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Safeguarding Workers: A Study of Health and Safety Representatives in the Queensland Coalmining Industry, 1990-2013

La protection des travailleurs : une étude du rôle des représentants des travailleurs en santé et sécurité dans l'industrie minière du Queensland, 1990-2013

La seguridad de los trabajadores: Un estudio de los representantes de la industria minera del carbón de Queensland, 1990-2013

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Résumé de l'article

Cette étude explore la pratique de représentation des travailleurs dans l'industrie minière australienne, industrie comportant des risques sérieux en matière de santé et de sécurité au travail, et où des dispositions réglementaires à cet effet existent depuis fort longtemps. En dépit de cette longévité, leur application a fait l'objet de peu d'étude. Le but de cet article est de combler cette lacune en analysant la qualité de la pratique de la représentation des travailleurs dans ce secteur. Plus particulièrement, nous nous intéressons aux stratégies mises en place par les représentants afin de jouer pleinement leur rôle dans le contexte hostile des relations de travail qui caractérise l'industrie minière australienne. Nous passons en revue les documents d'archives des inspections obligatoires menées par les représentants des travailleurs et les inspecteurs miniers gouvernementaux, et nous analysons le contenu d'entrevues qualitatives. Il ressort que les représentants des travailleurs sont avant tout préoccupés de contrer les risques graves et potentiellement mortels dans le cours des activités des mineurs et, ce faisant, ils utilisent de manière efficace leurs pouvoirs réglementaires, incluant celui de suspendre les opérations jugées potentiellement dangereuses. Néanmoins, ils s'efforcent d'opérer dans les limites fixées par la règlementation, dans le but de compenser les effets négatifs de l'hostilité du climat des relations de travail. En conséquence, ils se montrent prudents dans l'utilisation de leurs pouvoirs d'ordonner la cessation d'opérations qu'ils jugent comporter un risque inacceptable. Ainsi, ils évitent d'être accusés d'avoir indûment fait cesser des opérations et de s'être engagés sur des questions de relations de travail qui sont en dehors de leurs attributions légales. Ils maintiennent également de bonnes pratiques de communication entre eux et les autres représentants des travailleurs. Tout ceci est rendu possible grâce au soutien des hautes instances syndicales dans les mines et de l'appui émanant du mouvement syndical en général et du système unique de représentation bipartite prévu à la législation, lesquels font en sorte que les représentants des travailleurs sont bien informés, bien formés et bien supportés dans leur rôle. Dans l'ensemble, l'étude met en lumière le rôle positif que les représentants des travailleurs et les syndicats jouent en matière de prévention en santé et sécurité, même lorsque le climat des relations de travail s'avère hostile.

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Safeguarding Workers: A Study of Health and Safety Representatives in the Queensland Coalmining Industry, 1990-2013

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Worker health and safety representatives have been a significant element of occupational health and safety (OHS) systems provided for by regulation in many countries since the latter decades of the 20th century. There is, however, little recognition that this approach was pioneered in the mining industry in some countries nearly a century earlier, and it has been little studied as a result. It remains an important component of mine health and safety regulation in Australia. Drawing on over 1100 inspection records and 24 semi-structured interviews, this study examined the activities of both mine-site and industry-wide representatives. Key findings are that representatives focus their attention on serious hazards (especially fatal risks) and make cautious but effective use of their powers, including the power to suspend operations, staying within the boundaries of what is provided for by regulation and using this provision to offset the negative influences of a hostile labour relations climate, which is endemic in the industry in Australia. Overall, the study highlights the positive role representatives and unions can play in health and safety even in hostile labour relations climates.

KEYWORDS: worker representation, health and safety, coalmining, labour relations, regulation.

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Introduction

In most advanced market economies, the representation of workers' interests in occupational health and safety (OHS) is addressed through regulatory measures, most from the 1970s onwards. Such measures generally provide workers and their organizations with rights to appoint or elect representatives; empower them to raise OHS issues with their employers, and conduct investigations and inspections; and place obligations on employers to facilitate these arrangements. Some jurisdictions empower representatives to require remedial actions or suspend operations when workers are at imminent risk of serious injury. Broadly similar arrangements are found in coalmining, although in some countries their origins are much older—in Australia and the UK, for example, they date from the 1870s.

Research on the effectiveness of health and safety representatives (HSRs) has generally found that they have a positive effect on OHS. Several studies found their presence improved OHS outcomes such as injury rates (Reilly *et al.*, 1995; Robinson and Smallman, 2013; Walters and Nichols, 2007). Others found HSRs had a positive effect on OHS management practices (see for example, Walters and Frick 2000; Walters *et al.*, 2013). Further studies have shown the ways HSRs operate are largely located within labour relations constructs similar to those typical of workplace worker representation more generally (see for example, Hall *et al.*, 2006; Dufour and Hege, 2013).

Previous research has covered practice across a diverse range of sectors and establishment sizes, but outside the United States, it has largely ignored the situation in coalmining. This is an odd omission, given both the highly hazardous nature of the industry and the long-standing history of regulating arrangements on worker representation. One aim of the present study is to fill this gap by exploring these arrangements in coalmines in Queensland, Australia. As well as providing a more complete picture of worker representation in OHS in coalmining, however, the study examines the relationship between worker representation and regulation in the industry.

Although regulatory support for HSRs is currently incorporated into the process-based framework regulating OHS management in the *Queensland Coal Mining Safety and Health Act 1999*, regulatory requirements on worker representation in mining in Australia long predate this. Indeed, measures in the *1999 Act* essentially replicate earlier statutes. They therefore cannot be regarded as a consequence of the development of Robens' style 'enforced self-regulation' in Australia from the 1980s, as is often assumed with worker representation on OHS more generally. This distinction is important because a central analytical theme of this paper concerns the fundamental role and purpose of measures on worker representation on OHS. The fact that we are dealing with an industry

where such provisions existed long before they became subsumed into, and identified with more general, supposedly, 'participative' approaches to 'enforced self-regulation' of OHS, enables us to view the operation of these regulatory measures less encumbered by the confounding effects of later developments.

This allows us not only to examine how these distinctive regulatory provisions operate, but also to address the role played by regulation in industrial relations contexts determined by the corporate strategies and management styles of coalmining companies active in Queensland. It provides an opportunity to examine the use of powers, rights and responsibilities of HSRs in mining, and to compare forms of activism they support with those of HSRs elsewhere. This in turn allows some reflection on the significance of regulation in supporting workplace representation on OHS more generally.

To do this, we first outline the context in which representation of workers' interests in OHS in Queensland coalmines occurs, including ownership, operation and labour relations in those coalmines, their recent OHS performance and statutory measures supporting workers' representation. Following a brief account of the methods used in data gathering and analysis, we examine the regulatory support these measures provide for union representatives and how the representatives use them to further the OHS interests of their constituents in a largely hostile labour relations climate. We conclude with a discussion of the contribution of our findings to understanding the role of regulation and labour relations in shaping worker representation on OHS in Queensland coalmining and the implications of this for understanding worker OHS representation more generally.

Background

Australia is among the major coal producing and exporting countries in the world. Production overwhelmingly comes from mines in Queensland and New South Wales. In Queensland, there are about forty opencast and underground coalmines, mainly owned and operated by large global mining companies. Worker representatives' activities in around half of these mines were the focus of the present study. Coalmining is a hazardous industry. In Australia, as elsewhere, it is marked by a high incidence of fatal injuries and occupationally related ill-health, as well as a propensity for multiple fatality disasters. While the safety performance of Queensland mines has improved over time, data show the sector still entails serious risks (Safe Work Australia, 2013).

Labour relations in the industry are contentious. Coalmining companies employ aggressive and often uncompromising human resource strategies, attempting, among other things, to marginalize organized labour. At the same time, miners

are comparatively highly organized and the miners' union is embedded not only in the mines but the mining communities where they are situated. Aided by changes to Australian industrial relations regulation, during the 1990s mining companies exerted greater managerial control over work regimes and increased use of contractors and non-union contract labour, and through devices like 'Fly-in-Fly-out' to some extent disconnecting previously tight links between workers, their communities and the union (Bowden, 2003; Waring, 2003).

Despite considerable challenges, union presence remains significant in many Queensland mines and its role in representing the OHS interests of miners at both mine and sector level is substantial. We argue this is partly the result of its long-standing embedment in the OHS regulatory framework. As in places like the UK, miners' health and safety representatives have a long statutory history in Australia. Coalmining unions appointed workmen's inspectors (also known as 'check inspectors' in Australia) from the early 1870s to undertake independent inspections of mines and report safety issues. First introduced into the Hunter Valley coalfields, the system spread to other districts of New South Wales (NSW), Queensland and other states by the early 20th century. Site check inspectors were appointed at each mine, while district check inspectors covered all mines in a particular region. The position of check inspector was recognized in mine health and safety legislation and their rights and powers strengthened following a series of mine disasters. Check inspectors, especially district check inspectors, were experienced and knowledgeable miners elected to office like other union officials. Despite instances of friction with mine owners, they earned widespread respect for their role in mining communities (Quinlan, 2014).

The coalminers' union—the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union (CFMEU)—continues to administer the check inspector system including paying the salary of district inspectors (now known as Industry Safety and Health Representatives-ISHRs), and training site check inspectors (now Site Safety and Health Representatives-SSHRs). In Queensland, current regulatory provisions governing the rights and functions of representatives are found in Parts 7 and 8 of the *Coal Mining Safety and Health Act 1999*. Part 7 requires the election of up to two SSHRs for each mine. They must be experienced miners holding competencies in applied risk management (RIIRIS301B), conducting safety and health investigations (RIIOHS301A) and communication (RIICOM301B). Their functions under section 99 (1) include inspecting the mine, reviewing risk control procedures, detecting unsafe practices and conditions, and undertaking appropriate actions to protect miners, as well as investigating miners' complaints. They also have powers to examine any documents relevant to OHS held by the Site Senior Executive-SSE (section 100). The SSE is obliged to inform SSHRs of work injuries and illnesses, high potential incidents, changes to the mine that

might affect OHS, and the visits and actions of mines inspectors (section 106). The SSHR must inform the SSE if they believe the health and safety management system is ineffective or inadequate, and if dissatisfied with the response, inform a mines inspector who is then obliged to make an inspection and record the results in the mine record (sub-sections 99(5)-(6)). Additionally, section 101 authorizes SSHRs to order the suspension of mining operations if they reasonably believe there is an immediate danger (sub-sections 101(3)-(4)). Section 95 (3) stipulates a SSHR must perform their functions and exercise their powers for OHS purposes and no other purpose, and section 104 prohibits the SSHR from unnecessarily impeding production.

Part 8 provides that the CFMEU may, after a ballot, appoint and pay up to three appropriately qualified persons (holders of a first or second class certificate of competency or a deputy's certificate of competency), to act as full-time ISHRs for a period of four years. Their functions include participating in accident investigations, high potential incidents (HPI) and other OHS matters, assisting initiatives to improve OHS, as well as the functions given to SSHRs (section 118). Under section 119, their powers include those given to SSHRs along with powers to make inquiries about OHS operations relevant to coalmine workers, copy OHS management system documents, and require the person in control of a coalmine to provide reasonable help in exercising their powers. Under section 121, an ISHR who believes a mine's safety and health management system is inadequate or ineffective must inform the SSE, and if corrective action is not taken, they must inform the mines inspector, who is required to investigate. Section 167 empowers ISHRs to issue a directive to suspend operations in all or part of the mine if they believe the risk is not at an acceptable level. As with SSHRs, section 117 requires ISHRs to exercise their statutory powers and functions solely 'for a safety and health purpose', while section 120 provides that they should not 'unnecessarily impede production'.

These measures differ somewhat from those applying more generally to worker representation on OHS. The provisions for ISHRs establish unique measures governing the appointment of full-time health and safety officials by a union with extensive powers of entry into workplaces to inspect and investigate a wide spectrum of OHS management practices and to suspend operations where they believe the risk warrants this. There are few similar statutory arrangements outside the mining industry in Australia or elsewhere, although there are some parallels with those relating to union regional representatives for workers in small firms in Sweden. However, the extensive powers of SSHRs and ISHRs are qualified by caveats which require cognizance of impeding productivity and prohibit performing functions or exercising powers for anything but OHS purposes. These features and the ways they were operationalized by SSHRs and ISHRs in practice were of particular interest in our study.

Methods

Recording requirements for inspections of both health and safety representatives and regulatory inspectors in Queensland coalmines provide opportunities for evaluating their activities that are rarely possible in other industries. They enabled detailed analysis of the activities of the representatives, as well as comparing these activities with those of government mine health and safety inspectors. We used a mixed methods approach which included examination of the content of a selection of these records, along with qualitative interviews with the representatives and a senior member of the regulatory inspectorate, supported by a review of the relevant literature.

First, we accessed copies of records of inspections of 19 coalmines between 1984 and May 2013 made available by the Mining and Energy Division of CFMEU. They totalled 1165 inspection reports from 12 open-cut and seven underground mines, most of which were large or medium-sized (nine and eight respectively, see Table 1). They were mainly ISHR (47%) and inspectorate-MI (52%) reports, with a small proportion (4%) from SSHRs. The vast majority (over 75%) were

TABLE 1

Summary of mines included in the documentary analysis and corresponding SSHR interviewees

Type	Size	CFMEU estimate Union density	Number of SSHR interviewees
Open-cut: N=12	Large	45%	0
	Large	45%	1
	Large	100%	1
	Large	100%	2
	Large	100%	1
	Medium	3%	0
	Medium	30%	1
	Medium	40%	0
	Medium	75%	1
	Medium	100%	1
	Small	3%	0
	Small	100%	1
Underground: N=7	Large	98%	1
	Large	100%	1
	Large	100%	1
	Large	100%	1
	Medium	3%	0
	Medium	100%	1
	Medium	100%	0

written since the *1999 Act*. Most were the result of site visits (85% and 92% respectively).[1] We created a database of information contained in these reports, enabling quantitative and qualitative analysis of their content. This included the time and nature of inspections, the areas of the mine and hazards examined, the documents reviewed and actions taken (for example, issuing notices, requests for further information and follow-up). All the numeric data in the paper are sourced from our analysis of these reports.

Second, semi-structured interviews were conducted with 18 SSHRs, all three current and two past ISHRs and with a senior MI inspector. The SSHRs and ISHRs interviewed were all men, experienced miners, and mostly aged between 35 and 45. Some currently working in open-cut mines had experience in underground mines, as had all ISHRs. Five SSHRs interviewed were relatively newly appointed (elected within the previous two years), while another five had over ten years' experience. Interviews with SSHRs were, as far as possible, matched to mines where documentary records were examined: interviews were conducted with 14 SSHRs from 13 of the 19 mines (see Table 1). A research team member also observed the annual training conferences for SSHRs in June and August 2013. Interviews explored what representatives did during their OHS activities: the extent to which they were doing what the legislation prescribed; how they went about conducting activities; how effective they felt they were; and what they thought would improve their effectiveness.

This approach allowed some corroboration of documentary evidence from statutory records with that from qualitative interviews, and vice versa, enabling more detailed analysis of not only what was done, but also how and why it was done in this way. As with most research on HSRs, a weakness of the qualitative approach is that it is impossible to directly analyse associations between their activities and quantitative measures of OHS outcomes—such as injuries, fatalities or ill-health. However, coalmining studies from the US show a strong association between improved injury rates and the presence of unions (Morantz, 2011). Using documentary records in combination with qualitative interviews, the present study was able to explore actions of representatives which contribute to such outcomes.

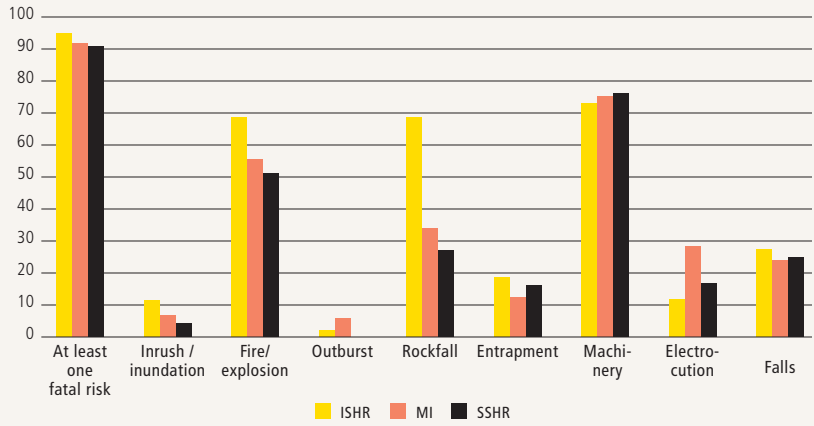
Worker representation and managing OHS in Queensland coalmines

We have focused on three elements of the activities of the representatives and their relationship to regulatory provisions. These were the extent to which they investigated serious accidents and high potential incidents, their use of formal notices and their use of their statutory powers in undertaking both proactive inspections and reactive investigations in response to complaints from workers.

1- Investigating serious accidents and incidents

Both documentary analysis and interviews indicated ISHR and SSHR inspections examined a wide range of OHS issues that were comparable to those examined by government mine inspectors. A key finding was that while the scope of OHS issues addressed by worker representatives has widened over recent years, their activities remain focused on hazards that may cause serious injury or single or multiple fatalities. Over 90% of inspections by ISHRs and SSHRs considered at least one hazard known to lead to fatal injuries in mining (see Quinlan 2014 regarding the nature of 'fatal risks' in coalmining), which broadly matched the focus of MI inspectors (Figure 1).

FIGURE 1
Inspection of fatal risks (in %)



Another indication of worker representatives' focus on serious risks was their response to accidents and near misses/near hits, referred to as High Potential Incidents (HPI) under the legislation. Given evidence HPIs can be the precursor to serious events, the regulatory regime places strong emphasis on reporting, investigating and responding to accidents and HPIs, and requires mines to report HPIs to SSHRs, ISHRs and the MI.

Records show that ISHRs and SSHRs, like MI inspectors, take an interest in accidents and HPIs. The latter were a recurring theme in ISHR reports, especially in recent years. Typically, they were written following a HPI notification involving a fatal risk as part of their involvement in the investigation and subsequent learning processes. Interviews confirmed their importance in the eyes of the representatives:

> When they have a HPI they do an investigation, it's to prevent it from happening again… so I'll ask them what they've done and if there's anything in particular like four

> electric shocks in a period then obviously there's a problem, you know what I mean? And we need to work together to have a look at what we're doing to stop them from occurring… that's the process that I take. (7120027 - ISHR)

Some ISHR reports referred to disagreements with mine managers about classifying an incident as a HPI, although ISHRs and MI inspectors usually agreed about reportable incidents. Failure to report HPIs was viewed very seriously by both ISHRs and the MI because it might prefigure catastrophic events (see also Quinlan, 2014).

In practice, usually both SSHRs and ISHRs were informed of serious accidents by the MI, management or mineworkers, and reviewed the subsequent investigation undertaken by the company. Overall, 78 (16%) of the ISHR and seven (14%) of the SSHR reports we analysed referred to assisting with investigations into serious accidents or HPIs. Twelve reports referred to injuries to workers, and all referred to at least one type of 'fatal risk' (see again Figure 1). During interviews, representatives indicated that although they were sometimes involved in accident investigation, more commonly they were kept informed of the process and its outcomes as required by regulation:

> If there is an accident or incident, they do an investigation and they send the investigation report to us and we have a look at it and see if we are happy with what has happened and the outcomes and stuff like that. (SSHR)

Both ISHRs and SSHRs recognized their role was preventive and that involvement in compensation claims was the role of the union's compensation staff. They were careful to avoid breaching these boundaries:

> You have got to understand our job is safety. So we can't cross the line into industrial because it just gets messy. So safety is safety. (SSHR)

The boundary between the 'industrial' and 'safety' sides was a recurrent theme and is examined more fully below. But in short, the strong evidence from both the records and qualitative interviews was that representatives rarely strayed beyond the boundaries of their formal rights and this was a deliberate strategy on their part.

2- Using formal powers to issue notices and stop work

Under the *1999 Act*, both SSHRs and ISHRs can issue notices, including requests for information, requiring issues to be rectified and, in situations of imminent danger, suspending part or all of an operation. These are significant formal powers and the study sought to examine the extent to which representatives used them.

Analysing inspection records showed suspensions are rarely used: only 24 (5%) of the ISHR reports referred to suspension of operations. Most suspension

orders were confined to a particular area or operation, including suspending the operation of a particular plant after faulty equipment caused an incident at another mine. Suspension of an entire mining operation was rare (26% of suspension notices and only 1% of all ISHR reports). All but one suspension order referred to fatal risks as the reason for stopping work. Notably, in two reports ISHRs indicated they were supporting an earlier suspension order by a SSHR.

Only three SSHR reports included a suspension notice, all relating to the same mine and involving fatal risks. By way of comparison, MI reports included 10 suspension notices (2% of MI reports) relating to four mines and all referring to fatal risks.

Other formal notifications by ISHRs using their statutory powers (like requiring additional information or identifying limitations in systems) were also rare (37, 8%), though 15 of the 19 mines (79%) had been issued with notifications—with numbers at each mine varying from one to nine. Most commonly, these notices identified weaknesses in health and safety management systems, including inadequacies in emergency response procedures and equipment, ventilation, gas monitoring and machinery hazards. Four reports (11%) explicitly supported the approach taken by the SSHR. In only three instances (6%) had SSHRs issued notices. In contrast, MI inspectors made greater use of these notices (145, 24%). Aside from notices, a further 11 (2%) ISHR and five (10%) SSHR reports made some other kind of 'formal' requirement, most typically to supply documentation, or referrals to the mines inspectorate.

In sum, issuing notices accounted for only a small proportion of ISHR and SSHR inspection activity and they issued considerably fewer notices than the MI. Representatives' notices focused on significant OHS risks and generally sought to link specific hazards to failings or required improvements in safety systems to control those risks. This kind of feedback is widely accepted as good practice in OHS management and risk prevention. Further, there was no evidence that MI inspectors had determined that the (few) notices referred to them by management were issued inappropriately or irresponsibly. The documentary evidence suggested representatives used their powers to issue notices (including suspensions of work) judiciously and to address serious failings of the safety systems.

Interviews demonstrated that ISHRs and SSHRs were aware of the significance of powers to stop work and used them sparingly when they felt there was no other recourse—often where they had previously engaged with mine management concerning risks associated with particular operations but found subsequent action had failed to rectify the situation. As one SSHR put it:

> In the whole eight years I am happy to say I have only had to do it about four times. But a lot of times, if something is not an immediate danger then I will try and give people

> the opportunity to fix it. I try to be a bit diplomatic… But most times people have taken on board what I have said and said well ok we will do this to fix the problem. (7120013 - SSHR)

There are significant restrictions on the circumstances in which representatives can undertake such actions. Both SSHRs and the ISHRs were aware of these strictures, notably statutory requirements not to exercise a function or power 'for a purpose other than a safety or health purpose' or to 'unnecessarily impede production'. As one ISHR said:

> We're pretty careful how we issue a 167 [ISHR's power to issue a directive to suspend operations for an unacceptable level of risk]. So it's like… it's your final power. (7120037 - ISHR)

At the same time the suspension powers considerably strengthened the perception representatives had of their own legitimacy, a perception they believed to be reinforced by positive feedback from work colleagues. Possessing such powers, along with an understanding shared with managers and mines inspectors that there was regulatory support for their use, also encouraged confidence that the consultative and co-operative approaches used more frequently would be taken seriously. In maintaining this position, representatives sought to maintain regulatory legitimacy in their deployment of their powers.

3- Using regulatory powers to conduct pro-active investigations and respond to complaints

Worker representatives conducted proactive inspections as well as responding to incidents, issues and complaints. Table 2 summarizes the documentation inspected by ISHRs, SSHRs and mine inspectors.

Our further analysis indicated inspection reports became more detailed over time and focused on documented systems (risk assessment records, trigger action response plans-TARPs,[2] principal hazard management plans as well as training, incidents and contractor policies) rather than simply on physical inspection. There was also a greater emphasis on changes in work organization (like the use of contractors) and knowledge (like fatigue and psychosocial hazards awareness). In ISHR and MI inspectors' reports, reference to both physical and documentary inspection increased from 1999 to 2008. This emphasis on documentation probably reflected the 1999 regulatory changes requiring OHS management systems and risk assessment.

In interviews, both ISHRs and SSHRs spoke of the time needed to review documentation. ISHRs indicated they spent up to half the visit on this while SSHRs indicated a preference for talking with workers, supervisors and managers and 'hands-on' engagement with the physical operation of the mine. Analysis

TABLE 2

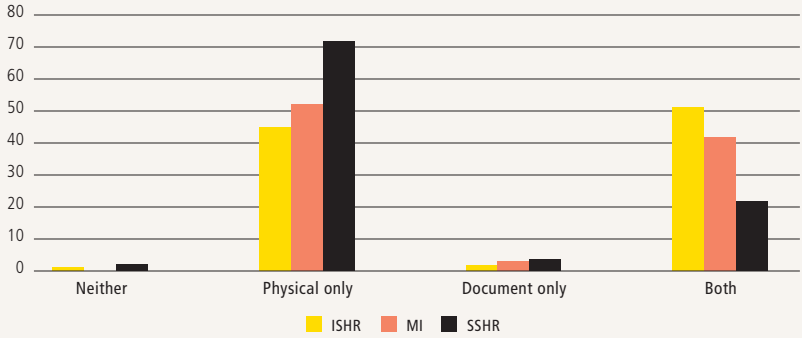
Documentary inspection during site visits

		All site visit reports, total n=1008		ISHR site visit reports, total n=403		MI site visit reports, total n=555		SSHR site visit reports, total n=50	
		No.	%	No.	%	No.	%	No.	%
Health and safety management system (i.e. inspection of part of the documented SHMS)		157	16	59	15	94	17	4	8
Hazard management plan		123	12	53	13	69	12	1	2
Risk assessment		108	11	51	13	55	10	2	4
Standard operating procedure		160	16	60	15	95	17	5	10
Policy	Fitness for work	37	4	19	5	18	3	0	0
	Working hours	14	1	8	2	6	1	0	0
	Fatigue	21	2	10	3	10	2	1	2
	Stress	5	1	2	1	2	<1	1	2
	Bullying	2	<1	1	<1	1	<1	0	0
Contractors	Owner's policies on contractors	41	4	12	3	29	5	0	0
	Contractors' documentation	21	2	13	3	8	1	0	0
Emergency response		37	4	23	6	14	3	0	0
Training		75	7	43	11	31	6	1	2
Incidents		74	7	27	7	47	9	0	0
Representation	Communication	8	1	5	1	3	1	0	0
	Consultation	8	1	4	1	4	1	0	0
	Representatives	6	1	6	2	0	0	0	0
Records		156	16	82	20	72	13	2	4
Match (between documentation and practice)		71	7	50	12	20	4	1	2
Effectiveness (how well SHMS deals with problems)		36	4	21	5	15	3	0	0
Other (e.g. statutory reports, presentations by managers, safety meeting minutes)		163	16	76	19	82	15	5	10

of inspection records (Table 2) confirmed these observations, with 54% of ISHR inspection reports referring to the inspection of documentary material (Figure 2). Overall, 96% of all reports included physical inspection, while just over half (51%) of all visits were confined to this. But this was far more prevalent amongst SSHRs than ISHRs or MI (Figure 2). This difference between SSHRs and ISHRs is partly explained by the former's hands-on approach but also by the ISHRs' external position and their wider brief under section 121 of the *1999 Act* in which their role in reviewing OHS management in coalmines is supported. It is quite likely that the SSHRs' greater familiarity with the mine would mean they were less likely to need to read documentation.

FIGURE 2

Relative levels of physical and documentary inspection for ISHRs, SSHRs and MI inspectors (in %)



Inspection reports also indicated who was spoken to during mine visits, something important in elucidating issues and gauging the responsiveness of management to rectifying problems (Walters *et al.*, 2011). More than 90% of MI and 80% of ISHR reports involved discussions with management, compared to only 30% of SSHR inspection reports. As Figure 3 also indicates, ISHRs and SSHRs were more likely to hold discussions with workers than MI inspectors and ISHRs were more likely to have discussions with SSHRs than MI inspectors.

The data reveal something of the different roles and foci of the two types of representatives, and also indicate trends in the way consultation has changed over time. First, discussions between both ISHRs and MI inspectors with SSHRs increased significantly over time (Figure 4), though ISHRs were still far more likely to engage with SSHRs than the latter—reflecting their supportive role. This was borne out in subsequent interviews with representatives. A strong

FIGURE 3

Differences in discussion during site visits among ISHRs, SSHRs and MI inspectors (in %)

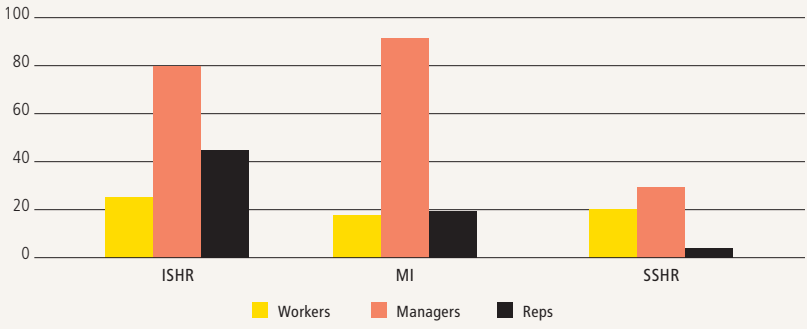
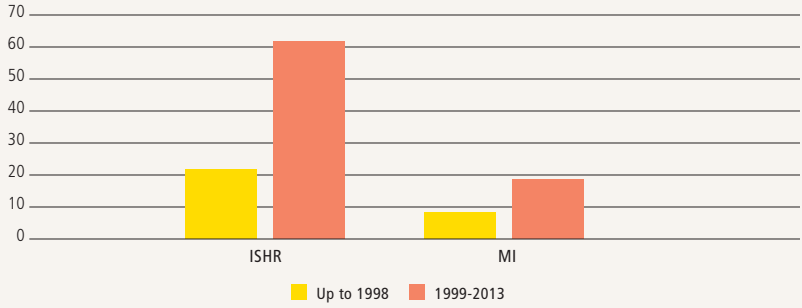


FIGURE 4

Differences in discussion with reps among ISHRs, SSHRs and MI inspectors over time (in %)



theme running through all SSHR interviews was the valuable support they received from the ISHRs:

> No matter what time of day or night we ring up, leave a message or something, they'll always get back to us and always good for advice… They've never ever let us down. And they're always there and I guess it's just like a family… look, without them we can't survive. (7120036 - SSHR)

There are several elements to the support ISHRs provide captured in the quote above, which was typical of many SSHR responses. First, was the ready availability of the ISHRs. Second, there was their reliability in providing information and advice:

> If you couldn't find out information yourself, they'd be the first point of call. And if you weren't sure about which way to go on a decision, ring them. (7120035 - SSHR)

In addition to advice and information, ISHRs could be relied upon to give counsel and maintain the morale of the SSHRs, both those new appointments feeling overwhelmed by their tasks and those dealing with difficult issues:

> I just run by him what we're doing...what action we need to take and they might give us another avenue that we can follow or whatever, but they'll normally back us up and say, you're doing it right… and that's what we're looking for. (0650032 - SSHR)

There was a strong belief in the authority carried by the ISHRs. If necessary, they could be called upon to intervene and their intervention would carry weight. This was seen as indispensable in enabling SSHRs to be effective:

> It does help to have those blokes to come out and give you some back up and they can bloody put some weight in it too, you know… they can steer you in the right direction if you are not sure of anything. Like I said, most of the time we can fix things on our own but if you need those guys well they will come in and bloody help… We can't do without them. (7120013 - SSHR)

These sentiments were corroborated by interviews with the ISHRs which emphasized providing support for SSHRs:

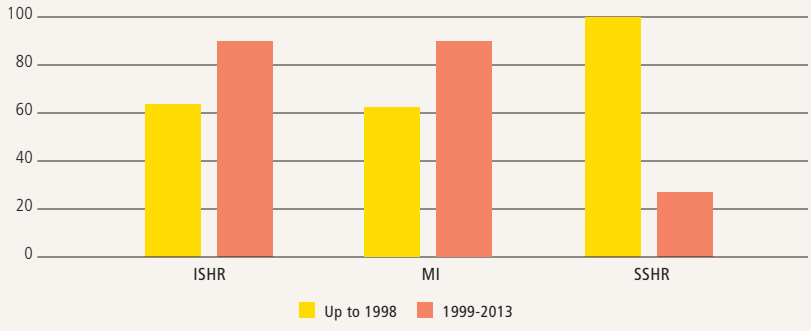
> Like they'll ring up for—I got this issue, I need some advice—and that's more what our role should be for them, to help advise them, not saying we know everything either but if they ring up and they got an issue, say, well, have you thought about attacking it this way? Or going that way? Or, have a look at … or I'm not sure about this, I'll have to do some homework and I'll get back to you. We should be helping them to run the ball up at first and if they hit trouble or something we can come in. (7120034 - ISHR)

The attitude of SSHRs interviewed towards the MI was more ambivalent, possibly reflecting issues of access. Inspection records reviewed indicated that the proportion of inspectorate visits with SSHRs present increased over time. Nevertheless, of 555 inspection reports undertaken by the MI only a third referred to the presence of a SSHR. Even in the more recent period (2009-2013), there was no indication of the SSHR being notified (as required by the *Act*) in just over half of all inspectorate visits. While some of these inspections included mines where there may not have been a SSHR, these would not have accounted for such a large proportion and suggests that worker representatives remain excluded from many regulatory mine inspections. In interviews, SSHRs reported a mixed experience regarding notification of mine inspector visits. For example, one SSHR spoke positively of his involvement with mine inspectors:

> I went for a walk with them last month… yeah, we get on alright. Just like talking, you and I, there's no us and them sort of thing...usually find out a week before when they're coming so they know… SSE's secretary usually sends us an email. (7120041 - SSHR)

FIGURE 5

Differences in discussion with managers among ISHRs, SSHRs and MI inspectors over time (in %)



But others described very different experiences, sometimes exacerbated by management:

> It's strange because they're (management) supposed to notify me. They always notify me when I'm on days off… So I don't know. I've never had a conversation with a Mines Inspector on site in twelve months. (7120040 - SSHR)

Figure 5 indicates an increased likelihood of ISHRs' and MI's discussion with management since the *1999 Act*—reflecting growing consultation over legislative requirements for OHS management systems. Conversely, SSHR reports showed a trend to less discussion with management, which may be because deliberations over often complex systems were more suited to ISHRs. It may also reflect SSHRs' more 'hands-on' engagement with everyday issues in mines and their greater contact with fellow workers.

Turning to reactive inspections and investigations, these represent an important form of engagement with workers and means of highlighting their responsiveness to worker concerns. Overall, 17% (79) of ISHR and 18% (9) of SSHR reports referred to representatives investigating complaints from workers. Allowing for the limitations that some complaints raised multiple issues while others did not include details, complaints most often centred around: failure to follow a policy or safe operating procedure (19, 22%), problems with equipment (15, 17%) and intimidation, harassment, bullying or assault in relation to reporting a safety concern (13, 15%—many from workers at a single mine). Other complaints concerned dangerous working conditions (10, 11%), work rosters and/or fitness for work arrangements, emergency procedures and welfare facilities (9, 10% each).

Interviews with SSHRs suggested that these formally reported instances of responding to worker complaints probably understated the amount of time they spent on this activity. They also suggested that what might originate as a reactive response to a complaint quite often led to a more fundamental investigation of wider procedural issues and subsequent further proactive actions on the part of the SSHR. Interviews further revealed evidence that SSHRs both received and responded to issues raised outside their time at work. Sometimes this was because of the number of issues they needed to deal with; at other times, because a supervisor or manager had not properly addressed a matter when raised at work:

> Oh look, I don't finish work when everyone else finishes work, I go home, I have a meal at night, you go and sit down for dinner, I get three, four people sometimes, I've had them stand in line, to talk to me. They all come to me with an issue, this happened today, this. I say well, what you really need to do is rather than wait until now to tell me about it, talk to your supervisor, yes I did, but that supervisor doesn't want to know

> about it, alright, well leave it to me, I'll go and speak to your supervisor, and I do, and the next morning. (7120025 - SSHR)

There were further indications that these approaches sometimes occurred off-site because workers feared retribution if they were observed making a complaint:

> Yeah so it's only those that are willing to speak up sort of, and the others that don't speak up, some of them come up and see you, you know, or I'll hear it second or third hand and you've got to get back to the source and investigate it… a lot of people are intimidated to speak up, and that's the culture that (names mining company) has created. (7120022 - SSHR)

While all workers (contractors and permanent employees) at some mines feared retribution, representatives interviewed indicated the problem was most common amongst contract workers. Given contractors' greater job insecurity, this is not surprising and has been identified in other research (Bowden, 2003; Waring, 2003). But this observation suggests a further element of vulnerability in the fear of raising OHS concerns even with workers' representatives.

Using regulatory support as 'knowledge activism'

The findings outlined in the previous section suggest that ISHRs and SSHRs play a substantial role representing the OHS interests of Queensland coalminers in their relations with management. In pursuing this activity, representatives address the same array of serious issues that occupy the attention of regulatory inspectors. A particular concern of the present paper is the strategies representatives deem most appropriate and effective, and why this is so. Hence, the ways they consciously work within the regulatory framework to achieve desired outcomes is of especial interest.

Accounts of OHS representatives in other sectors suggest that they operate along a continuum between co-operation and conflict with management, making pragmatic choices based on their confidence, knowledge and understanding of the position assumed by employers with whom they are engaged in conjunction with the distribution of power (Walters and Frick, 2000). In an overlapping analysis of this process, Hall *et al.* (2006) suggested that the effectiveness of representatives hinges on their autonomous collection and strategic use of information, a process they term 'knowledge activism'. They link this process to 'production politics' (Burawoy, 1985) played out within and around their interactions on OHS issues with management. Such knowledge activism, they suggest, is best understood as an adaptation structured by constraints and the opportunities embedded in the regulatory, political and economic contexts. This theoretical perspective can be usefully applied to the actions of representatives in Queensland coalmines to

better understand their determinants. There are several features of representatives' approach to addressing OHS concerns that stand out.

First, it was clear the legislative framework governing HSRs in the *1999 Queensland Act* was central to the ways representatives understood their role and conducted their activities. There were two elements to this. One concerned their rights and functions but the other was the large quantity of regulation on mine OHS compiled into a hefty tome provided to each representative and known as '*The Bible*'. In interviews, representatives repeatedly referred to the legislation and associated guidance material to explain and situate their actions. More experienced representatives acknowledged it had taken them considerable time to familiarize themselves with these provisions and make effective use of them. They readily recounted instances where they were able to draw attention to regulations when negotiating a point with managers and often claimed they knew the requirements far better than their managerial interlocutors. Less experienced representatives talked in awe about the challenge of getting to grips with the enormous amount of material in statutory provisions and their strategies for doing so—as well as the importance of union training and ISHRs in helping them achieve this. There was universal acceptance that getting 'the knowledge' was essential to their success as a representative.

Second, representatives were highly aware of the need to act within the strictures of their statutory powers. The collective view aired during interviews was that failure to do so would render them liable to swift and serious reprisal from mining companies. As well as their reliance on '*The Bible*', the form of 'knowledge activism' adopted was shaped by regulation in other ways. One was the requirement not to exercise a power for 'other than a safety or health purpose' or to 'unnecessarily impede production at a coalmine'. Representatives were careful to distinguish 'health and safety' from 'industrial' matters and to ensure they only pursued the former. Typically, they claimed:

> There's 'safety', there's 'industrial'. You get pulled into it, you end up getting shot… if you're unlucky you'll probably get bloody prosecuted. (7120026 – SSHR)

In (not uncommon) situations where 'health and safety' and other work organizational elements were both involved, representatives worked on them with the mine's wider union organization (and often with the advice of more experienced ISHRs) to achieve a co-ordinated approach where general union representatives dealt with the 'industrial' elements. The practice of SSHR issues and reports regularly featuring on the agendas of union lodge meetings helped to ensure this integration. Finally, as already recounted, while acutely aware of their powerful statutory rights to suspend dangerous work and require review of inadequate OHS management systems, representatives used them rarely—as a last resort after efforts to resolve the issue with management collaboratively had failed.

Conclusions

Other researchers who have studied OHS management arrangements in Queensland coalmines have argued that hostile labour relations endemic in the industry lead to mistrust between managers and union representatives which undermine participative engagement and stall progress on OHS (see Gunningham and Sinclair, 2011, 2012; Yang, 2012). While hostile labour relations are certainly endemic in Queensland coalmining and there is some evidence that improvements in OHS outcomes following the 1999 legislative reforms have subsequently plateaued, we think this interpretation misreads the representative function of SSHRs and ISHRs as part of 'participation' in 'enforced self-regulation' and rather misses the point concerning their role in a hostile labour relations climate.

Much of the actions of the representatives in the Queensland mines fall within the 'knowledge activism' discussed by Hall *et al.*, 2006. But they are also distinguished from it in certain respects. Hall *et al.* suggest 'knowledge activists' are likely to adopt a broad health-orientated approach to the work environment and thus, for example, are able to act directly in relation to the OHS consequences of organizational change. The approach taken by Queensland coalmining representatives was quite different. To be effective (and our evidence suggests that it largely was so), representing health and safety concerns required carefully adhering to matters that fell within statutory requirements. This meant that many OHS consequences of work organizational changes would fall outside their brief. Nonetheless, evidence from interviews indicated that strong union organization in the coalmines enabled these issues to be addressed as a result of coordination between SSHRs and other workplace representatives at branch level, and careful guidance and oversight from ISHRs.

Viewing the system at a broad level, therefore, our study indicates the two-tiered approach of ISHRs with a state-wide remit and SSHRs in individual coalmines is well adapted to representing workers' interests in relation to systematic approaches to managing OHS risks. It provides a structured approach to supporting the SSHRs in their role and influencing managers to meet their OHS responsibilities.

Nonetheless, there are challenges to the regime. First, while the system has always operated in a hostile industrial relations climate, in the last two decade employers have mounted a serious challenge to the very presence of unions. Unionization in Queensland coalmines (and Australia more generally) has fallen and there has been a pronounced shift to de-collectivizing industrial relations. Second, and not unrelated, representatives face a challenge from the significant changes to work organization in mining. The most notable example of this is the increased use of contract labour (Quinlan, 2014; Bowden and Barry, 2015). While representatives try to safeguard

all coalmine workers, contracting and subcontracting arrangements complicate their task; can contribute to dangerous forms of corner-cutting or disorganization and; as already indicated, the insecurity of these workers inhibits their willingness to raise safety issues. Further, as Bowden and Barry (2015) point out, there has been greater use of a 'Fly-in, Fly-Out' workforce by mining companies, allowing them to circumvent the unionized workforce, and the mining communities that provide it with support. The result of these strategies is seen in the decline in union density in coalmining, which between 2001 and 2013 declined from 75.5% to 39.8% (ABS, 2002: 17; 2014: 14).

Finally, the study has described a form of workplace representation on health and safety that, in several of its features, is peculiar to the mining industry. It is a form of worker representation on OHS that is considerably older than that found elsewhere, but which we suggest still has some salience to worker representation in other sectors. Operating in a hostile labour relations system has caused representatives to place a strong reliance on regulation in support of their actions. In contrast to the findings of other research, we have argued that this context has given rise to a form of activism where representatives have found the means with which to address their role successfully despite an unsupportive labour relations climate. This argument has implications for ways of thinking about the role of worker representation on OHS and its relationship with enforced self-regulation of OHS management in neo-liberal political economies, and should cause some pause for reflection concerning the situation in other sectors too.

Notes

1 All of the SSHR reports were written following an on-site inspection.

2 TARPs establish protocols for responding to hazardous circumstances, trends or events.

References

Australian Bureau of Statistics (ABS) (2002) *Employee Earnings, Benefits and Trade Union Membership*: August 2001. Canberra: Australian Bureau of Statistics, Cat. No. 6310.0.

Australian Bureau of Statistics (ABS) (2014) *Employee Earnings, Benefits and Trade Union Membership*: August 2013. Canberra: Australian Bureau of Statistics, Cat. No. 6310.0.

Bowden, Bradley and Michael Barry (2015) "Re-casting Industrial Relations: Productivity, Place and the Queensland Coal Industry, 2001-2013", *Journal of Industrial Relations*, 57 (1), 48-71.

Bowden, Bradley (2003) "Regulating Outsourcing: The Use of Contractors on the Central Queensland Coalfields, 1974-2003", *Labour and Industry*, 14 (1), 41-57.

Burawoy, Michael (1985) *The Politics of Production*. London: Verso.

Dufour, Christian and Adelheid Hege (2013) "Understanding Diversity in Collective Representation: Common Principles Underlying the Performance of Workplace Representatives in Different Representation Regimes", *Industrial Relations Journal*, 44 (4), 355-372.

Gunningham, Neil and Darren Sinclair (2012) *Managing Mining Hazards: Regulation, Safety and Trust*. Sydney: Federation Press.

Gunningham, Neil and Darren Sinclair (2011) "A Cluster of Mistrust: Safety in the Mining Industry", *Journal of Industrial Relations*, 53 (4), 450-466.

Hall, Alan, Anne Forrest, Alan Sears and Niki Carlan (2006) "Making a Difference: Knowledge Activism and Worker Representation in Joint OHS cCommittees", *Relations industrielles/ Industrial Relations*, 61 (3), 408-436.

Morantz, Alison (2011) *Coal Mine Safety: Do Unions Make a Difference?* Stanford Law and Economics, Olin Paper Series, Paper No. 413, Stanford University.

Quinlan, Michael (2014) *Ten Pathways to Death and Disaster: Learning from Fatal Incidents in Mines and Other High Hazard Workplaces*. Sydney: Federation Press.

Reilly, Barry, Pierella Paci, and Peter Holl (1995) "Unions, Safety Committees and Workplace Injuries", *British Journal of Industrial Relations*, 33 (2), 273-288.

Robinson, Andrew and Clive Smallman (2013) "Workplace Injury and Voice: a Comparison of Management and Union Perceptions", *Work, Employment and Society*, 27 (4), 674 -693.

Safe Work Australia (2013) *Key Work Health and Safety Statistics*. Canberra: Safe Work Australia.

Walters, David, Richard Johnstone, Kaj Frick, Michael Quinlan, Genevieve Baril-Gringras, and Annie Thebaud-Mony (2011) *Regulating Work Risks: A Comparative Study of Inspection Regimes in Times of Change*, UK: Edward Elgar Cheltenham.

Walters, David and Kaj Frick, K. (2000) "Worker Participation and the Management of Occupational Health and Safety: Reinforcing or Conflicting Strategies?", in Frick, Kaj, Per Langaa Jensen, Michael Quinlan and Ton Wilthagen (ed.) *Systematic Occupational Health and Safety Management – Perspectives on an International Development*. Oxford: Pergamon.

Walters. David and Theo Nichols (2007) *Worker Representation and Workplace Health and Safety*. Basingstoke: Palgrave Macmillan.

Walters, David, Emma Wadsworth, Rhys Davies, Huw Lloyd-Williams, and Katie Marsh (2013) *Analysis of the Findings of the European Survey of Enterprises on New and Emerging Risks on the Effectiveness and Support for Worker Representation and Consultation on Health and Safety*. Bilbao: European Agency for Safety and Health at Work.

Waring, Peter (2003) "The Nature and Consequences of Temporary and Contract Employment in the Australian Black Coal Mining Industry"", *Labour and Industry*, 14 (2), 83-96.

Yang, Binglin (2012) *Regulatory Governance and Risk Management: Occupational Health and Safety in the Coal Mining Industry*. Routledge: London.

SUMMARY

Safeguarding Workers: A Study of Health and Safety Representatives in the Queensland Coalmining Industry, 1990-2013

This paper explores the practice of worker representation coalmining in Australia, in which there are both serious risks to health and safety and where regulatory provisions on worker representation on health and safety are longstanding.

Despite their longevity, their operation has been little studied. The aim of the paper is to address this gap by examining the quality of the practice of worker representation in the sector. In particular, it explores strategies used by representatives to undertake their role in the context of the hostile industrial relations that are characteristic of coalmining. It examines documentary records of statutory inspections by worker representatives and government mines inspectors and analyses the content of qualitative interviews. It finds that the representatives address serious and potentially fatal risks in their activities and make effective use of their statutory powers in doing so, including their power to suspend operations they deem to be unacceptably dangerous. Nevertheless, they strive to operate within the boundaries of regulation in order to offset the negative influences of a hostile labour relations climate, As well as cautious use of their powers to order the cessation of operations where they deem the risks to be unacceptable, they also avoid accusations of unnecessarily impeding production and engaging with labour relations matters that are outside their statutory remit, through good communication between themselves and other workplace representatives. This is made possible by support from the relatively high level of workplace trade union organization present in the mines and further support derived from the trade union more widely and from the unique two-tier form of representation provided for by legislation. Both ensure the representatives are well informed, well trained and supported in their role. Overall, the study highlights the positive role representatives and unions play in preventive health and safety even in hostile labour relations climates.

KEYWORDS: worker representation, health and safety, coalmining, labour relations, regulation.

RÉSUMÉ

La protection des travailleurs : une étude du rôle des représentants des travailleurs en santé et sécurité dans l'industrie minière du Queensland, 1990-2013

Cette étude explore la pratique de représentation des travailleurs dans l'industrie minière australienne, industrie comportant des risques sérieux en matière de santé et de sécurité au travail, et où des dispositions réglementaires à cet effet existent depuis fort longtemps. En dépit de cette longévité, leur application a fait l'objet de peu d'étude. Le but de cet article est de combler cette lacune en analysant la qualité de la pratique de la représentation des travailleurs dans ce secteur. Plus particulièrement, nous nous intéressons aux stratégies mises en place par les représentants afin de jouer pleinement leur rôle dans le contexte hostile des relations de travail qui caractérise l'industrie minière australienne. Nous passons en revue les documents d'archives des inspections obligatoires menées par les représentants des travailleurs et les inspecteurs miniers gouvernementaux, et nous analysons le contenu d'entrevues qualitatives. Il ressort que les représentants des travailleurs

sont avant tout préoccupés de contrer les risques graves et potentiellement mortels dans le cours des activités des mineurs et, ce faisant, ils utilisent de manière efficace leurs pouvoirs réglementaires, incluant celui de suspendre les opérations jugées potentiellement dangereuses. Néanmoins, ils s'efforcent d'opérer dans les limites fixées par la règlementation, dans le but de compenser les effets négatifs de l'hostilité du climat des relations de travail. En conséquence, ils se montrent prudents dans l'utilisation de leurs pouvoirs d'ordonner la cessation d'opérations qu'ils jugent comporter un risque inacceptable. Ainsi, ils évitent d'être accusés d'avoir indûment fait cesser des opérations et de s'être engagés sur des questions de relations de travail qui sont en dehors de leurs attributions légales. Ils maintiennent également de bonnes pratiques de communication entre eux et les autres représentants des travailleurs. Tout ceci est rendu possible grâce au soutien des hautes instances syndicales dans les mines et de l'appui émanant du mouvement syndical en général et du système unique de représentation bipartite prévu à la législation, lesquels font en sorte que les représentants des travailleurs sont bien informés, bien formés et bien supportés dans leur rôle. Dans l'ensemble, l'étude met en lumière le rôle positif que les représentants des travailleurs et les syndicats jouent en matière de prévention en santé et sécurité, même lorsque le climat des relations de travail s'avère hostile.

MOTS-CLÉS : représentation des travailleurs, santé et sécurité au travail, industrie minière, relations de travail, règlementation.

RESUMEN

La seguridad de los trabajadores: Un estudio de los representantes de la industria minera del carbón de Queensland, 1990-2013

Este artículo estudia la práctica de representación de los trabajadores del carbón en Australia, en la cual hay graves riesgos de salud y seguridad y donde las disposiciones reglamentarias respecto a la representación de los trabajadores en materia de salud y seguridad son de larga data. A pesar de su longevidad, su funcionamiento ha sido poco estudiado. El objetivo de este trabajo es colmar esta brecha mediante el estudio de la calidad de la práctica de representación de los trabajadores en el sector. Se estudian en particular las estrategias utilizadas por los representantes para llevar a cabo su función en un contexto de relaciones laborales hostiles que caracterizan a las minas de carbón. Se examinan los registros documentarios de las inspecciones legales efectuadas por los representantes de los trabajadores e inspectores gubernamentales de minas y se analiza el contenido de las entrevistas cualitativas. Los resultados muestran que, en el curso de sus actividades, los representantes confrontan riesgos graves y potencialmente fatales y procediendo así, hacen uso efectivo de sus facultades legales, incluyendo su poder de suspender las operaciones que estimen de un nivel inaceptable de peligro. Sin embargo, se esfuerzan para operar dentro de los límites de la regulación con el fin de compen-

sar las influencias negativas de un clima de relaciones laborales hostiles. Haciendo uso prudente de sus facultades para ordenar el cese de operaciones consideradas à riesgo inaceptable, ellos también evitan acusaciones de obstaculizar innecesariamente la producción y de inmiscuirse en los asuntos de relaciones laborales que están fuera de su competencia legal, guardando así una buena comunicación entre ellos y otros representantes del lugar de trabajo. Todo esto es posible gracias al apoyo relativamente importante de parte de la organización sindical local presente en las minas y al apoyo más amplio derivado de la organización sindical de nivel superior y del sistema particular de representación doble establecido por la legislación. Ambas aseguran a los representantes de estar bien informados, bien formados y apoyados en su rol. En su conjunto, este estudio hace resaltar el rol positivo que juegan los representantes y los sindicatos en la prevención de la salud y seguridad ocupacional incluso en un contexto de relaciones laborales hostiles.

PALABRAS CLAVES: representación de trabajadores, salud y seguridad, minas de carbón, relaciones laborales, regulación.