

Worker representation on health and safety in the coalmines of Queensland: a case of enhanced rights or an historical anomaly?

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Site and industry safety and health representatives are worker representatives who represent the health and safety interests of coal mine workers under the Coal Mining Health and Safety Act 1999, which applies in coalmines in Queensland. Similar regulatory measures are found in other Australian states, such as New South Wales. Such measures have been in force for some considerable time and they appear to be derived from even earlier provisions that applied to coal mines in the UK from the early part of the 20th century.

Despite their longevity, there has been little independent evaluation of the role or effectiveness of the regulatory provisions or the representatives they support and there are differing views concerning their effects. On the one hand, trades unions and regulators have been at pains to emphasise their value. Indeed, the recommendations of the Royal Commission inquiry into the Pike River tragedy in New Zealand echoed these views in its recommendations to adopt similar provisions in New Zealand. Research more widely has points to the role of statutory support for such forms of representation in improving health and safety. But on the other hand, spokespersons for the mining industry in Australia argue that the powers under the regulatory provisions are excessive and unwarranted and may threaten productivity. Therefore, our study was a detailed analysis of the records of the activities of these representatives in a selection coalmines in Queensland during a fifteen-year period, linked with an analysis of interviews with a sample of site safety and health representatives, past and present industry safety and health and representatives, and other key informants. Using this combined analysis, it discusses the significance of their role.

There are some forty or so coal mines in Queensland comprising both open cast and underground mines and the state is a major producer and exporter of coal. Under the Coal Mining Health and Safety Act 1999, health and safety representatives function at two levels. Coal workers in each mine have rights to elect two of the workforce to act as Site Safety and Health Representatives (SSHRs). The mines are highly unionised and in practice the vast majority of these representatives have always been trade union representatives. In addition the miners' trade union (the CFMEU) may appoint three Industry Safety and Health Representatives who must be qualified mine deputies and whose health and safety remit extends to all of the mines in the Queensland coal fields. The rights of both types of representatives include the usual kinds of health and safety representative functions on inspection and representation of miners' interests, while additionally they have powers to review the OHS management systems in place in the mines, to stop processes they regard as dangerous and to stop production of the whole mine if necessary. The ISHRs also have rights of access to the coal mines in the state. At the same time, the statute includes measures limiting the activities of the representatives to safety and health issues as well as those that emphasise the importance of their activities not impeding production.

Our findings demonstrate that the representatives make a substantial contribution to the operation of arrangements for OHS management in the mines. They are a group of committed, highly motivated and active change agents in OHS who deliver the functions required of them and use the powers available to them both diligently and responsibly.

They operate within a framework well-established by successive rounds of regulation, but which under the Coal Mining Safety and Health Act 1999 provides for a modern, risk-based, systematic approach to regulating health and safety management in which arrangements for the representative participation of workers are both well adapted and closely integrated.

Within this system, the two tiered approach is both well organised and well-adapted to enable representative worker participation in systematic approaches to the management of health and safety risks. It provides a structured approach to the support of the SSHRs in representing workers' interests and in co-operating with managers to ensure the latter deliver their responsibilities for managing OHS effectively.

At the same time the system provides considerable added value in the shape of three knowledgeable, experienced and active representatives who are able to operate not only in support of the SSHRs and in direct interactions with managers and regulatory inspectors alike. The ISHRs also play a very important role in training the SSHRs; indeed this is by far the main form of training received by the SSHRs. In addition, they have supportive dealings with individual mine workers on a regular basis and provide a means to bring issues to the attention of mines managers or regulatory inspectors that for whatever reason mine workers feel unable to raise directly themselves.

The representatives are well aware of the regulatory strictures on their actions, both in terms of them being restricted to health and safety purposes and in not unnecessarily impeding production. They go to some lengths to ensure they act within these limits. At the same time, the fact that they possess such powers considerably strengthens the perception of their legitimacy, both amongst themselves and among their work colleagues (including the SSHRs) and also goes some way to encourage confidence that they will be taken seriously by the senior managers in the mines. There is strong evidence from the mines records we have analysed and the interviews we have conducted that worker representatives devote a substantial part of their OHS activity to addressing serious risks of mining such as those most associated with fatalities in the industry.

The paper discusses these findings in the context of the labour relations in coal mining in Queensland and the available evidence concerning the health and safety performance of the industry over the time span covered by the study and identifies several issues with both policy implications and significance for the understanding of 'what works' in relation to worker representation on health and safety more widely.