

COMPLIANCE PRIORITY OUTCOMES

COVID-19 inspection program

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Issue: The COVID-19 pandemic represents a significant risk to all workers in the NSW mining industry.

The NSW Resource Regulator is undertaking a proactive inspection program to verify that mining operations are implementing and maintaining appropriate controls to minimise the risk to workers from COVID-19. To date, we have undertaken 178 inspections to verify the implementation of controls relating to risks posed by COVID-19.

We have identified that generally mine operators are implementing appropriate controls, however some issues have been identified with appropriately documenting controls and completing risk assessments. To date, the Regulator has issued 24 notices of concern and 22 improvement notices under the *Work Health and Safety Act 2012*. We will continue to monitor the implementation of controls at mine sites and react to notifiable incidents to ensure that the risk to health and safety is minimised as far as reasonably practicable.

What we did and what we found

We have implemented an internal response plan to manage the risk of COVID-19 transmission. This plan is consistent with the advice from NSW Health and the broader NSW Government approach. It also considers the specific considerations which reflect our operational model.

We developed two separate assessment programs targeting issues relating to the pandemic.

- **COVID-19 risk reduction measures** - Verified the implementation of controls that minimise or prevent transmission of the virus. The assessment targeted controls for identification of symptoms, good hygiene, social distancing and remote working arrangements.
- **General assessment** - an assessment of the potential impacts on safety at mining operations caused by the response to COVID-19, with an emphasis on supervision arrangements.

The assessment templates have been published on our website, along with other supporting material. Mining operators are encouraged to use these tools on a regular basis at their own operation to verify and maintain their controls.

Prior to implementing the inspection program, we undertook an operational risk assessment and implemented controls to minimise the risks of transmission between our inspectors and mine workers.

The following inspections have been conducted to date:

Coal industry (surface and underground operations)

COVID-19 inspections	General inspections
<ul style="list-style-type: none"> ❑ 34 inspections conducted 	<ul style="list-style-type: none"> ❑ 32 planned inspections conducted
<ul style="list-style-type: none"> ❑ 7 s23 notices of concern issued 	<ul style="list-style-type: none"> ❑ 4 s23 notices of concern issued
<ul style="list-style-type: none"> ❑ 3 s191 notices issued 	

Most mining operations have conducted specific risk assessments in relation to the risk of COVID-19 transmission and are implementing their identified controls adequately. Controls associated with health screening, social distancing, hygiene and cleaning have been implemented at most sites. Workers have been encouraged to self-report when symptoms are identified and procedures have been implemented appropriately. It was also identified that the implementation of altered supervision and communication arrangements was not consistently undertaken.

Large metalliferous mines, extractives and petroleum sites

COVID-19 inspections	General inspections
<ul style="list-style-type: none"> ❑ 32 inspections completed 	<ul style="list-style-type: none"> ❑ 28 inspections completed
<ul style="list-style-type: none"> ❑ 1 s191 improvement notice 	<ul style="list-style-type: none"> ❑ 5 s23 notices of concern issued

Most large metal mines, extractives and petroleum sites have implemented comprehensive workplace controls to manage workers exposure to COVID-19. Inspections identified one instance where an operation had not undertaken an appropriate risk assessment. A comprehensive, systematic investigation and analysis of all aspects of risk to health and safety relating to COVID-19 is required to prevent and/or minimise transmission of the virus.

There were no significant issues identified in relation to health screening, social distancing, hygiene and cleaning.

Small mines and quarries

COVID-19 inspections	General inspections
<ul style="list-style-type: none"> ▣ 21 inspections conducted 	<ul style="list-style-type: none"> ▣ 31 inspections conducted
<ul style="list-style-type: none"> ▣ 4 s23 notices of concern issued 	<ul style="list-style-type: none"> ▣ 4 s23 notices of concern issued
<ul style="list-style-type: none"> ▣ 4 s191 improvement notices issued 	<ul style="list-style-type: none"> ▣ 12 s191 improvement notices issued

Most sites have implemented appropriate controls, however there was no documented instruction or communication relating to these controls. Without systematically documenting control requirements, the effectiveness of the controls can easily be compromised.

Outcomes

To date, we have undertaken 178 inspections focussing on implementation of risk controls associated with the transmission of COVID-19.

Arising from inspections undertaken to date, 24 notices of concern and 22 improvement notices have been issued under the *Work Health and Safety Act 2012*. We have published the assessment templates used in these programs on our website to assist industry with maintaining their controls.

Conclusion

In general, inspection activities have identified that mine operators are:

- educating the workforce on the signs and symptoms of COVID-19 and encouraging self-reporting
- implementing health surveillance controls
- putting into practice good hygiene, including routine cleaning of mobile plant and crib rooms
- providing resources to allow practice of social distancing (i.e. providing more transport onsite to allow workers to be 1.5 metres apart)

- allowing flexible working from home arrangements (where appropriate) and maintaining appropriate supervision arrangements onsite.

Recommendations

Under work, health and safety laws, employers must have measures in place to eliminate or manage the risks arising from COVID-19.

It is not possible to eliminate the risk of workers contracting COVID-19 while carrying out work. However, mine operators must do all that is reasonably practicable to minimise that risk.

To do this, it is important to keep up to date with the latest COVID-19 information and advice, to ensure that any action taken is appropriate. This includes closely monitoring the information provided by the NSW Health, Safework Australia, Safework NSW and the Resources Regulator. Consider this report and its preliminary learnings.

Several organisations have developed additional resources to assist the industry and identify key controls that are reasonably practicable for mine operators to implement. Where operators have not adopted these controls, the Regulator expects to see evidence of risk assessments being carried out and suitable alternative controls adopted.

Mine operators should review and adopt (where relevant) the following guidance material that has been reproduced on our website:

- Minerals Council of Australia
- Resource Sector National COVID-19 Protocols
- Protocol compliance checklist
- Cement Concrete & Aggregates Australia's Business Continuity Guideline
- SafeWork Australia's Information for Workplaces
- Resources Regulator Safety Alert - COVID-19 related worker complaints
- IQA COVID-19 Health and Safety Management Assessment Checklist.

Next steps

To date, 178 planned inspections have been undertaken. This inspection program will continue dependent on the ongoing impacts of the pandemic. The Regulator will continue to monitor the

implementation of controls through its proactive inspection program and react to notifiable incidents, to ensure that the risk to health and safety is minimised as far as reasonably practicable.

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CM9 reference