



NSW Coal Order 41

Information

March 2017



NSW Coal Order 41 (the Order) was approved by the NSW Government on 11 February 2011. It requires employers of coal mine workers and operators in NSW to ensure that pre-placement and periodic medical assessments are completed for their workforce.

The Order exists to help protect coal mine workers' health and safety.

All medical results are confidential and managed in accordance with Federal Privacy Laws. Employers receive a de-identified report on the overall health of their workforce with no individuals medical data included.

Coal Services uses only de-identified data to report on health trends / issues for the benefit of the industry.

Pre-placement medical assessments

Pre-placement medicals are required to ensure any coal mine worker in NSW is physically able to perform the inherent role requirements. The medical also ensures no underlying medical conditions exist that may impact their safety or the safety of other worker's on-site.

The Order requires that coal mine workers complete a pre-placement medical assessment prior to commencing work at a coal operation. This includes new workers entering the industry and workers transferring across operations.

Following this assessment a report is provided to the employer which includes the Doctor's opinion of medical suitability for the proposed role.

As a minimum, the pre-placement medical assessment will include:

- Detailed medical history, including past or present disease or injury and medication use
- Spirometry and a review of the respiratory system, including the completion of a respiratory questionnaire
- Hearing, including audiometry and vision test, including visual fields and colour vision
- Full musculoskeletal assessment
- Cardiovascular and blood pressure assessment
- Urinalysis
- Body Mass Index (BMI)
- Doctor's clinical examination and general health review, including tobacco smoking history, alcohol consumption and physical activity
- Neurological examination with particular attention to sensory or balance disorders, including the Romberg test for balance

- Chest x-ray six (6) yearly. The Medical Officer will refer coal mine workers for a chest x-ray based on the medical examination and dust exposure history.
- Doctor's assessment of the overall fitness of the applicant

Periodic medical assessments

The periodic medical assessment is used to monitor each worker for any adverse health effects that have occurred due to workplace exposures. Regular health screening helps keep the NSW coal mining industry free from diseases such as pneumoconiosis or 'black lung'.

The Order requires that coal mine workers undertake the periodic medical assessment:

- not more than three (3) years from the date of the commencement of the Order (11 February 2011) and then every three (3) years thereafter; or
- every three (3) years from the date of the coal worker's pre-placement medical assessment carried out under the Order, or not more than three (3) years from the date they commenced work, whichever is earlier; and
- no more than every three (3) years after that.

As most occupational illnesses take many years to develop, regular health surveillance allows for early detection and intervention.

Employers receive a de-identified report on the overall health of their workforce; no individual medical data is included.

As a minimum, the periodic medical assessment will include:

- Detailed medical history, including past or present disease or injury and medication use
- Review of any medication usage
- Spirometry and a review of the respiratory system, including the completion of a respiratory questionnaire (based on the MRC(UK) Respiratory Questionnaire 1986)
- Hearing assessment, including audiometry
- Vision assessment, including visual fields and colour vision
- Blood pressure assessment
- Urinalysis, cholesterol check (non-fasting), blood sugar level, Body Mass Index (BMI)

- The Kessler Psychological Distress Scale (K10): The questionnaire aims to identify workers with significant levels of psychological distress so that they may be appropriately managed with respect to their ongoing health and wellbeing
- The Epworth Sleepiness Scale (ESS): This assessment is intended to measure daytime sleepiness and can be helpful in diagnosing sleep disorders
- Alcohol Audit: The Alcohol Use Disorders Identification Test (AUDIT) was developed by the World Health Organisation (WHO) to screen for excessive alcohol consumption. It provides a framework for intervention to help risk or high-risk drinkers to reduce or cease their alcohol consumption. It also helps to identify alcohol dependence
- Cardio Risk Assessment - Developed for use by Physicians to assess the risk of cardiovascular disease (CVD) in adults without known CVD. The ranking is based on guidelines produced by the Australian and American Heart Foundations
- Hazard exposure questionnaire identifying all potential environmental hazards a worker may be exposed to and includes information on the use of PPE
- Work related skin disease questionnaire
- Musculoskeletal questionnaire
- Chest x-ray six (6) yearly. The Medical Officer will refer coal mine workers for a chest x-ray based on the medical examination and dust exposure history.
- Conclusions and recommendations

Medical provider options

Employers are free to choose a preferred medical provider; however they must meet the following minimum criteria:

- Pre-placement medical assessment - A Doctor must physically conduct the medical.
- Periodic medical assessment - A Doctor or Registered Nurse working under the supervision of a Doctor must complete the medical.

Employees also have a reasonable choice in the selection process and employers must consult with their employees for the selection of the Doctor and/or Nurse who will conduct the periodic medical assessments.

Coal Services has a team of experienced Doctors and Nurses with specialised skills in the area of occupational health and industrial medicine. With offices in all major NSW mining regions, Coal Services is dedicated to supporting the NSW mining industry and its workers.

Medical reporting compliance

Coal Services maintains a statutory responsibility under Order 41 to maintain industry health surveillance records.

Medical provider responsibilities

- Ensure all components of the medical are fully completed. Failure to fully complete all components may result in the delay of compliance notification.
- At the completion of medical assessments, medical providers must forward the completed assessment paperwork to the company who requested the medical.

Please note: CS Health will not accept medicals submitted by a medical provider. All medicals must be submitted via the relevant employer.

Periodic Health Assessment and Pre-placement Health Assessment generic templates are available for download from the CS Health website at coalserviceshealth.com.au.

Employer responsibilities

- Coal operators or employers are responsible for ensuring their chosen medical provider complies with the reporting requirements of the Order.
- Employers must submit completed Pre-placement or Periodic medical assessment paperwork to CS Health (order41@coalservices.com.au) within four (4) weeks from the date of the assessment to ensure Order 41 compliance.
- Employers should only submit Pre-placement medical assessment paperwork for successful applicants.

Medical follow up

The Order states that Coal Services must record all medical information into the coal industry database, however Coal Services has no responsibility to ensure medical follow up has been attended for any medical condition/s that may have been identified during the assessment.

In the event that a medical condition has been identified as a high priority condition, Coal Services may follow up with the employee, the employer and the attending Medical Officer as a reminder only.



Booking an appointment with Coal Services (CS Health)

Employers generally arrange medical assessments on behalf of their employees.

CS Health has offices in each of the major mining centres in New South Wales, including Lithgow, Mudgee, Singleton, Speers Point and Woonona.

Fully equipped mobile health vans are also available to conduct medical assessments onsite. CS Health can also conduct medicals on suitable employer's premises, on request.

The contact details for each of the CS Health offices can be found at coalserviceshealth.com.au.

Penalties for non-compliance with Order 41 requirements

The Order contains employer penalties for non-compliance. These penalties include a fine of up to 200 penalty points or \$22,000 for corporations and 50 penalty points or \$5,500 in the case of an individual employer.

The Order does not allow for coal mine workers to be penalised for non-attendance at medicals but the NSW Coal Mines Health and Safety Act 2002 (section 59) does require workers to comply with any health and safety management systems employers have in place.

Workers should understand their employer will be advised if they fail to attend for an assessment arranged through CS Health.

In the event of a breach, the individual circumstances will be examined before determining if any penalties should be incurred.

Frequently asked questions

Can other health professionals conduct the pre-placement medical assessment and then have a Doctor review and sign-off?

No. A Doctor must physically interview and complete a full pre-placement examination. The Doctor must then complete the declaration on the medical forms to verify they have physically examined the applicant in determining their suitability for the role.

Does a coal mine worker have to undertake the medical assessments in their own time?

Pre-placement medical assessments are generally completed in a coal mine worker's own time.

The Order requires workers be allowed to attend the periodic medical assessments in their normal shift time, but not within ten (10) hours of the completion of a shift. If a registered Industrial Instrument has different terms from that contained in the Order, then the provisions of the Industrial Instrument will prevail over the Order.

Does a coal mine worker have a chest x-ray at each medical?

No. The Order requires coal mine workers to undergo a chest x-ray each six (6) years. A Medical Officer will refer coal mine workers for a chest x-ray as required.

Must all people employed at a coal operation undergo regular medical surveillance?

Not necessarily. The Order defines a 'coal mine worker' as 'a person working on coal extraction and/or treatment of coal at a coal operation'.

This is any person at a coal operation, as defined in section 3 of the Coal Mines Health and Safety Act 2002, who is directly involved in the extraction and/or treatment of coal, or is directly exposed to the possibility of health risks or impairments that are the subject of medical assessment and health surveillance as detailed in the Order.

From an occupational health perspective, the medical assessments detailed in the Order are designed to monitor for health risks associated with exposure to dust, musculoskeletal injury, hearing loss, vision impairment, fatigue and occupational dermatitis.

A practical example may mean a person engaged in clerical work in an administration building, in most cases, would not be required to complete the medical assessments due to their limited exposure to occupational health risks.

On the other hand, coal mine workers that are engaged in tasks perhaps not directly involved in the extraction of coal but that may lead to an occupational illness or injury that is subject to detection by the medical assessments outlined in the Order should be medically assessed as per the requirements of the Order.



The definition of a 'coal mine worker' in the Order is designed to ensure that those at risk due to exposure to either occupational or environmental hazards on a coal operation site undergo medical assessments to ensure their health is protected.

Am I responsible for ensuring that any contractors on my site comply with the Order?

The employer of the Contractor, whether they be an individual, partnership or Corporation, are responsible for ensuring compliance with the Order and for arranging to have their employees medically assessed as required by the Order. In the case of Contractors that are a sole proprietor they must ensure they comply with the Order.

Coal operators, through their normal Contractor Management System, must satisfy themselves that any Contractors utilised on the coal operation are complying with the Order.

In the event of a breach of the Order by a Contractor, the Contractor is liable.

Are there reports available?

Reports are available and Coal Services will be able to provide details on the last attendance for a medical assessment for your employees.

At the same time you will receive regular reports from Coal Services on the health of your workforce. These reports will contain de-identified data so that coal mine workers' medical privacy is protected. CS Health team members will meet with you to discuss the results and work with you to implement solutions to improve worker health and wellbeing onsite.