

Action Plan arising from *Digging Deeper* recommendations

Grouping	Recommendations	Proposed Action
	Wran Recommendation 1. Independent assessment of the practice of production bonus payments and safety based incentive schemes.	
Production Bonuses and Safety Incentive Schemes Strategy Priority 4	<i>Digging Deeper</i> Recommendation 1: Recognition and reward schemes should be reviewed and developed in line with good practice principles. Recommendation 2: The NSW mining industry should no longer pay workers in the industry money or equivalent benefits as a result of achievement of particular targets for outcome data, eg LTIFR, MTIFR. Recommendation 3: Sites with production bonus schemes should carefully review them to ensure that the payment is not creating a disincentive to address adverse OHS consequences of current working arrangements.	<p>MSAC to oversee the implementation of a review of safety incentive schemes and the use of production bonuses by industry at company and site level.</p> <ul style="list-style-type: none"> • NSW DPI to publish the Incentive Schemes checklist that covers good practice principles (in Volume 2 of the report), and promote it to industry. • Employer groups and unions to promote good practice principles outlined in <i>Digging Deeper</i> for recognition and reward schemes. • Employers in consultation with employees and their representatives, where appropriate, to review the practice of safety incentive schemes and their relevance to improving OHS over time. • Employers in consultation with employees and their representatives, where appropriate, to review the impact on OHS and the purpose of production bonus payments when negotiating new agreements or remuneration (The term of existing industrial instruments needs to be taken into account). • DPI to develop an element within the OHSMS Audit Tool, on safety incentive schemes and production bonuses. • Industry, through the employer groups, to report back to MSAC on progress at the company and site level within an agreed timeframe after promotion of good practice commences



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	<p>Wran Recommendations</p> <p>19. The MSAC progress the development by industry of systems to more accurately record and monitor hours worked at mine sites by all workers. Such systems could include the use of a computer “swipe card”, “smart card” or similar technology.</p> <p>20. Independent assessment of the hours worked and fatigue management in the mining industry, involving direct contact with a significant sample of the workforce at all levels.</p> <p>21. The Review recommends that the results of this research (referred to in recommendation 20) be directed to MSAC for consideration, leading to recommendation to the Minister, as a matter of the highest priority, in relation to hours of work and fatigue management.</p>	
<p>Fatigue Management Strategy</p> <p>Priority: 1</p>	<p>Digging Deeper</p> <p>Recommendation 4 DPI should develop an intervention strategy on fatigue management and hours of work. The “how to” guide provided as an attachment to this report that is based on guidance promulgated by the NSW Minerals Council should be used as the standard for this strategy.</p> <p>Recommendation 5 Prescriptive hours of service rules should not be imposed, but sites should use risk management approaches to monitor and address the excessive hours of work at some sites and for some occupations. This requires support from all stakeholders and intervention by the regulator where necessary.</p> <p>Recommendation 6 Sites should actively monitor and address excessive hours of work for all who work on sites. In particular, contracting companies should monitor and control working hours of their employees who work across and travel to a variety of sites. DPI should not actively fund or promote a smart card system, but encourage employers to use appropriate techniques to monitor hours of work.</p>	<p>MSAC to oversee development and implementation of a fatigue risk management education and improvement strategy supported by NSW DPI, employer groups and unions, that covers all sectors of the NSW mining industry.</p> <ul style="list-style-type: none"> • MSAC, through a tripartite working group to develop and endorse a fatigue management standard¹ for the NSW mining industry using the guide on fatigue management (provided in Volume 2 of Digging Deeper) as a starting point. The standard should include: <ul style="list-style-type: none"> ▪ Risk management approaches ▪ Control of risk factors and appropriate rosters ▪ Roles and responsibilities in monitoring fatigue ▪ How to actively monitor hours of work and use the data to foresee and mitigate risk ▪ Contractor management • NSW DPI, with support of employer groups and unions, to promote the endorsed fatigue management standard for industry implementation at the company and site level. Educative mechanisms could include <ul style="list-style-type: none"> ▪ Web-based and hard copy promotion of the standard, good practice and self-audit tools that include a “no blame”

¹ Mining Industry Health and Safety Action Plan initiatives in Fatigue management require MSAC to endorse fatigue a management standard by 2008; Promote the standard; DPI conduct follow up audits 24 months later.



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	<p>Recommendation 7 Existing providers of smart card systems should provide systems that can interconnect so that the hours of work stored on the cards provided by different systems can be downloaded by all readers.</p>	<p>approach by all stakeholders to reporting of and responding to work-related fatigue</p> <ul style="list-style-type: none"> ▪ Coaching and advice on site ▪ Industry workshops and employer / union networking opportunities. <ul style="list-style-type: none"> • NSW DPI to engage specialist resources to develop tools for auditing (internal and external), training, educating and coaching DPI staff, industry and unions in fatigue risk management. • Employer groups and companies to encourage existing smart card providers to have systems that interconnect and report progress to MSAC through the NSWMC and CCAA within an agreed timeframe. • MSAC to identify and promote a nationally coordinated set of data to be collected during investigations at site level and by regulators for inclusion in existing industry data collection protocols through the National Mine Safety Framework. • NSW DPI to conduct a follow-up at the company and site level to monitor implementation of the fatigue standard and report back to MSAC within an agreed timeframe.
	<p>Recommendation 8 MSAC should develop a minimum data set identifying fatigue related information to be collected in incident investigations and provide it to the industry. This should also be incorporated in existing industry data collection protocols.</p>	
	<p>Recommendation 9 The industry should adopt a 'no blame' approach to reporting fatigue, responding to reports by addressing work-related causes not by penalising tired workers.</p>	



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	<p>Wran Recommendations</p> <p>29. The Review recommends that the NSW mining industry, through MSAC, enhance consultative arrangements between management and mineworkers in accordance with the spirit of the National Mine Safety Framework Implementation Plan.</p> <p>30. Independent assessment of mechanisms for worker consultation, feedback and problem reporting of OHS problems at the mine site, including:</p> <ul style="list-style-type: none"> • The array of mechanisms and their coverage. • The role, attitude and involvement of workers, unions, management, worker representatives, contractors & subcontractors. • The contribution and effectiveness of these measures in resolving OHS problems. • Effective ways of improving or enhancing existing arrangements. 	
<p>Consultation Strategy</p> <p>Priority: 2</p>	<p><i>Digging Deeper</i></p> <p>Recommendation 12 Sites should apply the tools currently available, and new tools as these are developed, to review and improve their consultative arrangements in consultation with their workforce.</p> <p>Recommendation 13 DPI should further develop its intervention strategy on consultation to include assessment of effectiveness. This will require the development of review and evaluation guidelines that should also be made available to the industry. As part of this, DPI should also consider what further inspectorate training may be necessary to support such a strategy.</p> <p>Recommendation 14 DPI should review their site visit protocols to ensure that they build effective consultation, in particular that they include the imperative to meet with workers and their representatives each time they come on site. Enforcement activity about compliance with legal consultation requirements should increase and sites should be actively encouraged to improve the time and resources expended on this critical area.</p>	<p>MSAC to oversee the development of a consultation education and improvement strategy that covers all sectors of the NSW mining industry, and its subsequent implementation, supported by NSW DPI, employer groups and unions that covers all sectors of the NSW Mining industry.</p> <ul style="list-style-type: none"> • MSAC to support a nationally co-ordinated approach on effective consultation for the development of lead indicators through the National Mine Safety Framework. • MSAC to consider, agree and endorse an industry standard on consultation for the NSW mining industry • NSW DPI, with support of employer groups and unions, to promote the endorsed consultation standard and identified good practice for industry implementation at the company and site level. Educative mechanisms may include: <ul style="list-style-type: none"> ▪ Web-based and hard copy promotion of the standard and good practice ▪ Coaching on site

² This is seen as an extension of the strategy to address Wran recommendation 3 - The Review recommends that such Regulations require mine owners and operators to involve employees in the development, implementation and monitoring of the systems and plans required by the Regulations.



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	<p>Recommendation 15 MSAC should develop a strategy to identify and promote good consultation practices building on the concept developed at the <i>Future Inquiry Workshop</i> and using the guidance that has been prepared previously for the industry. This strategy should identify and acknowledge best practice consultation in each sector and in SME as well as large enterprises. Case studies about these examples should be prepared and disseminated widely. Companies that demonstrate best practice consultation should be encouraged to share their experiences with other firms.</p>	<ul style="list-style-type: none"> ▪ Industry workshops and employer / union networking opportunities. • NSW DPI will continue to promote the existing consultation audit tool² to industry as a self-audit tool. • NSW DPI to engage specialist resources to further develop DPI staff skills that encourage the industry to improve consultation mechanisms. The skill development will include a review of site visit protocols that foster the building of effective consultative arrangements on site.³ • NSW DPI to engage specialists to develop resources for auditing (internal and external) and evaluation, training, educating and coaching, industry and unions in effective consultation. • Employer groups and unions to facilitate skill-development opportunities for members on how to participate effectively in consultation at the site level. Organisations to report back to MSAC on the participation rates of members to an agreed timeframe. • NSW DPI to conduct a follow-up review at company and site level using the existing NSW DPI consultation audit tool and report back to MSAC within an agreed timeframe.
	<p>Recommendation 16 MSAC should revise and update the guidance for consultation provided as an attachment to this report to include recent legislative changes to create a <i>Guideline on Employee Consultation</i>. This guideline should then be actively and widely disseminated throughout the industry, including via the internet, as a guide to effective consultation.</p>	
	<p>Recommendation 17 MSAC should derive a set of self-audit tools and self-review tools from the <i>Guideline on Employee Consultation</i> for use by the industry.</p>	
	<p>Recommendation 18 Industry bodies and unions should offer training on consultation based on the industry guideline.</p>	

³ Seen as an extension of addressing Wran recommendation 27.3 and 27.4

The Review recommends that the role of the DPI Inspectorate be supported and strengthened by:

3. Ensuring adequate training is provided in the regulation of risk-based management systems with an emphasis upon strict compliance with safety obligations.
4. Ensuring that during worksite visits inspectors make contact with, and hold discussions with, workers and their representatives; monitor the presence and activities of representative mechanisms; and monitor consultations and input into risk assessment.



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	<p>Wran Recommendation 26. Examination of the apparent disconnect between some company management systems / plans and the translation of such systems / plans to a working level (at the coal face) and MSAC seek a collaborative industry response.</p>	
<p>OHS Management Systems Strategy</p> <p>Priority: 3</p>	<p>Digging Deeper</p> <p>Recommendation 11 MSAC should develop a strategy to support all sites in the NSW mining industry to review the extent to which they have effective OHSMS in place, building on the concept developed at the <i>Future Inquiry Workshop</i> and using the findings of this research.</p> <p>Recommendation 19 DPI should continue to require sites to use risk control strategies that focus on control at source and advise against using strategies that focus on worker behaviour as the primary means of risk control.</p> <p>Recommendation 23 MSAC should review and revise the performance measurement guidance materials prepared for the NSW Minerals Council to develop a guide to monitoring and evaluating OHS management. MSAC should then actively promote the use of such an approach throughout the industry.</p>	<p>MSAC to oversee implementation of an OHS management system education and improvement strategy supported by NSW DPI, employer groups and unions that covers all sectors of the NSW mining industry.</p> <ul style="list-style-type: none"> • MSAC to agree on a standard for monitoring and evaluating OHS management systems, with supporting external and internal audit tools, and promote them to industry. • NSW DPI to develop OHS management systems audit protocols, consistent with the NSW legislative framework that include an element to evaluate site auditing practice. • NSW DPI to engage specialist resources to develop tools for auditing (internal and external) and evaluation, training, educating and coaching NSW DPI staff, industry and unions in implementing OHS management systems. • MSAC promote a nationally co-ordinated approach to performance measurement, the development of safety and health lead indicators and safety culture elements relating to the performance of OHS management system effectiveness • MSAC, with the support of NSW DPI, employer groups and unions, to identify and promote lead safety and health indicators and safety culture elements for small and large sites in different sectors. • MSAC through NSW DPI, employer groups and unions, to identify and promote good practice in systematically managing OHS and



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	<p>Recommendation 24 As well as conducting audits in its own right, DPI should establish inspection protocols that check whether sites have effective internal and external auditing processes and specify appropriate remedial actions where necessary.</p>	<p>examine the role of behaviour-based safety and lead safety and health indicators for small and large sites in different sectors.</p> <ul style="list-style-type: none"> • MSAC, through NSW DPI, employer groups and unions, to promote the development of effective OHS management systems and the use of lead safety and health indicators. Educative mechanisms may include both existing and new strategies such as: <ul style="list-style-type: none"> ▪ Web-based and hard copy promotion of assessment protocols, lead indicators and good practice ▪ Coaching and advice on site • Industry workshops and employer / union networking opportunities • Benchmarking opportunities between companies, sites and other industries. <ul style="list-style-type: none"> • NSW DPI to conduct a follow-up at company and site level using the NSW DPI OHS management system audit tool and report back to MSAC within an agreed timeframe (also addressing Wran recommendations 4, 17, 18 and 25⁴). • MSAC, through the Performance Measures Task Group, to examine the use of macro and micro performance measurement indicators and promote them to the National Mine Safety Framework.
	<p>Recommendation 25 MSAC should provide opportunities for benchmarking and sharing industry data and knowledge and establish opportunities for the exchange of ideas, problems and solutions (eg through internet sites, regional meetings and <i>Future Inquiry</i> type initiatives).</p>	

⁴ **Wran Mine Safety Review recommendations that will be incorporated into the strategy**

- 4. The Review recommends that the new Regulations [CHSA and Regulation, MHSA and Regulation] be subject to further audit and review 24 months after commencement.
- 17. The Review recommends that the DPI; Closely monitor the implementation of contractor management provisions during the initial two years of operation; and Conduct a major audit of the practice, performance and compliance under the new provisions after two years.
- 18. The Review recommends that DPI closely monitor and audit contractor management systems and take enforcement action commensurate with the gravity of any breach of the required provisions.
- 25. The Review recommends that inspectors must regularly check (monitor, audit, inspect, observe) the implementation of companies' own risk management plans and safety management systems in general. Such a process must involve consultations with the workforce.



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The Information Strategy is not specifically related to a Wran Recommendation		
Information strategy Priority 5	Digging Deeper Recommendation 20 MSAC should identify where lack of information is inhibiting the ability of sites to develop effective risk controls and address this by improving information provision on such risks.	<p>MSAC to oversee implementation of an Information and skills development education and improvement strategy supported by NSW DPI, employer groups and unions, that covers all sectors of the NSW Mining industry.</p> <ul style="list-style-type: none"> • MSAC, with support from NSW DPI, employer groups and unions, to promote the 10 “Platinum Rules” for world-class OHS to all sectors of the NSW mining industry. • NSW DPI to engage specialists to develop resources for training, educating and coaching, NSW DPI staff, industry and union representatives in managing and accessing OHS information. • Industry and employers to operate continuing education programs for professionals with OHS development components. • NSW DPI, supported by employer groups and unions, to develop and promote information on where and how to access OHS information and advice, including the need for appropriate resourcing of OHS. • MSAC to promote a nationally coordinated approach to skills development through the National Mine Safety Framework • On request, MSAC to provide support to the agencies responsible for addressing skills development in the mining industry. • MSAC to develop and implement a communication strategy to inform the NSW mining industry of the Digging Deeper project outcomes and educational and OHS improvement strategies that are being developed and implemented.
	Recommendation 21 The importance of adequate resourcing should be emphasized in any industry guidance prepared by MSAC to implement the recommendations of this report.	
	Recommendation 22 MSAC should develop guidance materials to assist enterprises to choose appropriate internal and external advice based on the findings of this research. This should include advice to senior managers on what they need to know in order to select and use the best specialist advice.	
	Recommendation 10 MSAC should develop a strategy to address the skills shortage faced by the industry, working with the industry’s training advisory bodies and building on the concept developed at the <i>Future Inquiry</i> Workshop.	