

File: 10765-01

Advisory Bulletin No. 2011-03-23 (External)
Compliance to the Employment Standards Act in Ministry of
Forests, Lands and Natural Resource Operations
Silviculture Contracts
April 5, 2011

Purpose:

This Advisory Bulletin provides guidance to BC Timber Sales [BCTS] staff and contractors on *Employment Standards Act* requirements under BCTS silviculture contracts.

Background:

BCTS has formed an agreement with the Employment Standards Branch (ESB) of the Ministry of Labour, Citizen's Services and Open Government and the Western Silviculture Contractors' Association (WSCA) to assist and to promote higher levels of compliance with the *Employment Standards Act* (ESA) towards more labour intensive BCTS silviculture contracts.

The intent of this agreement is to promote further efforts towards the more labour intensive contracts which include planting and manual brushing contracts. The primary role of BCTS field staff is to observe, record, and, when appropriate, report out to the ESB of any potential issues concerning compliance to the ESA. Once reported, it will be the responsibility of ESB to follow up and deal with the situation through their local ESB officials.

Procedures:

The following information lists the necessary steps that BCTS contract administrative staff will follow with regard to the implementation of this ESA initiative, for silviculture contracts from 2011 and beyond.

1. Silviculture Contract Documents:

- Make certain that the most current version of the Operational Services Contract (FS1000) is part of the silviculture contract. The Article 9.01 clause should read "This agreement is governed by, and is to be interpreted and construed in accordance with, the laws of the Province of British Columbia, including, but not limited to, the *Employment Standards Act* and its Regulation.

2. Notice to Commence Work:

- BCTS staff will email a copy of the Notice to Commence Work letter [FS 1279] for all tree planting and manual brushing contracts to the Prince George ESB office to the attention of:

Karin Doucette, Employment Standards Officer.

Email: Karin.Doucette@gov.bc.ca

3. Contract Pre-work Meetings:

- Highlight the requirement that ESA compliance is part of the contract;
- State that BCTS is cooperating with the ESB to monitor compliance with the ESA;
- Provide copies of:
 1. Silviculture Worker Fact Sheet [PDF format].
 2. The Employment Standards Regulation, and
- Advise the contractor that copies of the Silviculture Workers Fact Sheet must be posted at the camp and copies provided to all silviculture workers.
- Advise the contractor that the link to this form can be found in the Camp Standards Schedule and that they are responsible for obtaining copies of the documents for distribution.

4. Field Inspection:

- When conducting field inspections during the active phase of planting or manual brushing contracts, BCTS field staff will randomly select several of the silviculture contractor's workers and ask a set of questions similar to the examples in the checklist provided in the FS775a. To ensure the silviculture worker feels free to speak, the employer should not be present during these interviews.
- As with the employees, the contractor (employer) or field foreman will also be asked a set of questions by BCTS staff during the field inspection process found in the checklist as provided in the FS775b.
- The expected responses from these on-site interviews have been provided. These answers have been expanded to provide the BCTS staff member with more information and support when completing these two checklists.
- The Inspection Form-Compliance with Employment Standards checklists found in the FS775a and the FS775b can be accessed through the ministry's Forms Index at <https://gwww.for.gov.bc.ca/gscripts/his/forms/forms.asp>

5. Discovered Non-Compliance Issues with the ESA:

- State to the contractor or field foreman that you have discovered potential non-compliance issues concerning the ESA.
- State to the contractor that you will contact the ESB office and will direct this matter for a follow-up ESA investigation.

Contact Karin Doucette or Hans Suhr [Regional Manager] at the ESB office in Prince George via email, fax, or phone and provide a quick summary of the following information:

- i) contractor name
- ii) type of work
- iii) location
- iv) alleged non-compliance issues

Karin Doucette can be contacted at:

Email: Karin.Doucette@gov.bc.ca

Phone: 250-565-7063

Fax: 250-565-7110

OR

Hans Suhr at:

Email: Hans.Suhr@gov.bc.ca

Phone: 250-565-6077

Fax: 250-565-7100

Summary and Conclusion:

BCTS field staff who will be administering planting or manual brushing contracts should gain a basic understanding of the ESA by quickly reviewing the following documents:

- Silviculture Worker Fact sheet [PDF Format]
- The Employment Standards Regulation

These documents can be found at <http://www.labour.gov.bc.ca/esb/#> [follow the link on the left side margin and select "Silviculture".

In concluding, the primary role of BCTS staff is to assist the ESB and the WSCA in improving the silviculture contracting industry's compliance to the ESA. It is believed that the five steps listed above will provide a solid start in achieving this important goal.

Contacts:

For further information regarding this Bulletin please contact Graham Archdekin, Manager, Tenure Operations at 250 387-8302.