The right to a healthy and safe environment

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Health, safety, and security are key concerns for all stakeholders operating in the energy and natural resources sector, and these concerns are increasingly leading to investor and boardroom decision-making against exploration, extraction, and beneficiation in certain jurisdictions.

According to estimates published by the International Labour Organisation, a worker dies from a work-related accident or disease every 15 seconds, and over 300 million workers sustain non-fatal occupational injuries each year[1]. A significant majority of these incidents, accidents, and diseases occur within the exploration, extraction and beneficiation industries.

Incidents and accidents are often repeat occurrences relating to the use of machinery (trackless mobile machines, railbound equipment, conveyor belts, and related equipment), geology (falls of ground), and repeat events remain a significant challenge for stakeholders in the energy and natural resources sector. Occupational diseases that occur most often are the various types of occupational lung diseases, which often present long after workers have left service, and can have a debilitating effect on ex-workers and their dependants.

These incidents, accidents, and diseases occur despite international treaties and conventions in support of worker health and safety, and national legislation focused on health and safety in the workplace in support of the Universal Declaration of Human Rights. Constitutions of most nations recognise human rights focused on anti-discrimination, generally, but also specifically rights in relation to life, human dignity, freedom and security of the person, slavery, servitude and forced labour, environment, health care, food, water, and social security.

National health and safety legislation attempts to give effect to these basic human rights through complex mechanisms and systems which include:

- conducting hazard identification and risk assessments;
- the implementation of measures to address the identified hazards and the assessed risks;
- the implementation of a system of health and safety training and communication;
- the appointment of competent supervision; and
- a system of overinspection aimed at "closing the loop."

Occupational health and safety of employees is also generally addressed, as well as that of other persons who may be directly affected by the operations that are being conducted, such as the "doorstep" communities.

Key considerations for employers

- **Cross border responsibilities:** Health, safety, and security is not confined to national borders, and the general principle for multinationals is that these responsibilities remain in place, regardless of where an employee works. Employers must therefore consider all substantial potential risks faced by employees including exposure to diseases such as Malaria and Ebola, contraction of HIV and/or Aids, and physical risks such as terrorism and kidnapping for ransom. Employers are required to implement reasonable measures to address these risks including providing appropriate medical care and repatriation facilities.

- **The role of communities:** In many jurisdictions, communities are becoming extremely active in support of demands for jobs, service contracts, and provision of infrastructure such as water, electricity, and roads. Companies operating as explorers, extractors, and beneficiators are increasingly finding themselves in a position where they are "substitute governments" and are expected to deliver these services, or face closure. Responsibilities for the health and socio-economic welfare of these communities is being transferred to the operators, and this is creating a substantial new challenge for stakeholders.

- **Focus on women:** The specific and unique circumstances relating to the health, safety, and security of women has, historically, been disregarded in several jurisdictions. Stakeholders are having to come to terms with significant new requirements in relation to women in the workplace, which has, historically, been dominated by male workers.

Conclusion

It is difficult, if not impossible, for stakeholders in the energy and natural resources sector to argue that "zero harm" is not achievable. The principle of worker health, safety, and security is more than just a question of legal compliance – it is a moral obligation which all stakeholders need to strive for.

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[1] International Labour Organization (2013). ILO calls for urgent global action to fight occupational diseases.

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