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On 25 September, the Government Gazette released Notice No 39228 with guideline number 854 from the Mine Health and Safety Inspectorate (MHSI) of the Department of Mineral Resources.

In what can only be seen as a progressive movement for an industry that is historically male-dominated, the Chief Inspector of Mines, under section 49(6) of the Mine Health and Safety Act 29 of 1996 (MHSA), has issued a guideline for the compilation of a mandatory code of practice on the provision of personal protective equipment (PPE) for women. The objective of this guideline is to provide a framework within which all South Africa mines will compile and implement a mandatory code of practice addressing the provision of PPE for women in mining.

Background

The increase in women working on-site in the mining industry has raised several challenges, one of which is the use of PPE by women. Equipment has not always taken the female anatomy into consideration. The MHSI has noted that many work environments in the mining industry have been found to be unsuitable for female employees, and that there is limited published data on the health and safety issues faced by women in mining.

Workshops conducted by independent researchers in 2014 indicated that often the available PPE is unsuitable for female mineworkers and sometimes poses health and safety challenges. This implies that female mine workers may not have adequate protection against risks from work-related hazards. In addition, the SIMRAC Research Project, SIM100904, indicated that there is a possible link between the type of PPE used by female mineworkers and the increased vulnerability to skin conditions, such as contact dermatitis and other bacterial and fungal infections. This problem is further exacerbated by some of the coping mechanisms that female miners use, such as thick wool undergarments, in order to make the ill-fitting PPE more comfortable. These unconventional coping mechanisms are said to further increase their risk to infections. The guideline seeks to address this issue by assisting employers to draft a mandatory code of practice to facilitate suitable PPE for female employees.

The guideline
The aspect of modified PPE came up during the discussions on the proposed amendments to the MHSA, and was included in the draft Mine Health and Safety Bill, published for comment in General Notice 1103 of 2013. It would seem that subsequent to these discussions the MHSI has taken the decision to address this aspect as a mandatory code of practice to be implemented and adhered to by the mines.

The guideline has been issued in accordance with section 9(2) of the MHSA, which states that an "employer must prepare and implement a code of practice on any matter affecting the health and safety of employees and other persons who may be directly affected by activities at the mines if the Chief Inspector of Mines requires it". This is a significant factor for the employers of mineworkers to take note of, as failure to prepare or implement a code of practice in compliance with the guideline will constitute a breach of the MHSA.

The objective of guidelines is to provide committees with direction and guidance when drafting codes of practice. In the same manner, this guideline specifies the exact format in which the mandatory code of practice must be drafted, the requisite content and the precise manner in which annexures must be included. Furthermore, it requires members of the drafting committee to consult with the health and safety committee in the preparation, implementation or review of the code of practice in terms of section 9(4) of the Act. The guideline specifies that employers must include in the mandatory code of practice how the significant risks identified, in relation to women in mining and PPE, will be addressed. It also lists essential aspects that, at the very least, must be included, unless there is no significant risk associated with that aspect on the employer's mine.

The MHSI found that the selection, provision and use of PPE should not only be based on the identification of hazards or the risk assessment processes but should also incorporate the anatomical differences between men and women, and the level of comfort of the person using the equipment, to ensure the maximum level of efficiency of PPE for all mine workers.

This guideline seeks to ensure that the mandatory codes of practice drafted in this regard accommodate the unique specifications of the female anatomy in order to relieve the physical discomfort experienced by women in mining, and more importantly address the health and safety risks they are exposed to when wearing PPE traditionally designed for the men.

At a time when the South African mining industry has hit some rough patches, it is encouraging to see the industry regulators implementing guidelines for employers to improve the working conditions of women in mining, and ultimately the health and safety of all mineworkers. The guideline is due to be enforced from 31 December 2015.