



SUBMISSION OF INTERNATIONAL LABOUR INSTRUMENTS  
TO THE NATIONAL ASSEMBLY OF THE PARLIAMENT OF  
GUYANA FOR IMPLEMENTATION

1. The International Labour Conference at its 82nd session held in June, 1995 adopted the following Convention and Recommendation and Protocol.

- (1) Convention concerning Safety and Health in Mines 1995 No. 176.
- (11) Recommendation concerning Safety and Health in Mines 1995 No. 183.
- (111) Protocol of 1995 to the Labour Inspection Convention, 1947.

2. Copies of the Convention, Recommendation and Protocol are attached as appendices I, II and III.

3. As a member of the International Labour Organisation (ILO) Guyana is under obligation to bring the above mentioned Convention, Recommendation and Protocol to the attention of the National Assembly for necessary action, and to inform the Director General of the ILO of the action taken.

CONVENTION NO. 176 - CONCERNING SAFETY AND HEALTH IN MINES

Definition:

For the purpose of this Convention,

- (1) 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;
    - (11) extraction of minerals, excluding oil and gas;
    - (111) 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) 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 sub-contractor.

Scope and Means of Application:

The Convention applies to all mines.

Taking national conditions and practice into consideration the Government shall formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regards to the provisions of the Convention.

The Convention shall be applied by national laws and regulations and supplemented by technical standards, guidelines or codes of practice.

The law and regulations shall provide for:-

- (a) the supervision of safety and health in mines;
- (b) the inspection of mines by inspectors designated for such purposes;
- (c) the procedures for reporting and investigating fatal and serious accidents, dangerous occurrences and mine disasters;
- (d) the compilation and publication of statistics on accidents, occupational diseases
- (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.
- (f) the establishment of effective procedures to ensure 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 work place.

The manufacture, storage, transport and use of explosives and initiating devices at the mines shall be carried out by or under the direct supervision of competent and authorised persons.

The laws and regulations shall specify -

- (a) requirements relating to mines rescue, first aid and medical facilities;

Responsibilities of Employers:

The employer shall deal with risk in the following order:-

- (a) eliminate the risk;
- (b) control the risk at source;
- (c) minimize the risk by means that include the design of safe work systems.

Employers shall take all necessary measures to eliminate or minimize the risk to health and safety by ensuring that the mine is designed and constructed for safe operation and a healthy working environment.

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

Workers shall be informed in a comprehensive manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures.

The employer shall ensure that adequate training and retraining programmes and comprehensive instructions are provided for workers at no cost to them; adequate supervision and control on each shift to secure the safe operation of the mine shall be ensured.

Rights and Duties of Workers and their Representatives:

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 on safety and health grounds, inspections and investigations to be conducted by the employer and competent authority;
- (c) to know and be informed of work place hazards that may affect their safety or health.
- (d) 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;
- (e) to collectively select safety and health representatives.

The safety and health representatives shall have the right to:-

- (a) represent workers on all aspect of work place safety and health;

- (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.

**Cooperation:**

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

2.

**RECOMMENDATION NO. 183 - CONCERNING SAFETY AND HEALTH IN MINES**

This Recommendation supplements the Safety and Health in Mines Convention No. 176.

In addition to the requirements of the Convention, the Recommendation provides for Government to:-

- (1) formulate, carry out and periodically review a coherent policy for safety and health in mines;
- (2) encourage and promote research and exchange of information on safety and health in mines at the national, regional and international level;
- (3) set measure in place to effectively supervise the handling, transportation storage and use of explosives and hazardous substances used and produced in the mining process;
- (4) give consideration to international standards in respect to dusts, gases, radiation and climatic conditions where possible;
- (5) adopt relevant technical and organisational measures to all mining activities as they relate to plant, machinery, equipment structures and protective gears.

**Position in Guyana:**

The Factories Act, Cap. 95:02 and the Mining Act No. 20 of 1989 are the principal laws governing the mining in Guyana. Both acts, however, do not adequately address question of safety and health in mines.

Conclusion:

It is proposed that Guyana do not ratify the Convention at present but use it in formulating the new Occupational Safety and Health Act.

3. PROTOCOL OF 1995 TO THE LABOUR INSPECTION CONVENTION, 1947 NO. 81Scope, Definition and Application:

The Labour Inspection Convention, 1947, No. 81 apply only to industrial and commercial work places.

The Labour Inspection (Agriculture) Convention 1969, No. 155, apply to work places in commercial and non-commercial agricultural undertakings.

The purpose of the Protocol of 1995 is to extend the application of Convention No. 81 to activities in the non-commercial services sector; in effect to all categories of work places.

The Government may exclude wholly or partly from its scope the following categories:-

- (a) essential national (Federal) Government administration;
- (b) the armed services, whether military or civilian personnel;
- (c) the police and other public security services;
- (d) prison services, whether prison staff or prisoners when performing work.

If the application of the Convention to any of those categories would raise special problems of a substantial nature.

Special Arrangements:

A member may make special arrangements for the inspection of work places of essential national (federal) Government administration, the armed services, the police and other public security services, and the prison services, so as to regulate the powers of labour inspectors as provided in Article 12 of the Convention in regard to:-

- (a) inspectors having appropriate security clearance before entering;
- (b) inspection by appointment;
- (c) the power to require the production of confidential documents;
- (d) the removal of confidential documents from the premises;
- (e) the taking and analysis of samples of materials and substances.

The member may also make special arrangements for the inspection of work places of the armed services and the police and other public security services so as to permit any of the following limitations on the powers of labour inspectors :-

- (a) restriction of inspection during manoeuvres or exercises;
- (b) restriction or prohibition of inspection of front-line or active service units;
- (c) restriction or prohibition of inspection during declared periods of tension;
- (d) limitation of inspection in respect of the transport of explosives and armaments for military purposes.

The member may make special arrangements for the inspection of work places of fire brigades and other rescue services to permit the restriction of inspection during the fighting of a fire or during rescue or other emergency operations. In such cases, the labour inspectorate shall review such operations periodically and after any significant incident.

The labour inspectorate shall be able to advise on the formulation of effective measures to minimize risks during training for potentially hazardous work and to participate in monitoring the implementation of such measures.

#### Position in Guyana:

The Laws of Guyana give officers of the Labour Department powers of entry to any premises where labour is employed for the purposes of inspection and examination. Section 30 of the Labour Act Cap. 98:01 and Section 10 of the Factories Act Cap. 95:02 refers. As such inspection is extended to all sectors whether commercial or non-commercial.

It has not been the practice, however, for Labour Officers to carry out inspections of Government offices, the armed forces, police, prison and fire services as required by the Protocol.

#### Conclusions:

In view of the special arrangements outlined in Protocol that can be put in place for inspection of Government administration, the armed forces, the police and other public security services and the prison services and the fact that Guyana has ratified Conventions Nos. 81 and 129 it is recommended that Guyana ratify the Protocol.

the

SUMMARY OF CONCLUSIONS

82ND SESSION OF INTERNATIONAL LABOUR CONFERENCE, JUNE, 1995.

- i) Safety and Health in Mines Convention,  
1995, No. 176.
- ii) Safety and Health in Mines Recommendation,  
1995, No. 183.

It is proposed not to ratify the Convention but use it in formulating the Occupational Health and Safety Act.

- i) Protocol of 1995 to the Labour Inspection  
Convention, 1947.

It is proposed that Guyana ratify the Protocol.



# **International Labour Conference Conférence internationale du Travail**

## **CONVENTION 176**

CONVENTION CONCERNING SAFETY AND HEALTH IN MINES  
ADOPTED BY THE CONFERENCE AT ITS  
EIGHTY-SECOND SESSION, GENEVA, 22 JUNE 1995

## **CONVENTION 176**

CONVENTION CONCERNANT LA SÉCURITÉ ET LA SANTÉ DANS LES MINES  
ADOPTÉE PAR LA CONFÉRENCE À SA  
QUATRE-VINGT-DEUXIÈME SESSION, GENÈVE, 22 JUIN 1995

AUTHENTIC TEXT  
TEXTE AUTHENTIQUE

**Convention 176**

**CONVENTION CONCERNING SAFETY AND HEALTH  
IN MINES**

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Eighty-Second Session on 6 June 1995,  
and

Noting the relevant International Labour Conventions and Recommendations  
and, in particular, the Abolition of Forced Labour Convention, 1957; the  
Radiation Protection Convention and Recommendation, 1960; the Guard-  
ing of Machinery Convention and Recommendation, 1963; the Employment  
Injury Benefits Convention and Recommendation, 1964; the Minimum Age  
(Underground Work) Convention and Recommendation, 1965; the Medical  
Examination of Young Persons (Underground Work) Convention, 1965; the  
Working Environment (Air Pollution, Noise and Vibration) Convention  
and Recommendation, 1977; the Occupational Safety and Health Con-  
vention and Recommendation, 1981; the Occupational Health Services Con-  
vention and Recommendation, 1985; the Asbestos Convention and Recommen-  
dation, 1986; the Safety and Health in Construction Convention and  
Recommendation, 1988; the Chemicals Convention and Recommendation,  
1990; and the Prevention of Major Industrial Accidents Convention and  
Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training  
and genuine consultation on and participation in the preparation and imple-  
mentation of safety and health measures concerning the hazards and risks  
they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health  
affecting workers or members of the public, or damage to the environment  
arising from mining operations, and

Having regard to the need for cooperation between the International Labour  
Organization, the World Health Organization, the International Atomic  
Energy Agency and other relevant institutions and noting the relevant  
instruments, codes of practice, codes and guidelines issued by these  
organizations, and

Having decided upon the adoption of certain proposals with regard to safety  
and health in mines, which is the fourth item on the agenda of the session,  
and

Having determined that these proposals shall take the form of an international  
Convention;

adopts this twenty-second day of June of the year one thousand nine hundred and  
ninety-five the following Convention, which may be cited as the Safety and Health  
in Mines Convention, 1995:

**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 III. 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.

##### *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.

##### *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.

##### *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.

### 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.

##### *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.

#### *Article 8*

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

#### *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.

#### *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.

*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.

*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.

**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 by 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.

*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.

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.

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.

PART V. FINAL PROVISIONS

*Article 17*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 18*

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

*Article 19*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the

preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 20*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

#### *Article 21*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

#### *Article 22*

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 23*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 24*

The English and French versions of the text of this Convention are equally authoritative.



The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Eighty-second Session which was held at Geneva and declared closed the twenty-second day of June 1995.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1995.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*For the Director-General of the International Labour Office:  
Pour le Directeur général du Bureau international du Travail:*

# **International Labour Conference** **Conférence internationale du Travail**

## **RECOMMENDATION 183**

**RECOMMENDATION CONCERNING SAFETY AND HEALTH IN MINES  
ADOPTED BY THE CONFERENCE AT ITS  
EIGHTY-SECOND SESSION, GENEVA, 22 JUNE 1995**

## **RECOMMANDATION 183**

**RECOMMANDATION CONCERNANT LA SÉCURITÉ ET LA SANTÉ DANS LES MINES  
ADOPTÉE PAR LA CONFÉRENCE À SA  
QUATRE-VINGT-DEUXIÈME SESSION, GENÈVE, 22 JUIN 1995**

## **Recommendation 183**

### **RECOMMENDATION CONCERNING SAFETY AND HEALTH IN MINES**

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Eighty-second Session on 6 June 1995,  
and

Noting the relevant international labour Conventions and Recommendations  
and, in particular, the Abolition of Forced Labour Convention, 1957; the  
Radiation Protection Convention and Recommendation, 1960; the Guard-  
ing of Machinery Convention and Recommendation, 1963; the Employment  
Injury Benefits Convention and Recommendation, 1964; the Minimum Age  
(Underground Work) Convention and Recommendation, 1965; the Medical  
Examination of Young Persons (Underground Work) Convention, 1965; the  
Working Environment (Air Pollution, Noise and Vibration) Convention  
and Recommendation, 1977; the Occupational Safety and Health Con-  
vention and Recommendation, 1981; the Occupational Health Services Con-  
vention and Recommendation, 1985; the Asbestos Convention and Recommen-  
dation, 1986; the Safety and Health in Construction Convention and  
Recommendation, 1988; the Chemicals Convention and Recommendation,  
1990; and the Prevention of Major Industrial Accidents Convention and  
Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training  
and genuine consultation on, and participation in the preparation and imple-  
mentation of safety and health measures concerning the hazards and risks  
they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health  
affecting workers or members of the public or damage to the environment  
arising from mining operations, and

Having regard to the need for cooperation between the International Labour  
Organization, the World Health Organization, the International Atomic  
Energy Agency and other relevant institutions and noting the relevant  
instruments, codes of practice, codes and guidelines issued by these  
organizations, and

Having decided upon the adoption of certain proposals with regard to safety  
and health in mines, which is the fourth item on the agenda of the session,  
and

Having determined that these proposals shall take the form of a Recommen-  
dation supplementing the Safety and Health in Mines Convention;

adopts this twenty-second day of June of the year one thousand nine hundred and  
ninety-five the following Recommendation, which may be cited as the Safety and  
Health in Mines Recommendation, 1995:

#### **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 in-  
clude 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 be 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.



- b) tenir un registre des inspections effectuées, des défauts et des mesures correctives prises et le tenir à disposition dans la mine.

24. Le cas échéant, la surveillance médicale prévue à l'article 11 de la convention devrait, sans frais pour le travailleur et sans qu'il puisse faire l'objet de quelques discriminations ou représailles que ce soit :

- a) inclure la possibilité de subir un examen médical en fonction des exigences inhérentes aux tâches à effectuer, avant le début de l'emploi ou juste après et, par la suite, de manière régulière;
- b) inclure, lorsque cela est possible, la réintégration ou la réadaptation des travailleurs incapables d'effectuer leurs tâches habituelles en raison d'une lésion ou d'une maladie professionnelle.

25. Conformément à l'article 5 paragraphe 4 e) de la convention, les employeurs devraient, lorsqu'il y a lieu, fournir et maintenir en bon état, sans frais pour les travailleurs :

- a) des toilettes, douches, lavabos, ainsi que des installations pour changer de vêtements, adaptés et en nombre suffisant, à l'usage séparé des hommes et des femmes;
- b) des installations appropriées pour ranger, laver et sécher les vêtements;
- c) un volume suffisant d'eau potable à des endroits appropriés;
- d) des locaux appropriés et hygiéniques pour prendre les repas.

### III. DROITS ET OBLIGATIONS DES TRAVAILLEURS ET DE LEURS DÉLÉGUÉS

26. En application de l'article 13 de la convention, les travailleurs et leurs délégués à la sécurité et la santé devraient recevoir ou avoir accès, selon le cas, à l'information qui devrait inclure :

- a) lorsque cela est possible, la notification de toute visite à la mine qui se rapporte à la sécurité et à la santé d'un représentant de l'autorité compétente;
- b) les rapports sur les inspections menées par l'autorité compétente ou par l'employeur, y compris les inspections des machines ou des équipements;
- c) des copies des injonctions ou instructions émanant de l'autorité compétente en matière de sécurité et de santé;
- d) les rapports, établis par l'autorité compétente ou par l'employeur, sur les accidents, les lésions, les cas de détérioration de la santé et autres incidents qui concernent la sécurité et la santé;
- e) des informations et notifications relatives à tous les dangers du travail, y compris les matériaux, substances ou agents dangereux, toxiques ou nocifs utilisés à la mine;
- f) toute autre documentation concernant la sécurité et la santé que l'employeur doit conserver;
- g) la notification immédiate des accidents et autres incidents dangereux; et
- h) toutes les études de santé menées sur les dangers qui existent sur le lieu de travail.

27. Les dispositions visant à mettre en œuvre l'article 13, paragraphe 1 e), de la convention pourraient prévoir :

- a) la notification du danger visé à cet alinéa aux supérieurs et aux délégués à la sécurité et à la santé;
- b) la participation de représentants confirmés de l'employeur et de délégués des travailleurs à la recherche d'une solution;
- c) si nécessaire, la participation d'un représentant de l'autorité compétente pour aider à la recherche d'une solution;
- d) le maintien du salaire pour le travailleur et, s'il y a lieu, son affectation à d'autres tâches appropriées;
- e) la notification à tout travailleur auquel il est demandé d'effectuer un travail dans la zone en question du fait qu'un autre travailleur a refusé d'y travailler et des raisons du refus.

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.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Eighty-second Session which was held at Geneva and declared closed the twenty-second day of June 1995.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1995.

# **International Labour Conference Conférence internationale du Travail**

## **PROTOCOL**

PROTOCOL OF 1995 TO THE LABOUR  
INSPECTION CONVENTION, 1947 (No. 81)  
ADOPTED BY THE CONFERENCE AT ITS  
EIGHTY-SECOND SESSION, GENEVA, 22 JUNE 1995

## **PROTOCOLE**

PROTOCOLE DE 1995 RELATIF À LA CONVENTION (N° 81)  
SUR L'INSPECTION DU TRAVAIL, 1947,  
ADOPTÉ PAR LA CONFÉRENCE À SA  
QUATRE-VINGT-DEUXIÈME SESSION, GENÈVE, 22 JUIN 1995

## **PROTOCOL OF 1995 TO THE LABOUR INSPECTION CONVENTION, 1947**

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office and having met in its Eighty-second Session on 6 June 1995,  
and

Noting that the provisions of the Labour Inspection Convention, 1947, apply  
only to industrial and commercial workplaces, and

Noting that the provisions of the Labour Inspection (Agriculture) Convention,  
1969, apply to workplaces in commercial and non-commercial agricultural  
undertakings, and

Noting that the provisions of the Occupational Safety and Health Convention,  
1981, apply to all branches of economic activity, including the public service,  
and

Having regard to all the risks to which workers in the non-commercial services  
sector may be exposed, and the need to ensure that this sector is subject to  
the same or an equally effective and impartial system of labour inspection as  
that provided in the Labour Inspection Convention, 1947, and

Having decided upon the adoption of certain proposals with regard to activities  
in the non-commercial services sector, which is the sixth item on the agenda  
of the session, and

Having determined that these proposals shall take the form of a Protocol to  
the Labour Inspection Convention, 1947,

adopts this twenty-second day of June of the year one thousand nine hundred and  
ninety-five the following Protocol, which may be cited as the Protocol of 1995 to  
the Labour Inspection Convention, 1947:

### PART I. SCOPE, DEFINITION AND APPLICATION

#### *Article 1*

1. Each Member which ratifies this Protocol shall extend the application of the  
provisions of the Labour Inspection Convention, 1947 (hereunder referred to as  
“the Convention”), to activities in the non-commercial services sector.

2. The term “activities in the non-commercial services sector” refers to  
activities in all categories of workplaces that are not considered as industrial or  
commercial for the purposes of the Convention.

3. This Protocol applies to all workplaces that do not already fall within the  
scope of the Convention.

#### *Article 2*

1. A Member which ratifies this Protocol may, by a declaration appended to its  
instrument of ratification, exclude wholly or partly from its scope the following  
categories:

- (a) essential national (federal) government administration;
- (b) the armed services, whether military or civilian personnel;
- (c) the police and other public security services;
- (d) prison services, whether prison staff or prisoners when performing work,

if the application of the Convention to any of these categories would raise special  
problems of a substantial nature.

2. Before the Member avails itself of the possibility afforded in paragraph 1,  
it shall consult the most representative organizations of employers and workers or,  
in the absence of such organizations, the representatives of the employers and  
workers concerned.

The text of the Protocol as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte du protocole présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

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*For the Director-General of the International Labour Office:  
Pour le Directeur général du Bureau international du Travail:*

The foregoing is the authentic text of the Protocol duly adopted by the General Conference of the International Labour Organization during its Eighty-second Session which was held at Geneva and declared closed the twenty-second day of June 1995.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1995.