

## Legal Responsibility of Coal Mining Company PT. International Prima Coal for Worker Welfare and Safety

Suryaningsi Suryaningsi<sup>1</sup>, Endang Herlihah<sup>2</sup>, Muhammad Syarif<sup>3</sup>, Rosmini Rosmini<sup>4</sup>, Aullia Vivi Yuliangrum<sup>5</sup>, Moh Bahzar<sup>6</sup>

### Abstract

*Pancasila provides the direction and foundation for the formation of laws, policies and actions of the Indonesian government. This principle emphasizes the need to overcome social, economic, and political inequalities and provide equal opportunities for all Indonesians to prosper. This reflects a commitment to creating a just society. The method used in this study is qualitative using a qualitative descriptive approach, the data collection techniques used are interviews, observation, and documentation. From the results of the first study, mining business actors regarding the protection of women's labor rights still have women's labor rights that have not been fully fulfilled so that in this case it is not in accordance with Law No. 6 of 2023. Unfulfilled rights are menstrual leave and miscarriage leave. Furthermore, regarding the equality of women workers, it is proven by the existence of female workers who serve as Managers and there is no difference in the nominal salary. While the implementation of Corporate Social Responsibility funds of PT. International Prima Coal is good enough according to government regulations because it meets all aspects of the East Kalimantan Blue Print. Implementation of Corporate Social Responsibility funds of PT. International Prima Coal is also in accordance with the perspective of Islamic Economics.*

**Keywords:** Gender; Legal Politics; Pancasila values; Coal mining business.

### Introduction

Fair and sustainable coal mining management is key to ensuring that the benefits of these natural resources can be enjoyed equally by all and do not damage the environment ("Analysis of Coal Mining Methods, Mining Technology and Mining Area Development Actions," 2021; Großmann, 2021 ; Iwińska, 2021). Therefore, if coal mining management includes all aspects contained in good and correct mining management regulations, namely Law Number 3 of 2020 concerning Mineral and Coal Mining, it can have a sustainable positive impact on society, the economy, and the environment. In addition, it can also reduce conflicts and tensions that often occur in the mining sector and allow the State to optimize the benefits of its natural resources in a sustainable manner (Suryaningsi et al., 2015).

Coal mining can be a significant source of revenue for governments and mining companies. This is in line with paragraph 2 of article 33 of the Constitution of the Republic of Indonesia Year 1945 "The branches of production that are important for the state and control the lives of many people are controlled by the state". However, in order for the benefits to be evenly distributed, there must be a mechanism that ensures equal distribution of income for all communities, including local communities directly affected by mining.

State control rights over coal mining management cannot be intervened by private parties, namely mining companies. However, the full power of the State is carried out solely to encourage the realization of social welfare for all people which is the purpose of establishing the State (Suryaningsi, 2023). In addition, the

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<sup>1</sup> Universitas Mulawarman. ORCID: 0000-0003-1093-810x. Email: suryaningsi@fkip.unmul.ac.id.

<sup>2</sup> Universitas Mulawarman. ORCID: 0009-0003-1063-6344.E-mail: endangherlihah@fkip.unmul.ac.id

<sup>3</sup> Universitas Muhammadiyah Makassar. ORCID: 0000-0003-0629-9878. E-mail: muhsyarif00@unismuh.ac.id

<sup>4</sup> Universitas Mulawarman. Orcid: 0000-0002-6792-7789. E-mail: rosmi@fh.unmul.ac.id.

<sup>5</sup> Universitas Muhammadiyah Kalimantan Timur. ORCID: 0009-0007-9622-3215. E-mail: avy598@umkt.ac.id.

<sup>6</sup> Universitas Mulawarman. ORID: 0009-0007-4121-2009.E-mail: m.bahzar130363@gmail.com.

democratic system as a symbol in government is also manifested in controlling the economy in Indonesia. This condition is bound by the provisions of the State through paragraph 4 of Article 33 of the Constitution of the Republic of Indonesia Year 1945, namely " The national economy is organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental insight, independence, and while maintaining a balance of progress and national economic unity.

Implications of coal mining management Communities living around mines are often directly affected by mining, both in terms of environmental change, climate change, natural physical changes such as floods and changes in social conditions (Huang et al., 2021; Rahmayani et al., 2023). They must benefit commensurate with the damage caused and have access to economic and social opportunities (Luthfi, Andi, 2023). As in the picture below, that the mining system that takes place uses an open system so that it allows fatal risks to arise in accordance with the principles in mining, namely large costs, high technology, risks and impacts are also large.



**Figure 1.** Open pit mining and its conditions

(Source: [https://www.google.com/search?sca\\_esv=18f40993b4200c83&q](https://www.google.com/search?sca_esv=18f40993b4200c83&q))

In addition, business principles are preferred for business actors, but what about the problem of workers with the demands of Law No. 3 of 2020 and Law No. must work in safe conditions and get fair wages. Labor rights and work safety standards must be fully respected (Budiyono & Yulianti, 2022; Marais et al., 2021). Local communities should be given the opportunity to participate in mining-related decision-making that impacts their area. This creates a foundation for mutual understanding and encourages accountability. However, fair and sustainable management also requires transparency in licensing, operational permits, and tax and royalty payments. Strong law enforcement is also important to ensure that companies comply with regulations ("Brief Analysis of Coal Mine Road Layout and Application of Coal Mine Technology," 2022; Jiang et al., 2021; Kamran, 2021).

Coal mining management involving local communities through the implementation of labor regulations that can create a more positive relationship between the mining industry and local communities (Natashya Angelica SS, 2022; Putra et al., 2021; Sumarsih, 2021; Wu et al., 2022). It can also help reduce social conflicts, improve community welfare, and promote sustainable economic growth in areas affected by mining activities (Suryaningsi dkk., 2021).

Involving local communities in coal mining management is an important step that can be realized through the implementation of labor regulations. This can create jobs, improve social welfare, and ensure workers involved in the mining industry get their rights guaranteed by labor regulations (Kędzior & Dreger, 2023;

McCann &; Pufpaff, 2021; B. Urych, 2021). Here are some ways to implement labor regulations to involve local communities in coal mining management.

According to ("The UK Constitution and International Legal Orders," 2022; Trapeznikova &; Tselikhina, 2021; Varnavsky et al., 2022) Mining companies can be given the obligation to give priority to the recruitment of local workers. This creates jobs for the local population and helps increase the unemployment rate in the region. Mining companies should provide training and skills development for local workers in order to meet the requirements of jobs in mining. This can include occupational safety training, mining engineering, or other relevant skills (Augustine, 2022; Zhu & Wang, 2023).

The implementation of labor regulations must ensure that workers, including local communities, work in safe and decent conditions (Candra, 2022; Duda &; Krzemień, 2021; Faull, 2022). Law No on Manpower stipulates

This includes meeting safety standards, fair wages, and protection against harassment or discrimination. Local communities should have the opportunity to participate in decision-making that impacts mining operations in their areas. This can be done through consultation forums or representatives in committees that monitor mining activities ("Dynamic Investment Strategy Toward Emissions Reduction and Energy Conservation of Coal Mining," 2021; Pretorius & Blaauw, 2021; Wu et al., 2023).

Labor regulations can also encourage mining companies to contribute to social development in the area around the mine. This can include community infrastructure projects, education, health, or economic empowerment. Labor regulations should also ensure that mining companies comply with workers' human rights, including the rights to association and assembly. Mining companies should publicly report on their labor practices, including the composition of the workforce, wages, and training programs provided.

The state is obliged to facilitate its citizens to be able to obtain decent work and provide protection to workers. This is stated in Constitution 195 Article 27 paragraph (2) which states "Every citizen has the right to work and a decent living for humanity" and Article 28D paragraph (2) which states that "Everyone has the right to work and get rewards". and fair and proper treatment in employment relations. In an effort to achieve this goal, the government enacted Law Number 13 of 2003 concerning Manpower which was updated with Law Number 11 of 2020 concerning Job Copyright.

The workforce that must be protected is all workers, both male and female workers. Women workers have the greatest chance of being in difficult conditions. This is due to the patriarchal culture that is still sustainable in people's lives, so there is still an assumption circulating in society that men are superior in everything to women. Although the issue of gender equality and freedom of self-development for women has been widely discussed, there are still incidents of discrimination against women in the world of work ("Application of Underground Coal Mining Technology and Analysis of Coal Mining Technology," 2022 ; Luo dkk., 2021).

In addition to discrimination in treating women, there are other phenomena that place women as victims. This happens a lot because the implementation of legal protection for women workers is still weak. Moreover, there are still women workers who lack knowledge about legal protection, so that they can be used by irresponsible parties to interfere with workers' rights as women (Marpi, 2021; "Mechanized Comprehensive Coal Mining Technology of Coal Mine," 2022). By nature, women have biological differences with men that have an impact on their physical abilities. From a biological point of view, women experience reproductive periods such as menstruation, pregnancy, childbirth, or breastfeeding. There is still a lack of public understanding of the rights of women workers, causing the rights that should be obtained by women workers to be ignored and not fulfilled (T. Urych et al., 2021; Wang, 2023).

Female workers as part of the workforce as a whole have different physical and psychological characteristics from men (Bialek et al., 2021; Sundararaman, 2021). These differences in characteristics cause men to have advantages and greater opportunities to discriminate and other evil acts against women, so special regulations are needed to regulate female workers. The 1945 Constitution has protected workers in general

by protecting their rights as human beings. Based on the 1945 Law, the state issued Law Number 13 of 2003 concerning Manpower to protect workers in detail.

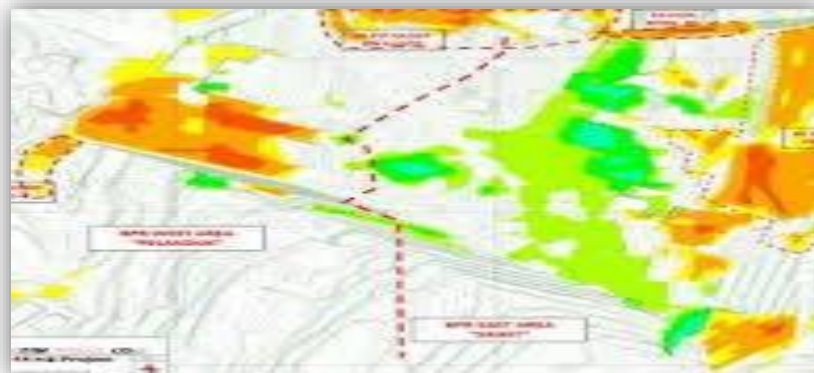
The government must ensure strong law enforcement against mining companies that violate labor regulations, thus providing protection to workers, including local communities (Denoon-Stevens & du Toit, 2021; "Technical Developing Pathway of Ecological Coal Mining," 2021; Zhao et al. , 2021). Coal mining management that involves local communities through the implementation of labor regulations can create a more positive relationship between the mining industry and local communities. It can also help reduce social conflicts, improve community welfare, and promote sustainable economic growth in areas affected by mining activities ("Assessment of the Implications of Coal Post-Mining Impact on Surface Water at Abandoned Okpara Mine in Enugu State," 2021; Sebastian & Siauwijaya, 2021).

Injustice in coal mining management is a serious problem that often arises in many countries, including Indonesia. Sometimes, the benefits of coal mining are not evenly distributed between governments, mining companies, and local communities. Governments may earn significant revenues through royalties and taxes, while local communities may not receive benefits comparable to the environmental and social damage caused by mining (Marson & Ferris, 2020).

Based on the description above, in order to apply the principles of social justice and provide protection for the rights of women workers to improve the welfare of women workers in this case, especially in coal mining companies where in general the number of male workers is more than male workers. The number of women workers, so it is important to know how the form, implementation and barriers to protection of women workers in the coal mining sector. Research conducted in PT. Internasional Prima Batubara Samarinda (IPC).

## Research Methods

This study used qualitative type of description. With the approach of labor cases that occur a lot in coal mining activities. This research took place in PT. Internasional Prima Coal Samarinda (IPC) as shown in the map below:



**Figure 2.** Map of Research Location PT. IPC

Sumber: <https://www.researchgate.net/figure/Gambar-1-Peta-Penambangan-Pit-Bendili-Prima->

Taking place from January to April 2024, through post-positivist based research methods or interpretive philosophy, it is used to examine the condition of natural objects, where researchers are the key instrument, data collection techniques are carried out by triangulation (combined observation, interviews, documentation), the data obtained tend to be qualitative data, data analysis is inductive / qualitative, and

the results of qualitative research are understanding meaning, Understand uniqueness, construct phenomena, and find hypotheses.

#### *Hasil dan Diskusi*

After data reduction and discussion, the researcher then presented data (display) Application of Social Justice Principles to the Welfare of Women Coal Mine Workers in PT. Internasional Prima Batubara Samarinda (IPC).

#### *Pemenuhan Hak-Hak Pekerja Perempuan di PT.Prima Batubara Internasional*

##### *Hak Khusus Pekerja Perempuan*

Women workers are a group that essentially has certain characteristics that receive attention, therefore when viewed from the history of the existence of women in our country are in backward status and conditions, do not have the ability, skills and tend to only meet human biological needs. With the changing times and technological advances, women today have job skills that sometimes exceed the skills of male workers. This happens because women want to let go of their dependence on living with men and do not want to be underestimated.

Women's health is a complex issue because women's health is unique, complex and the approach must be done comprehensively. Legal protection efforts for women workers are based on national laws and regulations as well as international labor standards that have been adopted into national laws and regulations.

It is undeniable that women workers have rights that must be protected both in terms of art, norms and health, especially those related to their reproductive function. So that government policy to provide menstrual leave, pregnancy and childbirth for female workers is mandatory because it is related to the nature of women. The aim is to improve protection for women workers.

Protection of women workers, especially the regulation of matters related to their reproductive organs as women, in the Manpower Law is the protection of workers for treatment from the authorities or government towards their work, where the treatment is sometimes inhumane, which occurs when ordering workers to do work.

From the results of interviews and supported by observations made by researchers that women workers who work in PT. Prima Batubara Internasional. In practice, there has been maternity leave and maternity leave, but there has been no written explanation of menstrual leave. Female workers have only ever used maternity and maternity leave, even though none of the workers have ever asked for leave due to abdominal cramps during menstruation. The right to menstrual leave for female workers continues to be pursued by companies by utilizing it through sick leave. That way the company has carried out its obligations by providing the rights of women workers in accordance with the Manpower Law. Everything that has been explained according to (Budi, 2022) states that rights are authority if someone is authorized to receive or do something that is desired and obtained or must be done.

##### *Equality and Remuneration System*

Justice is a right and obligation that contains moral values throughout the world. Justice is an agreement between people who want to live a just and prosperous state life. Unfair treatment of women is still in the form of gender discrimination and physical abuse, as well as treatment that results in differences in rights and opportunities between men and women. Therefore, Article 6 of Law Number 13 of 2003 reads "Every worker has the same opportunity to get a job without discrimination" which clearly says women can get

jobs in all fields of work, without coercion and can work well. Nothing stands in the way of getting a decent job by distinction of ethnicity, race, religion, gender or political affairs.

According to (Kazi, 2022) Perempuan Underestimated because it is considered that the position of women is only behind men, women cannot get a high enough education to be able to read and write, therefore in ancient times many women were illiterate, even though women went to school no more or enough to finish elementary school (SD). Perempuan Only allowed to work at home such as cooking, washing, sweeping, childcare, and other routine activities carried out in the household. Because it's RA. Kartini wants to fight for equal rights between women and male workers and female workers guaranteed in the 1945 Constitution of the Republic of Indonesia Article 28D paragraph 2 which affirms that "Everyone has the right to work and to get fair and decent remuneration and treatment. working relationship".

Another reason for discrimination between men and women, especially in the world of work, is that women who marry and work as workers will have more rest time than men because married women will become pregnant, give birth and breastfeed their children. In the view of entrepreneurs, this is seen as inefficient and tends to harm the company in the production process. The impact of women who will become pregnant, give birth and breastfeed is to see that women's job is only to take care of household problems.

Based on the results of interviews and supported by observations made by researchers that at PT. Prima Batubara Internasional shows appreciation for female workers to avoid inequality and still provide equal opportunities in any case with male workers. In this case, it can be seen that although the number of female workers in the company is relatively small, these female workers have an important position in the company so that there is equality in the company. In the aspect of the wage system, it has been given according to the provisions without any difference between male and female workers, including in the provision of wages if female workers who are on leave continue to receive wages from the company. Thomas Hobbes (1999:31) states that justice is an act that can be said to be fair if it is based on an agreed agreement. From this statement it can be concluded that justice or a sense of justice can only be achieved when there is an agreement between the two parties who promise.

View Hobbes (Barinov, 2021) This is one of the various theories about the origin of justice in society. Other points of view, such as those put forward by philosophers such as John Locke and Jean-Jacques Rousseau, place different emphasis on the foundations of justice and the social contract. In discussions of justice, debates over the role of the social contract and moral principles remain important topics in political philosophy.

Hobbes said about justice, a famous political philosopher who lived in the 17th century. Hobbes is known for his theory of the social contract, which was applied in his most famous work, "Leviathan" (1651). His social contract theory posits that justice in society can be achieved through the establishment of agreements or contracts between the individuals involved. In conclusion: that the basis of justice is the existence of agreements (contracts) between individuals. That is, an action or deed can be said to be fair if it is in accordance with what has been agreed by the parties involved in the contract. This contract usually refers to the establishment of a government or authority that will govern society.

A very well-known concept is the "social contract". Society was initially in a state of "war against all", where life without government was extremely unstable and dangerous. In order to avoid conflicts and ensure security, individuals voluntarily agree to form a government and abide by regulations.

The government or "Leviathan" has a central role in maintaining justice and order in society. The government has the power to enforce the law and protect individual rights in accordance with the social contract. Justice is not an absolute moral principle, but is the product of agreement arising from the interests of individuals who want to maintain public security and order.

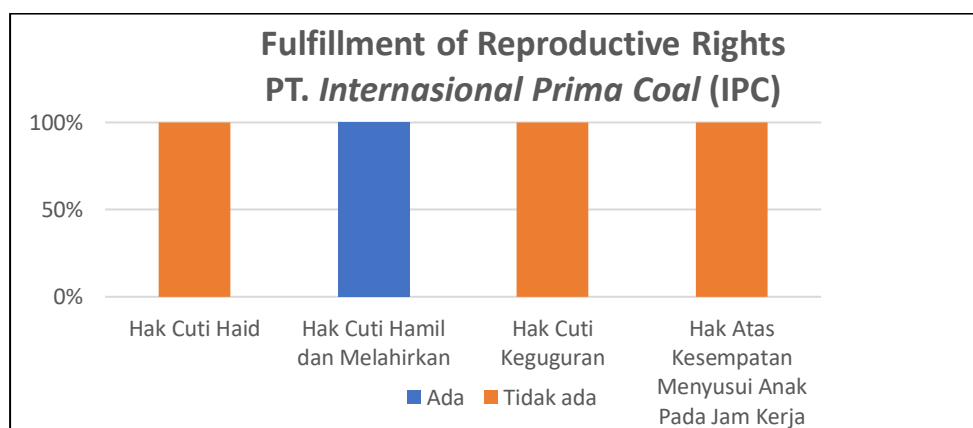
*Weaknesses in the Implementation of the Fulfillment of Working Women's Rights di PT. Prima Batubara Internasional*

Based on the author's observations, the legal awareness of women workers regarding the protection of special rights provided by the law is still very minimal. There are even some employees who say that all forms of regulations can only be determined by the company inviolably, which automatically if there is a decision that is contrary to the laws and regulations, there is no legal action that can be taken by the workers, especially women workers. The author also specifically examines empirically related to public legal awareness, especially workers, regarding the legal protection rights of women workers. Of the several employees interviewed by the author, more or less one like that was found in the workforce some were regulating the law, but did not know that the law had provided for the protection of women workers in such a way.

Karl Marx (2021) In a critical view of law and the legal system, it is argued that laws are often used by the bourgeoisie to protect their interests and that this can create injustice and complacency among the proletariat or working class. Marx's views on dissatisfaction with the regulation and actions of the ruler are reflected in his most famous work, "The Communist Manifesto". Politics, economics, and sociology remain strong and relevant today, especially in the analysis of social inequality and class struggle in capitalist societies.

Responding to Indonesia's condition regarding coal mining management is still far from the values of the Indonesian nation's philosophy, namely Pancasila. Companies as owners of capital, will act to exploit workers by taking advantage of their hard work. This caused discontent among the proletariat who felt the system was unfair. The ruler and/or government often sides with the bourgeoisie and takes policies that benefit the capitalists, ultimately harming the people. As the origin of the establishment of the State or government because of the existence of people, who is sovereign as the owner of nature and everything in it. Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. As mandated by Article 33 paragraph 3 of the 1945 NRI Constitution.

According to the author, awareness of legal protection is very important for the effectiveness of a law and regulation. Socialization of the importance of legal awareness is needed in the midst of society. Given the condition of the community that is still unfamiliar with the protection of women workers. PT. Prima Batubara Internasional has provided special rights protection for women workers, including the right to sick leave both due to menstruation and not, the right to maternity and maternity leave. However, from the interviews, the author concludes that there are several problems in enforcing the protection of female workers, where companies should specifically include the leave given to female workers due to menstrual pain, not just mention diseases in general. as in the following image: Gambar Fulfillment of Reproductive Rights



Data Source: Processed by the author in the year 2024

Based on the results of the research that has been obtained, if classified into the percentage of fulfillment of women's labor rights in the field of reproduction at PT. International Prima Coal (IPC) yang has been fulfilled only by 25% while the unfulfilled by 75% so that in fulfilling the rights of women workers in the

reproductive sector PT. *International Prima Coal* (IPC) is still not fulfilled properly because not all rights of women workers contained in Law Number 13 of 2003 concerning Manpower are fulfilled. The rights of women workers in the reproductive sector have only been fulfilled, namely maternity and maternity leave.

With regard to maternity leave and maternity leave, basically the provision of time must be clearly stated in the regulations of the company's board of directors that female workers who are pregnant and giving birth will be allowed to leave for one and a half months before giving birth and one and a half months thereafter. giving birth with the obligation of the company to pay the principal in full without any deductions. whatever, as stated in laws and regulations. Currently, based on interviews as the author has described earlier, maternity and maternity leave is given one month before giving birth and one month after giving birth. This section is expected to be revised if the fulfillment of the special rights of women workers runs optimally. However, the implementation of Corporate Social Responsibility funds of PT. *International Prima Coal* is good enough according to government regulations because it meets all aspects of the local government's Blue Print.

Here are the most essential things for the implementation of legal protection for women workers, especially at PT. *Prima Batubara Internasional* is to build legal awareness about the rights that workers should receive and companies can carry out their respective obligations in a balanced manner. The consequences of coal mining often cause serious environmental damage, including deforestation, water pollution, and land degradation. These impacts can be detrimental to communities whose livelihoods depend on the environment. Coal mining can also cause air pollution that harms public health, especially around coal mining sites and power plants.

Sometimes, coal mining management is also carried out in a non-transparent manner, with decisions and agreements that are not always open to the public. This can allow corrupt practices and abuse of power to occur. Sometimes, there is a gap in working conditions and wages between mining workers and mining companies. Workers often face high health and safety risks without adequate compensation. To overcome inequities in coal mining management, governments and mining companies can take various actions. Coal mining activities can cause serious environmental damage, such as deforestation, water and air pollution, and land degradation. Sustainable management must pay attention to environmental impact mitigation and more environmentally friendly practices. Coal is a finite natural resource. Continuous management must ensure that those resources are used wisely and do not deplete existing reserves without thinking about future generations.

Gender equality and protection of women's labor rights have a significant positive impact in creating a more inclusive and sustainable work environment. In order to create an inclusive and sustainable work environment, coal mining company PT. *International Prima Coal Samarinda* and other mining companies should also adopt policies that support gender equality, comply with applicable laws, and invest in training and awareness. This is not only a morally correct course of action, but also a smart and sustainable business strategy. Pay attention to the following: Justice and gender equality; economic empowerment; Innovation and creativity; Productivity and Performance; Reduction of Discrimination and Harassment; Leadership; and the reputation and image of coal mining companies.

Gender equality is a basic human rights principle that states that every individual, regardless of sex, has equal rights to opportunities, treatment, and fair rights in life and work. This creates a fairer environment in the workplace, where every employee has equal opportunities to develop.

Fully involving women in the world of work contributes to the economic empowerment of society as a whole. When women have equal access to job opportunities, fair wages, and managerial positions, it improves the economic well-being of families and communities. An inclusive work environment that respects gender differences also encourages diverse perspectives and creative ideas. Diverse work teams tend to be more creative and innovative in solving problems and facing challenges.

Employees who feel respected and given protection of their rights, including women's rights, tend to be more productive and perform better. They are also more likely to be committed to work and the company.



Protection of women's workers' rights includes the prevention and handling of cases of gender discrimination or harassment in the workplace. This creates a safe environment where all employees feel respected and protected.

Gender equality opens doors for women to achieve managerial and leadership positions in organizations. This creates a more balanced representation in decision-making and encourages diverse thinking within the company. Companies that demonstrate a commitment to gender equality and the protection of women's labor rights are often perceived as socially responsible. This can improve the company's image in the eyes of employees, customers and shareholders. To create an inclusive and sustainable work environment, companies must adopt policies that support gender equality, comply with applicable laws, and invest in training and awareness. This is not only a morally correct course of action, but also a smart and sustainable business strategy.

The unfulfilled rights of women workers, especially the right to menstrual leave and miscarriage leave, is a serious problem that requires attention and action from mining business actors and related agencies. This involves compliance with Law No. 13 of 2003 concerning Manpower which guarantees the rights of women workers, as well as aspects of equality in the work environment.

Gender equality and protection of women's labor rights are important commitments in the context of law and business ethics. It also creates a more inclusive and sustainable work environment that will benefit the company in the long run. In addition, compliance with relevant labor legislation is a legal obligation.

## Conclusion

Gender equality and protection of women's labor rights have a significant positive impact in creating a more inclusive and sustainable work environment. PT. International Prima Coal Samarinda and other mining companies should adopt policies that support gender equality, comply with applicable laws, and invest in training and awareness. In order to create an inclusive and sustainable work environment, coal mining companies. Therefore, it is a morally correct action, it is also a smart and sustainable business strategy. Implementation of Corporate Social Responsibility funds of PT. International Prima Coal is already quite good according to government regulations because it meets all aspects of the East Kalimantan Blue Print. Implementation of Corporate Social Responsibility funds of PT. International Prima Coal is also in accordance with the perspective of Islamic Economics. Pay attention to several things about justice and gender equality; economic empowerment; Innovation and creativity; productivity and performance; reduction of discrimination and harassment; Leadership; and the reputation and image of coal mining companies. To create principles of justice and welfare for women workers in coal mines, an integrated effort involving various stakeholders is needed. These measures should focus on enforcement, improved work facilities, education and training, tackling harassment and violence, social support, and awareness and advocacy. With strong commitment from companies, governments, and communities, the coal mining industry can be a fairer and more prosperous workplace for all workers, including women.

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