.

Some coal mining companies used the Coal Mining Act and the Regulations as a minimum for safe mining practices in the area where they could be used. Other mining companies used the Coal Mining Act and the Regulations as a maximum.

Everyone in the Queensland coal mining industry today knows that the existing Act and Regulations does not meet the challenge of good safe mining practices for management and workers.

Coal Mine Managers, with the work force, are all trying to improve the lost-time accidents. This is being done at most mines without the help of the Coal Mining Act and the Regulations.

Everyone in the industry today has to ask themselves "*is the Act really relevant to today's modern mining methods?*". The United Mine Workers do not believe that it is but this does not mean that we "throw the baby out with the bath water". There are sections in the current Act that have served the industry well and will continue to do so.

The current Act also has a lot of contradictory parts in it and can be interpreted in many different ways depending on the views of the people seeking the interpretation. The new Act has to be written in plain, simple english; easy to understand and interpret. The Act has to have flexibility to allow for changing technology and work practices. Each mine site has to feel ownership of the Rules and Regulations.

The "big stick" approach that Mines Inspectors (Government and Union) as well as some Mine Managers have had to use to enforce some workers to comply with some of the regulations and rules has not worked. Everyone has to be convinced that the regulations, rules and safe operating procedures have been designed to manage the known hazards in the workers' place of work. Also we agree that wherever possible, the regulations should be in line with community standards.

The United Mine Workers support the consultative process that is in place to develop the Coal Mining Act. We also support the aim of the Act and the Regulations which are to manage health and safety at all coal mines for all mine workers.

*How will the workers benefit under the new system?*

At each coal mine there will be groups of management and workers working together to develop the safe operating procedures. The safe operating procedures will be developed as a means for protecting people against known hazards. The work force will participate in work place surveys to analyse the hazards which will lead to safer work practices. This direct involvement by the workers will lead to an active ownership of mine site safe operating procedures. Wearing of protective equipment will be recognised by the workers as a means of control against known hazards. Education of all persons working in the Queensland coal mining industry is a must and a most important part of the success for the implementation of the new Coal Mining Act.

"Duty of Care" and its effects on all of us whether working in or making decisions on behalf of others and servicing and supplying equipment and goods to the coal industry has to be clearly spelt out and understood. Persons have to understand their responsibilities. Management structures are to be implemented at each mine site with the express aim of having competent persons at each level of supervision to manage the health and safety standards in all areas of the mine.

One person, such as the Mine Manager, will not be held responsible for ensuring that everyone at the mine complies with the Act and Regulations. Neither will the Manager be held responsible for a serious accident or fatal accident that might occur in any part of the mine.

With the introduction of the Work Models and the development of good structured training courses that will educate the work force and improve the skills of all mine workers, we certainly support the introduction of the "Duty of Care" into the Act.

Persons who are called upon to perform supervisory work will have to have the technical competence as well as be competent in basic occupational health and safety. Communication, problem solving, hazard management and accident investigation skills will also be an advantage for the front-line supervisors.

The inspectorate, both Government and Union, will have to:

- be trained to carry out audits on the mine site-developed safe operating procedures;
- audit the direction of the regulations, whether they be prescriptive or enabling and make recommendations;
- be able to work as an adviser if called upon when work force and management are developing safe operating procedures or regulations and ensure that roadway and airborne dust sampling meets the requirements
- investigate serious and fatal accidents and collect evidence for presentation at Wardens' Inquiries as well as participate in the questioning of witnesses at Wardens' Inquiries;
- audit and monitor the standard of training for mine workers and initiate prosecutions when required against owners, manufacturers, contractors, suppliers and employees;
- be able to carry out routine inspections of all parts of the mine; and
- monitor the conditions and safe work practices to which workers are exposed.

As you can see, we expect to see a highly skilled and competent inspectorate who will still have a lot of power at all coal mines to help improve the health and safety standards.

The new Coal Mining Act can improve the health and safety standards in the industry if all sectors are prepared to take a positive approach in the final development of it as well as with its introduction.

Mine Managements and Unions have to realise that it is not good to use an Act or its Regulations as a crutch. All mine workers require the right to be trained and educated to the standard of competence in the skills at which they are expected to perform. It is not good for persons to be appointed into statutory positions for which they are not competent, just because they might have acquired a ticket or certificate.

It should be the responsibility of the Executive Officer at each mine to appoint his management team with the suitable competencies that are required for the mine to operate.

The Act has a responsibility to set some basic minimum competencies so health and safety standards can be met in whatever the mine site management structures might be. Do we need the Board of Examiners? The United Mine Workers' position is **NO!** Training and education modules have to be designed by the coal industry to the required competency standard. Persons who achieve the competencies by passing the required modules should not have to face another examination. After all, community standards are what we are trying to maintain.

When you look at the restructuring that the coal industry is going through, the new Coal Mining Act has to be able to play its part and, as a Union committed to the restructuring process, the United Mine Workers fully support the direction that the Act and Regulations are heading.