



CFMEU Mining & Energy

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The Secretary
Senate ECITA References Committee
Parliament House
Canberra ACT 2600

SENT VIA EMAIL TO: ecita.sen@aph.gov.au

Dear Secretary,

Inquiry into Environmental Regulation of Uranium Mining

The CFMEU Mining and Energy Division wishes to take the opportunity to make a brief submission to the above Inquiry. Our focus is on workplace health and safety.

The Construction, Forestry, Mining and Energy Union is the largest trade union in the Australian mining industry, representing approximately 15,000 mineworkers. However, we do not represent mineworkers at uranium mines. The Liquor, Hospitality and Miscellaneous Workers Union (LHMU) and the Australian Workers Union (AWU) represent some mineworkers at uranium mines, and this submission should not be seen as substituting for what they may choose to submit to the Inquiry.

The CFMEU's input here is thus confined to two elements:

- Some general comments regarding occupational health and safety (OHS) issues in mining.
- some comments regarding occupational health and safety during the construction of the Beverley and Honeymoon in-situ leach mines in South Australia. The CFMEU represented workers in the construction phase of the mines.

The CFMEU does not seek to put a position here regarding the overall desirability of uranium mining from a public policy viewpoint. The CFMEU has grave concerns about the level of risks attached to the nuclear fuel cycle especially given the political instability of many countries using nuclear power and the decline in the effective capacity of some nation states to regulate safety in the nuclear industry.

However, governments of the day in Australia have provided for the commercial operation of uranium extracting and processing in this country. Workers have been and will continue to be sought by mining companies for employment in uranium mining and processing facilities. Unions will seek to organise and represent such workers in order to protect and advance their interests.

Such workers are, or should be, entitled to:

- a safe and healthy work environment;
- respect for their core labour rights;
- consultation on matters affecting their wages, working conditions and employment security; and
- given the particular hazards of radiation exposure, access to long term monitoring of their health.

With respect to these key issues, the CFMEU Mining and Energy Division notes:

- that Australia has not yet ratified Convention 176 on Safety and Health in Mines of the International Labour Organisation. This convention is the global minimum standard for mine safety and health since its entry into force in June 1998. Other major mining nations such as South Africa and the USA have ratified the Convention and it is increasingly an international embarrassment that Australia does not comply with it. The inability or the unwillingness of the Australian Government to ratify the convention sends a clear signal to mineworkers that health and safety regulation in mining is not seeking compliance with global minimum standards let alone achieving international best practice.
- Australian federal employment law and various State laws have breached minimum human rights standards in the workplace as defined by the International Labour Organization in its fundamental rights conventions (ie. freedom of association and the

right to collectively bargain, freedom from forced and child labour, equal pay and freedom from discrimination). Notably, employers have been permitted and even encouraged to require employees to work under individual employment contracts that deny them to right to bargain collectively and to be represented by unions. Major mining companies, including those operating uranium mines, have been among the most enthusiastic users of these laws over the course of the 1990s. The CFMEU has only noted a slight easing of widespread company opposition to collective bargaining rights in the last 1-2 years.

- The CFMEU Mining & Energy Division refers the Committee to the LHMU submission to the 1997 Senate Inquiry on Uranium Mining and Milling, wherein there was concern over efforts in Australia to apply “exceptional circumstances” provisions to interpretations of acceptable radiation exposure standards, particularly with regard to averaging of annual exposures through setting a “lifetime exposure” limit. It is also noted that the “national register” concept supported by the LHMU has not been implemented, so there is no long term monitoring of the health of workers who have been employed in the uranium mining and processing industry. These issues/problems continue today, indicating that Australian practice in this area does not seek to be world’s best practice in health and safety.

With respect to the construction phase to the Beverley and Honeymoon in-situ leach operations in South Australia the CFMEU’s experience was that the employers there failed to ensure good standards of OHS practice. Specific issues that the CFMEU is aware of included:

- failure to provide emergency showers;
- failure to ensure the election/appointment of a workplace safety delegate from the workforce as required by law; and
- that construction camp living conditions were considered poor relative to other mine construction and civil engineering sites.

These issues gave the perception of a willingness to “cut corners” in the construction of the mine. If this perception reflects reality, and has carried through to the operation of the mines, then there is cause for concern.

Poor OHS practice is frequently correlated with poor environmental practice. It is understood that the Beverley mine has a record of numerous leaks and spills, with four serious leaks this year.

As stated earlier, the CFMEU has no members at the Beverley site nor at the Honeymoon site while it operated. It is understood that no other union represents those workers, the employer having sought to operate the site on a non-union basis. The operation of the site on a non-union basis has the effect of lowering the level of public scrutiny of OHS practices at the sites. Put simply, workers who are not organised collectively have less ability to protect their interests, especially with respect to OHS. Workers acting individually are less likely to raise and pursue OHS issues, and have less capacity to achieve a result where management is unresponsive.

The CFMEU Mining and Energy Division thanks the Committee for this opportunity to provide input to the Inquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tony Maher', with a stylized flourish at the end.

Tony Maher
General President