Section 3 - Safety PRINT Binder

(letter size paper except where noted)

Driving Forest Roads Procedure #1

Prime Contractor Guide BCFSC March2013

Radio Calling Procedure #2

Road Sign Placement Information Procedure #3

SILV Compliance to Employment Standards Act Bulletin 23Mar2011

SILV Employment Standards Branch Fact Sheet Apr2010

SILV Industrial Camp Standards Bulletin 22Mar2011

TDG Reference Guide

TSL Multiple Employers Advisory Bulletin 15May2008

VIN Project Letter and Specifications

WHMIS Reference Guide

DRIVING FOREST ROADS

FOREST ROAD PROCEDURE #1

Okanagan TSA Road Safety Group
Effective Date: September 1st, 2010

Okanagan Shuswap Natural Resouce District Road Safety Information

Selkirk Natural Resource District Road Safety Information

These procedures are the minimum standard that applies to all forest roads within the Okanagan Shuswap Forest District that are maintained for industrial use.

DRIVE DEFENSIVELY – EXPECT THE UNEXPECTED

Known Hazards

1. Excessive Speed
2. Extreme dust, fog, or smoky conditions
3. Failure to follow traffic control procedures
4. High traffic volumes
5. Passing other vehicles
6. Soft shoulders
7. Narrow roads
8. Reduced traction with road surface
9. Freezing rain or snow
10. Uncontrolled non-industrial users

1. Drivers must be fully licensed for the vehicle being driven.
2. All traffic must drive on the right-hand side of the road.
3. Drivers shall slow down for oncoming traffic, when passing a stopped vehicle or when meeting road maintenance equipment.
4. All "**Up**" direction traffic will allow all "**down**" direction traffic the unobstructed clearance to pass safely.
5. Vehicles or equipment over 11' 6" (3.5 meter) wide must be radio equipped and operate with headlights and safety flashers on.
6. Drive at a safe speed with headlights and taillights on. Be aware of road conditions and drive accordingly. Obey all posted speed limits and other road signs.
7. All drivers and passengers must wear seatbelts. Seatbelts save lives!
8. There must be no loose articles in the vehicle cab that could become projectiles in a sudden stop or rollover. Such items must be stowed away or tied down.
9. All accidents and "near misses" must be reported within 24 hours to the appropriate supervisor and the primary permit holder.
10. Vehicles must not stop on haul roads except at a safe passing point or a turn out. In case of a breakdown, flares or reflectors must be utilized and other road users informed. Ensure you leave room for other vehicles if you're parking in a turn-out.
11. Never pass any vehicle without notifying them on the radio and receiving the "OK". The lead vehicle is responsible for slowing down, providing room and advising the passing vehicle when it is safe to pass.
12. All vehicles operating for industrial purposes must have two way radios equipped with appropriate frequencies (only one two way radio per vehicle).
13. "Radio use protocols" are to be followed at all times.
14. Be aware of the hazards of distracted driving and plan accordingly – don't text and drive and use appropriate hand's free devices. Best to set aside time for these activity when you are off the road.

Follow the "3 C's": **Courtesy** **Common Sense** **Concentration**

BC Forest Safety Prime Contractor link

Prime Contractor Guide

Roles and Responsibilities

BC Forest Safety Council
Unsafe is Unacceptable

BC Forest Safety Council - Prime Contractor Guide

Introduction

The goal of this guide is to provide clear and easy to understand information answering the following questions:

-What is a qualified prime contractor?

-What are the responsibilities of a prime contractor?

-What are the responsibilities when assigning prime contractor status?

The information and tools in this guide are here to help companies be efficient and meet the current legal requirements. **This guide is not intended to be "legislation plus" or add unnecessary workload.**

This guide seeks to provide factual information and create a common understanding of the requirements among all sizes of forest companies. In order to do this, the information has been divided up into the following sections:

1) Definitions – Creating a common language

2) Prime Contractor Responsibilities – What prime contractors need to do.

3) Responsibilities When Assigning Prime Contractor – What you need to do before you assign this responsibility to a contractor.

4) Best Practices – The most efficient way of putting this into practice.

5) Tools – Helpful resources and answers to frequently asked questions (FAQ).

1) Definitions:

To create a common language we need to start out with some definitions from the Workers Compensation Act and the Occupational Health and Safety Regulations.

We want everyone in the industry to be **qualified** to do their work safely. This includes anyone doing the work of being a prime contractor, here's the definition of qualified:

> *"qualified" means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof*
>
> Source: Occupational Health and Safety Regulation – Part 1 Definitions

Prime contractors are responsible for coordinating the safety activities of all companies on a worksite. The definition of prime contractor from the Act is:

> ***"prime contractor"*** *means, in relation to a multiple-employer workplace,*
> *(a) the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or*
> *(b) if there is no agreement referred to in paragraph (a), the owner of the workplace.*

Source: Workers Compensation Act – Section 118(1)

Prime contractor requirements are only in place when there is a **multi-employer workplace,** which is:

> **"multiple-employer workplace"** means a workplace where workers of 2 or more employers are working at the same time;

Source: Workers Compensation Act – Section 118(1)

This is an often misunderstood part of the process, if you are the only contractor or company on site then the prime contractor requirements do not apply.

The **owner** of a workplace is an important part of the prime contractor process. It is the owner that assigns prime contractor status through a written agreement and if that agreement isn't in place, the owner is the prime contractor. For most forestry operations, the owner is a licensee that hires contractors to complete projects. Licensees can range from large forest companies to smaller companies that have successfully bid on Timber Sale Licences or individual Woodlot Licence holders.

2) Prime Contractor Responsibilities - Knowledge, Capacity and Control

In order for a contractor to take on this responsibility, they must have these three things:

Knowledge – Understand the sections of the Workers Compensation Act and the Occupational Health and Safety Regulation that apply to prime contractors. More generally, they must also understand all the safety legislation and regulations that apply to the worksite.

The tools section of this guide provides specific information on what parts of the Act and regulations deal with prime contractor.

A prime contractor also must be knowledgeable about the work and the skills and processes needed to safely do that work. This knowledge comes from experience and training. It includes things like identifying the best equipment and people for the job and understanding the forestry workplace - how weather, slopes, soils and timber types can all affect safety.

Capacity – The contractor must allocate enough time and resources to accomplish the prime contractor requirements. This is an important one to think about before the agreement or contract is signed. The contractor must be able to find a balance between meeting their prime contractor responsibilities and the other parts of their business like quality and production.

Control – The prime contractor must have:

- The cooperation and support of the other employers on site. This includes cooperation to resolve any safety infractions that occur.
- The authority to enforce safety rules and procedures.
- Support from the owner - it is the owner's responsibility to make sure all the companies on the worksite understand who the prime contractor is and their authority. The prime contractor must be able to engage the owner to solve problems, if necessary.

If one of those three key items is missing, the contractor will not be able to act as a prime contractor and must immediately inform the owner. The two groups should work together to find a solution on how the contractor can get the knowledge, capacity and control to successfully do the job.

If a solution is not found, the responsibility for coordinating the safety activities goes back to the owner.

The prime contractor ensures the activities of employers, workers and other persons relating to occupational health and safety are co-ordinated on the site. But what does that mean exactly? The following is a to-do list for prime contractors. It is in a format of a checklist that can be printed out and used as a tool later on:

Prime Contractor Worksite Checklist

Date:_____ **Location:**_____ **Prime Contractor:**_____

Prime Contractor Requirements	YES	NO Action Required
Has a Notice of Project (NOP) been completed and is a copy on site?		
Is there a signed, written agreement in place between the owner and the prime contractor?		
Has the owner provided information about any known hazards on the worksite?		
Has the prime contractor received the names of the designated supervisors for all the other companies or subcontractors working on that site?		
Are all companies on site registered with WorkSafeBC and in good standing?		
Has the prime contractor held safety meetings with the other companies on site in order to coordinate safety activities?		
Has the prime contractor checked the other companies' safety programs and procedures and are they adequate for the planned work?		
Does the prime contractor have a system in place to **identify and control** hazards?		
Does the prime contractor have a way to communicate the hazards and controls to all workers on the site?		
Does the prime contractor have a system in place to make sure regular inspections are completed on the site, equipment and workers?		
Does the prime contractor have a system in place to make sure all workers on site receive a safety pre-work before they start work?		
Is there an Emergency Response Plan and emergency equipment for the site and has it been tested?		
Has a First Aid Assessment been completed for the site and have all the first aid requirements for equipment and first aiders been met?		
Is there an incident reporting system in place so all the companies on site report their incidents to the prime contractor?		
Comments:		

3) Responsibilities When Assigning a Prime Contractor

An owner always has ongoing safety responsibilities even when a prime contractor has been assigned. It is a misconception that owners free themselves of safety responsibilities when a prime contractor is assigned. The Workers Compensation Act has the following requirements for owners:

General duties of owner

119 Every owner of a workplace must

(a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,

(b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and

(c) comply with this Part, the regulations and any applicable orders.

What this means for forestry operations, is that the owner has to inform the prime contractor about all the relevant site information so the prime and sub-contractors can do their jobs well. This information can include existing or potential hazards, anticipated changes to the site and other operations that may be working nearby.

An owner has to make sure those working as prime contractors have the knowledge, capacity and control to do their jobs effectively. In fact, Section 26 of the Occupational Health and Safety Regulation says the following:

26.1.1 Prime contractor requirements for forestry operations

If the owner of a forestry operation enters into an agreement referred to in section 118 (1) of the Act designating a person to be the prime contractor for a workplace, the owner must ensure that

(a) the person designated

(i) is qualified to be the prime contractor in respect of that workplace, and

(ii) has the authority necessary to fulfill the responsibilities of prime contractor under the Act, including, without limitation, authority over any employer, worker or other person who may be carrying out the work of the owner at the workplace, and

(b) not more than one person holds the designation of prime contractor for that workplace at any given time.

This regulation aims to make sure the prime contractor is qualified (has the knowledge) and has the necessary control (the authority over all employers and workers on-site).

Prime contractors have a high level of control and authority but they should realize that other companies' safety systems or ideas can be as good as or better than their own. Keep an open mind and use the procedures that produce the best results.

Before a written agreement is signed, the owner should develop a system of checking the contractor's ability to meet the knowledge, capacity and control requirements. A documented assessment of a contractor is the best way to handle this. See the next page for an example.

If an owner has had a long term working relationship with the contractor, it is likely that they have all the information they need to assess if they can do the job or not. If it is a new working relationship, it is recommended that references are checked as part of this process.

Some of the forms in this guide have been adapted from the Woodlot Owners Safety Program which is an excellent resource for woodlot holders and provides many other tools in addition to prime contractor forms. Follow this link to see the entire package of information:

http://www.bcforestsafe.org/woodlot_safety.html

Prime Contractor Pre-Qualification Checklist

To be completed by the licensee to determine if a contractor is qualified to be made a prime contractor. Copy to be given to contractor if corrective actions are required.

Prime Contractor Name:		**Date:**	
1	**WorkSafeBC Clearance attached**	**Date:**	
2	**SAFE Certification**	**Number#**	**Expiry date:**

3	**Prime Contractor Requirements**	Present?
	Communication system with other employers.	
	System to identify and control hazards.	
	System to review other employers' safety programs.	
	System to coordinate activities to ensure safety	

4	**Safety Program Content**	Present?
	Statement of Contractor's safety policy and individual responsibilities.	
	Safety meeting requirements (including documenting them).	
	Incident Investigation process (including close calls).	
	Inspection and auditing procedures (including housekeeping).	
	Department of Transportation compliance procedures (i.e. copies of driver's licenses, truck log books).	
	Employee training process	
	Specific work rules and/or processes (i.e. SWP's, SOP's, etc.)	
	WHMIS training.	
	Emergency Procedures • Fire Prevention and Suppression Emergency Response Plan • First aid procedures • Spill procedures • Natural disaster procedures • Emergency medical evacuation • First aid assessments (prior to starting in new areas). • Fatalities procedure	
	Lockout/Tagout procedures	
	PPE requirements.	
	Notification Procedures for Serious/Fatal injuries (i.e. Worker's, WSBC, RCMP).	
	Corrective Action Procedures (i.e. progressive discipline process).	
	Documented Risk Assessment Process	
	Subcontractor hiring criteria	
	Faller supervision (if hand falling is to take place)	

#	Improvements Required	Required Corrective Action	Person Responsible	By When	Date Done

Prime Contractor Representative Name: _____ Signature: _____

Licensee Name: _____Signature: _____

Date:_____

Another responsibility of the owner is to hold a pre-work meeting with the prime contractor with the purpose of informing them of all the hazards for the site and discussing all the project details that will set the contractor up for success.

It is important to integrate safety into the whole planning process of the project. Ensuring the success of the project requires good business, environmental and safety planning.

Here's a list of some planning considerations:

- Right equipment and contractor for the site
- Steep slope logging plan in place
- Emergency Response Plans and evacuation plans
- Road location and steep grade plans

Have a look at the next page for an example of a form that can be used to document the pre-work meetings between prime contractor and owner.

Prime Contractor Pre-Work

Prime Contractor representative and Licensee complete this form prior to starting work.

Licensee:_____Prime Contractor Name:_____ Date:_____

List hazards associated with the job to be done:

Hazard	Ways to Offset

The following information has been communicated with Contractor representative:

☐	Safety deficiencies must be corrected in a timely manner and documented.
☐	Serious Prime Contractor incident investigations shall be attended by Licensee.
☐	Pre-work meetings between Contractor and Licensee will take place on every project.
☐	Licensee Policies, Safe Work Procedures are available upon request.
	Prime Contractor will provide Licensee with the following information:
☐	• All incidents/accidents investigations.
☐	• Regulatory citations/inspections/audits.
☐	Prime contractor is required to file a Notice of Project with WorkSafeBC with a copy to the Licensee.
☐	Prime Contractor must ensure their employees, as well as any sub-contractors hired, are aware of their health and safety responsibilities, safe work procedures and any hazards associated with the job they are hired to do. Training records of Prime Contractor and sub-contractor employees must be made available upon request.
Prime Contractor Representative Name:_____	**Signature:_____**
Licensee Name: _____	Signature: _____

4) Best Practices

This section will discuss the following topics:

a) Communication, documentation and follow up

b) Working for a prime contractor

c) Dispute resolution

d) When does the prime contractor responsibility end?

e) Workplaces

a) Communication, Documentation and Follow-up

What is the best way to accomplish the role of being a prime contractor? We have already established that the first step is having the knowledge, capacity and control necessary to do the work. The next steps are all about **communication, documentation and follow-up.**

Communication - The communication process starts early and involves the owner/licensee. They usually have the best information about the site. Make sure to get on site with a licensee rep prior to starting the job and if there are any changes to the plan, make them early before the work begins.

One of the requirements of a prime contractor is to identify who the designated supervisors are for each company working on site. This is done to help with the communication process. The prime doesn't have to talk with everyone on site, just with these supervisors with the understanding that they will take the message to all of their workers. Although the prime contractor is not communicating directly with the workers, they should have a way to confirm that the appropriate information is getting to the people that need it. This process also works in reverse, instead of every worker on site coming to the prime contractor with concerns, set up an efficient system where the supervisors bring forward information to the prime contractor as needed.

Establishing a Joint Occupational Health and Safety Committee (JOHSC) may be an effective way of establishing communications on larger worksites with multiple employers.

Documentation – Use the forms provided in this guide to help you stay organized. Feel free to modify them so they reflect your business. Share the documented information with those on the worksite, especially with the smaller subcontractors. Individual owner operators like truck drivers don't often see the safety information for the site.

All documentation doesn't have to be on forms or checklists. Make use of a daily journal to record notes of how you have been meeting your responsibilities.

Follow-up – Prime contractors are responsible for the ongoing identification and control of hazards but also for investigating any safety concerns brought to their attention. Once they have that information, action must be taken, documented and communicated to all the employers and workers.

For example, you are the prime contractor and you receive a report of a large windstorm that resulted in danger trees around the worksite. Now that you have that information, you inspect the site, create a plan and bring in equipment or fallers/blasters to remove the danger trees. These steps are documented in a daily journal.

b) Working for a Prime Contractor

What if you are not the prime contractor on site but are working under the direction of one, what are your responsibilities?

Section 26.1.2 of the Occupational Health and Safety Regulation has this to say:

26.1.2 Multiple-employer workplace

(1) This section applies to a multiple-employer workplace in a forestry operation.

(2) Before starting any activity that is likely to create a hazard for an independent operator or a worker of another employer, the person intending to carry out the activity must notify the prime contractor.

It boils down to good communication. If you or one of your workers is going to do something that may potentially create a hazard, communicate that to the prime contractor. Also, the prime contractor will have lots of site safety information that they will be communicating to you and if you are a supervisor you will need to pass that onto all of the people you are looking after.

c) Dispute Resolution

Prime contractors will have to deal with other contractors disagreeing with their decisions. It may be valuable to have a simple dispute resolution process in place and communicate that to all the companies involved before the work begins. The value of this type of process is that it lets everyone know that the lines of communication are open, even if there is disagreement. Also, it helps solve problems without always going back to the owner for guidance.

However, don't let a process like this confuse you about your responsibilities. As the prime contractor you have the authority and are required to make the necessary decisions regarding the coordination of activities that affect safety.

The prime contractor needs all of the information in order to make the best decisions. For difficult decisions it may be necessary to consult the other companies and workers on site to get all the information. Ultimately, the decision is up to the prime contractor but the best and most successful solutions usually involve relying on the knowledge and experience of others at the worksite.

A simple, practical dispute resolution process might be a commitment from the prime contractor to meet with the group that brought forward the issue to discuss and try to work out a solution. If a solution was not found, the issue would be taken to the owner if necessary.

d) When the Does the Prime Contractor Responsibility End?

When the written agreement is signed, it is very clear that the prime contractor role has begun. However, it is often unclear when the prime contractor job is finished or transferred.

A best practice would be to ask for a letter or email from the owner indicating that your prime contractor job has finished for a particular area. This could also be documented on a final inspection that is completed for the worksite. The main thing is that documentation is completed showing that you are not prime contractor anymore on that site.

Transferring prime contractor status from one company or person to another should involve the transfer of all necessary information. Just like an owner, the initial prime contractor should communicate all the necessary information about the site to the new prime contractor so they can be well prepared.

Forestry operations often require many phases to complete a project. An example is a harvesting operation that involves falling, skidding or yarding, processing, loading and trucking phases. After this there can be road deactivation, site preparation and planting operations. As a prime contractor, are you still responsible for that site when the trucking, road deactivation or other activities are occurring? You need to be certain and having something in writing will help.

e) Workplaces

So far this guide has been using terms like "workplace" or "worksite". What do those words really mean for a forestry operation? This is important to understand because a prime contractor is responsible for coordinating safety activities for a workplace and needs to know where the workplace boundaries are.

In October of 2012, the industry received some direction from the provincial government about workplaces. The Occupational Health and Safety Regulation was updated to say that resource roads are not considered to be workplaces. But, any portion of the road that is under construction, undergoing maintenance or repair **is** a workplace. Also, if part of your operations use the road (like skidding or yarding to a road, loading trucks, refuelling equipment or saws, bagging up seedlings and many more examples) then that small portion of the road where you are doing those activities **is** a workplace.

The Workers Compensation Act and the Occupational Health and Safety Regulations still apply to industrial or commercial vehicles travelling on resource roads, but the road itself is not considered a workplace.

This means as an employer you are responsible for your workers and the commercial vehicles that they are operating on the roads but the roads themselves are not classified as workplaces. Prime contractors do not have to coordinate safety activities on roads, but don't forget the exceptions mentioned above.

A typical workplace example is the logging block. As a contractor you are given a map of the block and it shows the boundaries and block roads or trails that are within that block. As the prime contractor you are responsible for activities within the block boundary including where you have activities on or beside a road.

WorksafeBC has published a guideline to clarify the changes to the regulation. This guideline can be found here:

http://www2.worksafebc.com/Publications/OHSRegulation/GuidelinePart1.asp#SectionNumber:G1.1_1

Conclusion

Using the tools and information in this guide will lead to efficient coordination of all safety activities on a worksite. In addition to that, you will find this leads to better coordination of **all activities** on the site. A prime contractor makes sure everything is well planned and communicated to the workers; this creates a safer worksite and a more productive one as well.

5) Tools

This section contains the following:

a) Example of a Prime Contractor Agreement

One of the first steps is signing a prime contractor agreement. We've included an example of this type of agreement, the yellow highlighted areas indicate where to add additional information.

b) Frequently Asked Questions (FAQ) and Answers

c) Excerpts from the Workers Compensation Act and Occupational Health and Safety Regulation related to prime contractor.

d) A poster that summarizes the information in this resource package. It can also be used as a one page hand-out to raise awareness of prime contractor roles and responsibilities. Contact the BC Forest Safety Council for copies.

Form 23 Prime Contractor Agreement

THIS AGREEMENT is made effective the day of , .

FOR: (provide workplace description)

BETWEEN:

, a corporation governed by the *Canada Business Corporations Act* and extra-provincially registered in British Columbia, having an office located at

(the "Company")

AND:

, a British Columbia company, having a registered office at

(the "Prime Contractor")

WHEREAS:

(A) The Company and the Prime Contractor entered into a Contract (the "Contract") dated , 20 wherein the Prime Contractor agreed to perform certain Work on the Area of Operation as set out in the Contract;

(B)The Area of Operation is a multiple-employer workplace under the *Workers Compensation Act* (the "Act"); and

(C) The Prime Contractor has agreed with the Company to be designated as the prime contractor for the purposes of coordinating occupational health and safety matters under the Act and the written policies of the Company at the Workplaces designated herein on the terms and conditions set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the terms and conditions of this Agreement and for valuable consideration exchanged between the parties (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

Designation

The Company designates the Prime Contractor and the Prime Contractor accepts the designation from the Company as the prime contractor (as defined in the Act) for all those multi-employer workplaces at which the Prime Contractor has accepted such responsibility on the Company's Defined Area Safety Orientation Safety Release form(s) in use by the Company from time to time, and each such workplace shall be deemed a "Workplace" under this Prime Contractor Agreement.

1. Responsibilities of the Prime Contractor

The Prime Contractor will fully comply with all of the duties and responsibilities that are required of a prime contractor as established under the Act, the Occupational Health and Safety Regulation, and any other applicable legislation and, without limiting the generality of the foregoing, will do all of the following:

(a) ensure that the activities of employers, workers and other persons at the Workplace relating to occupational health and safety are coordinated, consistent with the Act, the Occupational Health and Safety Regulation and its

applicable guidelines and any other applicable legislation and the Company's written policies relating to occupational health and safety (the "Rules");

(b) do everything that is reasonably practicable to establish and maintain systems or processes that will ensure compliance with the Act, the Occupational Health and Safety Regulation and its applicable guidelines and any other applicable legislation and the Rules at the Workplace;

(c) establish and maintain a safety program for operations at the Workplace (the "Safety Program") and site specific safety plans (the "Site Specific Safety Plans") for site specific Workplaces as and when required pursuant to the Safety Program;

(d) conduct workplace assessments to ensure that equipment, supplies, facilities, first aid attendants and services are adequate and appropriate and ensure that a system or process is in place to establish and maintain the first aid equipment, supplies, facilities, first aid attendants and services as required under Section 3.20 of the Occupational Health and Safety Regulation;

(e) establish, monitor and coordinate the activities of a joint health and safety committee within the Workplace where required by the Act or its regulations or guidelines or as otherwise necessary to coordinate occupational health and safety matters at the Workplace;

(f) prepare and deliver the notice of operation (the "Notice of Project-Forestry") as and when required by Section 26.4 of the Occupational Health and Safety Regulation;

(g) obtain from each employer within the Workplace the name of the person designated as supervisor of the employer's workers as required under Section 118(3) of the Act;

(h) collect safety statistics regarding the operations of the Contractor and any subcontractors on forms provided by the Company and on a monthly basis, by the 3rd working day of each calendar month, provide a report to the Company in an acceptable form setting out matters relating to safety at the Workplace for the preceding month;

(i) immediately notify the Company of (i) an inspection or investigation relating to safety by a government official or (ii) any possible contravention of occupational health or safety legislation arising at the Workplace;

(j) notify the Company of all incidents at the Workplace requiring medical treatment and any other incidents that are required to be recorded pursuant to the Safety Program, within 24 hours of the occurrence of the incident;

(k) promptly implement all safety recommendations of the Company, acting reasonably;

(l) deliver to the Company

(i) a copy of the Notice of Project-Forestry, and

(ii) a copy of the Safety Program;

(m) provide to all other employers within the Workplace the applicable Site Specific Safety Plans prepared pursuant to the Safety Program;

(n) take steps to develop and maintain open communication relating to safety matters with the other employers and workers within the Workplace; and

(o) provide additional training to the safety committee if required by the Company.

2. Responsibilities of the Company

The Company will

(a) review the Safety Program prior to its implementation and may require that the Prime Contractor make changes to the Safety Program that the Company reasonably believes better reflect the intent of the Act, the Occupational Health and Safety Regulation, any other applicable legislation or the Rules and, if such a request is made, the Prime Contractor will promptly make all such reasonable changes to the Safety Program, and

(b) from time to time attend at the Workplace to review all aspects of safety, including the Prime Contractor's implementation of the Safety Program, and the Prime Contractor will respond to any concerns the Company may have with regard to safety within the Workplace.

3. Changes by the Company

The Company may at any time during the term of the Contract, and on written notice to the Prime Contractor, suspend, limit, or terminate any or all of the Prime Contractor's obligations under this Prime Contractor Agreement, as solely determined by the Company.

4. Affected Parties

The following other parties are a party to the creation of a multiple employer workplace and are affected by this Agreement and the responsibilities of the Prime Contractor as laid out herein:

Firm Name	**Address**

5. IN WITNESS WHEREOF this Agreement has been executed by the parties on the day and year first above written.

Company:		**Prime Contractor:**	
Name:		**Name:**	
Title:		**Title:**	
Signature:		**Signature:**	

FAQ (Frequently Asked Questions)

1) I'm a woodlot holder and I only hire contractors once every few years. Does this apply to me?

Yes, the information presented here is the basics of what is needed to meet the current legal requirements. Have a look at the Woodlot Safety Program for more resources on safety and prime contractor. Here's the website address: http://www.bcforestsafe.org/woodlot_safety.html

2) I'm a prime contractor on a very complex site and I coordinate many other companies, do you have any advice for me?

Don't spread yourself too thin. Complex worksites require a lot more work to properly plan and coordinate activities to make things go smoothly and safely. Delegate some of the tasks to others but understand that in the end the prime contractor (that's you) is responsible.

If you don't have the luxury of additional help, make sure that you take the time to properly plan the job before the work begins.

3) The only documentation I have is my contract that says I will be acting as the prime contractor. What else do I need?

First, have a look at the prime contractor agreement in this guide and see if your contract has that information. If not, you may want to have a separate agreement signed so you know exactly what you are responsible for. You should also have a documented pre-work meeting that covers all the information that you need for that worksite. Lastly, you should be documenting all the worker orientations, safety meetings and communications that you have on the worksite.

4) I'm a prime contractor but I don't have any expertise in the field of work that is currently going on at my workplace. What should I do?

You have a couple of options. First, if you don't have the expertise that means you don't have the necessary knowledge and you're missing one of the three keys to being a prime contractor (capacity and control are the other two). You cannot effectively act as a prime contractor in this situation so responsibility should go back to the owner or someone who is qualified. You should discuss this with the owner, let them know that you cannot fulfill that part of the contract and work co-operatively to find a solution.

A possible solution is to hire someone with the expertise to work with you and provide you with the necessary knowledge to do your job effectively as a prime contractor.

For example, a logging contractor may have the necessary knowledge to act as a prime contractor for the mechanized logging operations that are happening on the block. However, if specialized work is needed like blasting or helicopter yarding, bringing in outside experts may be necessary.

5) Can I contract out my prime contractor responsibility?

No, once you have signed that you are the prime contractor for that workplace, the responsibility lies with you. However, you can hire a contractor to complete all the necessary tasks of coordinating the worksite (communication, documentation, meetings, etc.) You just have to understand that ultimately the responsibility is yours.

Excerpts from the Workers Compensation Act:

Coordination at multiple-employer workplaces

118 (1) In this section:

"multiple-employer workplace" means a workplace where workers of 2 or more employers are working at the same time;

"prime contractor" means, in relation to a multiple-employer workplace,

(a) the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or

(b) if there is no agreement referred to in paragraph (a), the owner of the workplace.

(2) The prime contractor of a multiple-employer workplace must

(a) ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and

(b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations in respect of the workplace.

(3) Each employer of workers at a multiple-employer workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer's workers at that workplace.

General duties of owner

119 Every owner of a workplace must

(a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,

(b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace, and

(c) comply with this Part, the regulations and any applicable orders.

Excerpts from the Occupational Health and Safety Regulation:

26.1.1 Prime contractor requirements for forestry operations

If the owner of a forestry operation enters into an agreement referred to in section 118 (1) of the Act designating a person to be the prime contractor for a workplace, the owner must ensure that

(a) the person designated

(i) is qualified to be the prime contractor in respect of that workplace, and

(ii) has the authority necessary to fulfill the responsibilities of prime contractor under the Act, including, without limitation, authority over any employer, worker or other person who may be carrying out the work of the owner at the workplace, and

(b) not more than one person holds the designation of prime contractor for that workplace at any given time.

[Enacted by B.C. Reg. 20/08, effective May 1, 2008.]

26.1.2 Multiple-employer workplace

(1) This section applies to a multiple-employer workplace in a forestry operation.

(2) Before starting any activity that is likely to create a hazard for an independent operator or a worker of another employer, the person intending to carry out the activity must notify the prime contractor.

[Enacted by B.C. Reg. 20/08, effective May 1, 2008.]

26.2 Planning and conducting a forestry operation

(1) The owner of a forestry operation must ensure that all activities of the forestry operation are both planned and conducted in a manner consistent with this Regulation and with safe work practices acceptable to the Board.

(2) Every person who has knowledge and control of any particular activity in a forestry operation must ensure that the activity is both planned and conducted in a manner consistent with this Regulation and with safe work practices acceptable to the Board.

(3) The planning required under this section must

(a) include identification of any work activities or conditions at the workplace where there is a known or reasonably foreseeable risk to workers,

(b) be completed before work commences on the relevant activity, and

(c) be documented at the time of planning.

(4) If, after any planning referred to in subsection (3), there is a change in the workplace circumstances, including the work activities and the conditions of the workplace, and the change poses or creates a known or reasonably foreseeable risk to workers that was not previously identified, then

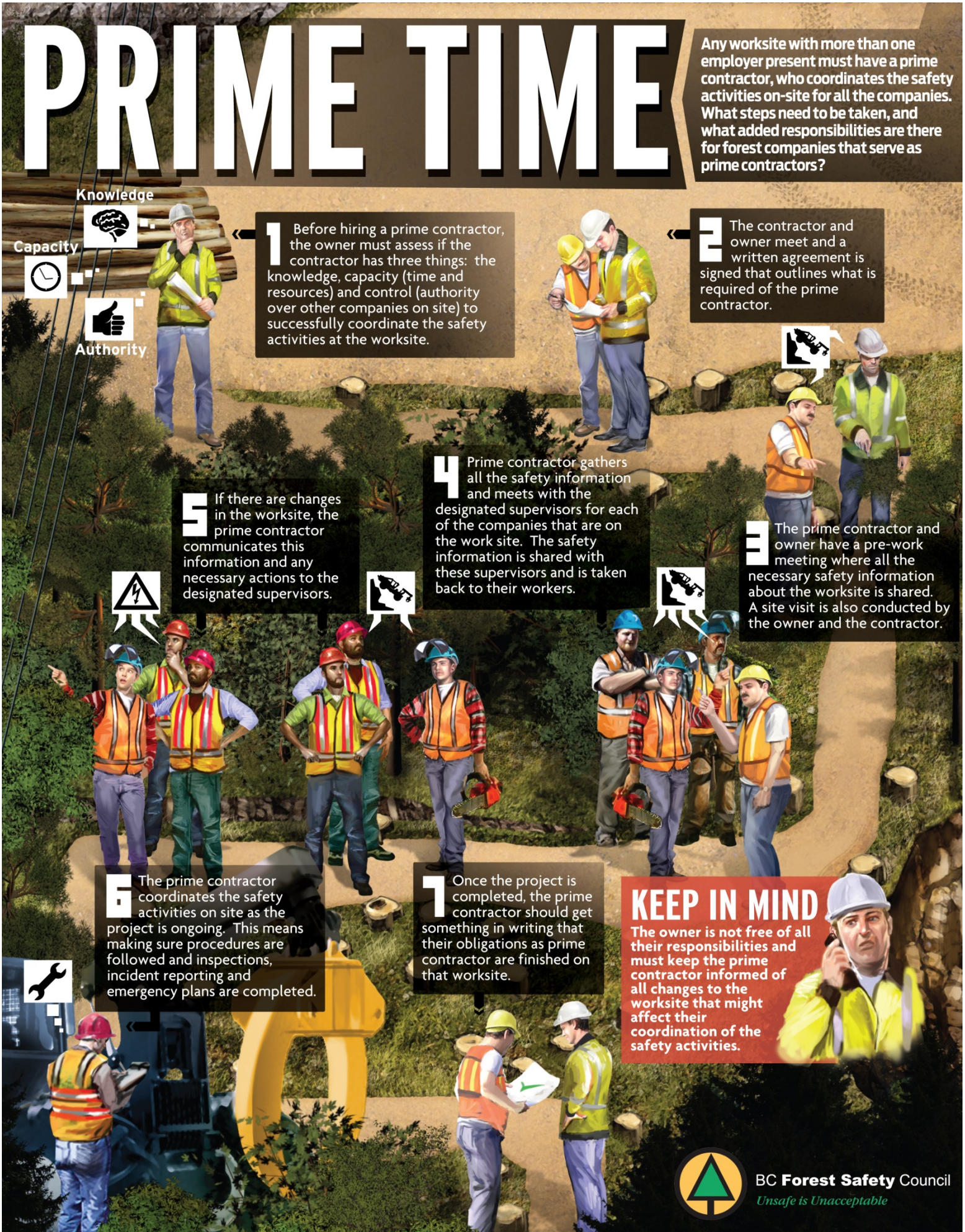
(a) the plan must be amended to identify and address the risk and provide for the health and safety of the workers at the workplace, and

(b) the amendment must be documented as soon as is practicable.

[Enacted by B.C. Reg. 20/08, effective May 1, 2008.

PRIME TIME

Any worksite with more than one employer present must have a prime contractor, who coordinates the safety activities on-site for all the companies. What steps need to be taken, and what added responsibilities are there for forest companies that serve as prime contractors?



1 Before hiring a prime contractor, the owner must assess if the contractor has three things: the knowledge, capacity (time and resources) and control (authority over other companies on site) to successfully coordinate the safety activities at the worksite.

2 The contractor and owner meet and a written agreement is signed that outlines what is required of the prime contractor.

3 The prime contractor and owner have a pre-work meeting where all the necessary safety information about the worksite is shared. A site visit is also conducted by the owner and the contractor.

4 Prime contractor gathers all the safety information and meets with the designated supervisors for each of the companies that are on the work site. The safety information is shared with these supervisors and is taken back to their workers.

5 If there are changes in the worksite, the prime contractor communicates this information and any necessary actions to the designated supervisors.

6 The prime contractor coordinates the safety activities on site as the project is ongoing. This means making sure procedures are followed and inspections, incident reporting and emergency plans are completed.

7 Once the project is completed, the prime contractor should get something in writing that their obligations as prime contractor are finished on that worksite.

KEEP IN MIND

The owner is not free of all their responsibilities and must keep the prime contractor informed of all changes to the worksite that might affect their coordination of the safety activities.

BC **Forest Safety** Council
Unsafe is Unacceptable

RADIO CALLING FOREST
ROAD PROCEDURE #2

These procedures are the minimum standard that applies to all forest roads within the Okanagan Shuswap Forest District that are maintained for industrial use.

DRIVE DEFENSIVELY – ROADS ARE RADIO ASSISTED NOT RADIO CONTROLLED

Link to Resource Road Radio Channel Maps

Known Hazards

1. Losing track of your location
2. Not following calling procedures
3. Losing track of other vehicles location
4. Unnecessary radio chatter
5. Meeting oncoming vehicle without a radio
6. Using the wrong frequency
7. Walking over" other calls
8. Being distracted

1. Call order is ROAD NAME, KM, DIRECTION (up and down) AND VEHICLE TYPE
2. "**Up**" is defined as increasing numbers; "**Down**" is defined as decreasing numbers.
3. Where a radio frequency is posted on a forest road and unless, a sign indicates otherwise, radio users call:
   - a When entering a new road system
   - b At posted "must call" signs
   - c Every 2 kilometres or every kilometre when inbound or adjoining traffic is approaching within 5 kilometres. – need to address wording
   - d Every 3-5 kilometres if no oncoming traffic.
   - e Whenever there is a road frequency/channel change, or when leaving a road
   - f Whenever you are stopping and parking on the road, and again when you resume
   - g Let others know when you encounter a vehicle traveling without a radio (ie No radio, road name, km, direction)
   - h Anticipate oncoming traffic
4. Convoy calling
   - a The lead vehicle is responsible for calling for all vehicles in the convoy (and number of vehicles).
   - b It is the responsibility of the vehicle joining or leaving the convoy to inform and to receive confirmation from the lead vehicle.
   - c Convoys can be no more than 1 km long.
   - d A vehicle more than 1 km behind the lead vehicle is no longer part of that convoy and must call their own position.
5. Never pass any vehicle without notifying them on the radio and receiving the "OK". The lead vehicle is responsible for slowing down, providing room and advising the passing vehicle when it is safe to pass
6. Avoid distractions while monitoring the road channel;
   - a Radio use is restricted to calling Km's and important messages.
   - b Avoid noise distractions i.e. AM/FM radios, phones, music players, passengers
   - c Stay on designated road channel at all times while traveling.
   - d Pull over when using alternate radio channels, phones etc.

Follow the "3 C's": **Courtesy** **Common Sense** **Concentration**

ROAD INFORMATION SIGN PLACEMENT
FOREST ROAD PROCEDURE #3

Okanagan TSA Road Safety Group
Effective Date: September 1st, 2010
Resource Road Safety Information

These procedures are the minimum standard that applies to all forest roads within the Okanagan Shuswap Forest District that are maintained for industrial use.

Known Hazards

1. Signs having the wrong information
2. Signs posted at the wrong location
3. Signs fallen down or destroyed
4. Conflicting signage
5. Signs not posted
6. Signs not clearly legible

A. Forest Road Entrance Sign

1. To be placed where entering a forest road off a public road or where changing the radio protocol.
2. An adequate turn out should be available in front of the sign to allow the user to stop and safely read the sign.
3. The sign must be clearly visible and contain the following information;
    a. The road name.
    b. The frequency of the radio channel to use.
    c. The radio calling protocol, if required to identify unique situations.

B. KM Marker Boards

1. Marker boards should be placed a minimum 1 kilometre apart, but can be adjusted slightly to maximize visibility from both directions or for other safety reasons.

C. Frequency Switch Sign

1. To be placed whenever switching a road channel frequency.
2. The sign must be clearly visible from both directions and contain the following information;
    a. The road name (if it is a named road).
    b. The frequency of the radio channel being switched to.

D. Must Call Sign

1. May be a separate sign or incorporated into a KM Marker, Forest Road Entrance or Frequency Switch Sign.
2. A must call sign is to be placed at all of the following locations;
    a. At any point along a road where there is an increased safety risk or hazard and additional calling is required.

Follow the "3 C's": Courtesy Common Sense Concentration

Ministry of Forests,
Lands and Natural Resource
Operations

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 2011and 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://gww.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.

Employment Standards Branch
FACTSHEET

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and *Regulation* for purposes of interpretation and application of the law.

April 2010

Silviculture Workers

Specific Employment Standards regulations apply to silviculture workers in British Columbia.

Definitions

Silviculture Worker means a person who is:

a) working in the silviculture industry,
b) paid **primarily** on a **piece rate** basis, and
c) involved in reforestation field work including clearing brush, cone picking, creek cleaning, harvesting seeds, applying herbicide, reclamation work, herding sheep, site preparation, stand sanitation, building trails, fertilizing, girdling, planting, pruning, spacing or distributing trees, weeding, or supervising any of these field activities.

Primarily means that at least 75 percent of wages for silviculture work are paid on a piece rate basis.

Piece Rate Basis means the rate of pay is based on a measurable quantity of work completed. An employer usually pays workers by the tree, the block or the hectare.

Every employee who goes to work on a piece rate basis must be told in advance what the piece rates are for a particular job. Piece rates must meet or exceed the minimum wage rate. Piece rate workers may, from time to time, be paid a set wage for specific tasks.

Collective incentive-sharing arrangements. If a group of workers agree to "co-op" – that is, they all get paid the same amount for their crew's production – the employer has to keep a written record of the agreement.

Camp costs

If a silviculture worker **agrees in writing**, the employer may charge for camp costs or other accommodation. The amount charged cannot exceed $25 per day for camp costs, or if the worker is lodged in a motel, the actual cost for the motel room.

Shift Scheduling

A silviculture worker's shift schedule must consist of:

- no more than five working days followed by a day off; and
- within each month, at least two consecutive days off or at least eight non-consecutive days off.

If work is being done at a remote camp where there is no ready access, the employer may implement a shift schedule of up to nine days of work followed by at least two days off, or no more than ten days of work followed by at least four days off as long as:

- A majority of employees have agreed in writing to the schedule; and
- Employees have at least eight days off work each month.

If employees do not get the required number of days off, they must be paid at 1 ½ times the piece rate or the regular wage for any hours worked on the extra days.

Meal breaks

Silviculture workers must not work more than five hours in a row without a break of at least 30 minutes. If a worker has to be available for work during a meal break, they have to be paid for the break.

continued…

Ministry of Labour

For more information:
Phone: 1 800 663-3316 or 612-4100 in Prince George
Fax: 250 612-4121
Website: www.labour.gov.bc.ca/esb

Minimum pay & overtime

The length of the work day is calculated on a "portal-to-portal" basis – from the time workers leave the camp or pick-up point to the time they are returned to the camp or pick-up point.

Minimum pay for silviculture workers paid on a piece rate basis is:

	Minimum pay
First 8 hours in a day	regular piece rate, or minimum wage (whichever is greater)
8 to 12 hours	regular piece rate, or 1 ½ x minimum wage (whichever is greater)
More than 12 hours in a day	double the piece rate

If a piece rate worker is being paid a set wage rate for a particular task, they must be paid 1.5 times the normal rate for work after eight hours and double the normal rate for work after 12 hours.

If overtime is banked it has to be credited at the applicable overtime rates.

Pay days

All employees must be paid at least twice a month. All money earned in a pay period must be paid within eight days after the end of the pay period. A pay period cannot exceed 16 days.

If an employee being paid by a piece rate earns less than minimum wage in a pay period, the employee must be paid minimum wage. Earnings from one pay period cannot be used to offset another pay period where the piece rate earnings are less than minimum wage.

No set-offs or counterclaims

A contractor cannot levy penalty or quality assessments against a silviculture worker or pass on quality penalties assessed against the contractor by a third party.

Any promised bonus or incentive based on work performed (e.g. an "end of season" bonus) is wages and must be paid as promised. It cannot be reduced or adjusted for any reason.

An employer cannot charge employees for costs resulting from damage to company property or any other costs associated with running the business.

Over-tallies

An employer is not required to pay for work not performed. A silviculture worker's pay may be adjusted as a result of an "over-tally".

Where an over-tally or over-count occurs, an employer may not correct it on a group basis. The employer must be able to show an individual employee over-tallied or over-counted in order to adjust that employee's pay.

Vacation pay

A silviculture worker's vacation pay may be paid on every pay cheque at the rate of 4% of gross earnings. After five consecutive years of employment the vacation pay rate increases to 6%.

Statutory holidays

A silviculture worker's statutory holiday pay is calculated by adding 3.6 % of gross earnings for the pay period to every pay cheque.

Silviculture workers working on a statutory holiday are paid at their regular rate.

Managers

Managers are not entitled to overtime pay rates or statutory holiday pay.

A manager is someone whose primary duties are supervising and directing human or other resources. A working supervisor who spends most of the time performing the same work as the employees he or she supervises would not be considered a manager.

BCTS
BC Timber Sales

File: 10765-01

Advisory Bulletin No. 2011-03-22 (External) – Industrial Camp Standards Updated May 12, 2011

Purpose:

This Advisory Bulletin provides guidance to BCTS staff and contractors on industrial camp standards for work performed under contract to BC Timber Sales.

Background:

BC Timber Sales manages a large amount of contracts to conduct various forestry activities. Some of these activities (primarily silviculture) result in the contractor establishing temporary camps for their workers. This bulletin provides guidance on the roles and responsibilities of BCTS staff and the contractor related to industrial camps.

Legal Context:

A person must not establish or maintain an industrial camp except in accordance with all laws affecting the work including the *Public Health Act* and its *Food Premises Regulation, Health Act Communicable Disease Regulation, Sewerage System Regulation, Industrial Camps Health Regulation;* and the *Water Act* and the *Drinking Water Protection Act* and its Regulations; and the *Tobacco Control Act* and its Regulations.

The Industrial Camps Health Regulation, Food Premises Regulation, Sewerage System Regulation and the *Drinking Water Protection Act* and Drinking Water Protection Regulation are the principle legislation regarding industrial camps. This legislation applies to all industrial camp activities including timber harvesting, road building and silviculture operations.

A person establishing an industrial camp and employing workers must also comply with other related legislation. The Workers Compensation Act and its Occupational Health and Safety Regulation applies to camps to the extent they are workplaces in which workers such as cooks, maintenance people and others work. The Employment Standards Act sets out the minimum standards that apply to most workplaces in British Columbia.

This bulletin is an information guideline only and is not intended to provide legal advice or official interpretation of the above Acts and Regulations.

FS776 Camp Standards Schedule

Many BC Timber Sales silviculture contracts and other Ministry contracts include a “FS776 Camp Standards Schedule” which identifies camp standard requirements that become a contractual requirement in addition to the applicable legislation.

The FS776 Camp Standards Schedule should be included in all BCTS silviculture contracts. The FS776 may be included in other BCTS contracts at the discretion of the contract officer where the use of a camp is likely.

Regardless of whether the FS776 Camp Standards Schedule is included in a BCTS contract, the Industrial Camps Health Regulation and all other health legislation is still in effect.

BCTS staff must formally inspect and enforce the FS776 Camp Standards as part of normal contract management where it is included in the contract. BCTS staff must use the “FS776a Inspection Form – Compliance with Camp Standards” for all camp inspections. If the FS776 Camp Standards is not included in the BCTS contract, BCTS staff would inspect the Camp Standards using a risk based approach in consideration of the experience and track record of the contractor, conformance to EMS and Safety requirements, and other factors.

Enforcement of the Industrial Camps Health Regulation and other Health legislation is the responsibility of the local Health Authority. BCTS staff can only enforce Camp Standards as part of their contract management responsibilities.

In all situations, BCTS staff should immediately report all suspected public health concerns to the local Health Authority, all suspected worker safety concerns to WorkSafe BC and all suspected employment standards concerns to Employment Standards Branch of the Ministry of Labour.

Recent changes to the “FS776 Camp Standards Schedule” include specifications regarding sleeping accommodation (where provided by the contractor) as well as a requirement for contractors to notify BC Timber Sales staff, the local Health Authority representative (http://www.health.gov.bc.ca/socsec/contacts.html) and WorkSafe BC representative (http://www.worksafebc.com/contact_us/default.asp) a minimum of 72 hours in advance of setting up of an industrial camp.

BCTS staff should ensure they use the most current FS776 Camp Standards Schedule and FS776a Inspection Form (available on the Ministry forms website) when creating or renewing contracts and conducting camp inspections.

Questions and Answers

When and where does the Industrial Camps Health Regulation and FS776 Camp Standards Schedule apply?

The Industrial Camps Health Regulation and FS776 Camp Standards Schedule apply wherever an industrial camp is setup or operated. It applies to both Crown land and private land. The regulation applies to camps where "labour is employed" and where a person "operates or manages a camp or permits any premises, building, structure, equipment, utensil, or other thing used in or as part of a camp to be so used." The regulation applies to private and commercial campgrounds, logging camps, provincial parks and other venues where an employer provides a camp for their workers.

Does the Industrial Camps Health Regulation apply to logging and road building camps and other similar industrial activities or only to silviculture camps?

The Industrial Camps Health Regulation applies to all industrial camps as defined in the regulation where the employer provides the camp for their workers.

The Industrial Camps Health Regulation does not apply to a camp occupied by less than 5 persons. Does the FS776 Camp Standards Schedule apply when a camp is occupied by less than 5 persons?

The FS776 Camp Standards Schedule does not apply to camps occupied by less than 5 persons.

The Industrial Camps Health Regulation provides an exception for camps established to meet emergency conditions and occupied for a period of not more than 7 days. Under what circumstances do BCTS contracts qualify as an emergency condition? If the camp is established for less than 7 days do the camp standards still apply?

Camps established under BC Timber Sales contracts generally do not qualify as an emergency condition. The camp standards apply to most camps established for work on BCTS contracts. There is no exception for camps less than 7 days.

The Ministry defines an emergency as “any situation which constitutes an imminent and serious threat to human safety, Crown land or resources, ministry or private property, or otherwise has the imminent potential to result in significant loss to the ministry.”

The Industrial Camps Health Regulation allows an exception for camps established to meet emergency conditions **AND** occupied for a period of not more than 7 days. Staff and contractors should consult directly with the local Health Authority to determine if their situation qualifies under this section.

Workers are voluntarily camping together but not as a requirement of their employment and the camp is not provided by the employer. Do the regulations and camp standards apply?

The Industrial Camps Health Regulation and FS776 Camp Standards Schedule apply to industrial camps. These camps are defined in the Regulation as “land or premises on which there are cabins, tents, dwellings, bunkhouses or other structures owned, established, operated or maintained by an employer as living quarters for his agents, employees or others, with or without charge.” If the contractor/employer is providing the camp then the camp is subject to the Industrial Camps Health Regulation and the FS776 Camp Standard Schedule. This could include private campgrounds, provincial parks and commercial camps where the employer is providing the camp for their workers.

If workers are voluntarily camping together and the camp is clearly not provided by the employer then the Industrial Camps Health Regulation, FS776 Camp Standards Schedule and other Health legislation do not apply. In this situation no labour is employed and the camp is not provided by the employer for the workers.

If the employer is providing items such as cooking facilities, drying tents, latrines, utensils or other items then the camp is deemed to be provided by the employer and the Camp Standards and other Public Health legislation are in effect.

The employer is providing a camp facility but sleeping accommodation is the responsibility of the worker to provide. Does the employer need to meet the sleeping accommodation portions of the Industrial Camps Health Regulation and FS776 Camp Standards Schedule?

Workers can voluntarily choose to arrange their own sleeping accommodations. The employer is responsible for the sleeping accommodation that the employer

provides and to ensure that the employer provided accommodation meets the required standards.

Is a permit required to establish an industrial camp on vacant Crown land? What other approvals are needed?

Written approval is required from the Ministry of Forests, Lands and Natural Resource Operations (including BC Timber Sales) to establish a temporary camp on vacant crown land as identified in the FS1000 contract as follows:

> Camping and Parking
>
> > Use of Provincial sites by the Contractor or the Contractor's employees or agents for the purposes of lodgings, camping or trailer parking in connection with Work under this Agreement, is permitted only with the prior wrtten approval of:
> >
> > a) on recreational sites, a representative of the Ministry of Forests, Lands and Natural Resource Operations, Sites and Trails Branch;
> >
> > b) on other Provincial Crown forest land including roads and landings, the Ministry Representative appointed pursuant to Section 5.01 of this Agreement;
> >
> > Such use, if approved, shall be without charge to the Contractor. The approval may be revised or revoked at any time by the Province.

The FS776 Camp Standards Schedule requires contractors to give a minimum of 72 hours notice of the location of the proposed camp to the BCTS Contract Officer, local Health Authority and WorkSafe BC representative. BCTS staff should review the proposed location to ensure that the site is suitable considering local site parameters, other resource users and tenure holders, downstream impacts, First Nation concerns, and other factors. The BCTS Contract Officer should provide written approval of the camp and its location to the contractor and document the approval on the contract file.

The Public Health Act - Industrial Camps Health Regulation requires approval by a medical health officer or public health inspector for disposal of sewage from the camp. “The operator shall dispose of the sewage in an approved manner that does not create a nuisance, pollute any stream, lake or other body of water or contaminate a water supply, bathing place or shellfish growing area”. Contractors should contact the local Health Authority well in advance of setting up a camp to ensure compliance with the Industrial Camps Health Regulation and Sewerage System Regulation.

The Public Health Act – Food Premises Regulation specifies the requirements for construction and operation of a food premises. "Food premises means any place where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed". "Food services establishment" means food premises in which food is (a) processed, (b) served or dispensed to the public, and (c) intended for immediate consumption." Contractors should contact the local Health Authority well in advance of setting up a camp to ensure compliance with the Food Premises Regulation. This may include the requirement to provide plans and specifications, a food safety plan, and Food Safe training in order to receive an operating permit. Where mobile facilities are being utilized for food services, operators should have the operating permit issued in advance at their home location by their local health authority.

The *Drinking Water Protection Act* and Drinking Water Protection Regulation specify the requirements for drinking water including the use of water for human consumption, food preparation or sanitation. Contractors should contact the local Health Authority well in advance of setting up a camp regarding permits, source water assessment and testing and other requirements to ensure compliance with the *Drinking Water Protection Act* and Regulation.

Drinking water from sealed bottles purchased from a reputable grocery chain outlet or other suitable retail establishment will not be subject to "source water assessment and testing" as specified in the *Drinking Water Protection Act* and Regulation.

The *Water Act* regulates the "short term use of water" from most streambeds in BC including "a lake, river, creek, spring, ravine, swamp and gulch". The *Water Act* and Regulation specify requirements to ensure that the short term use of water does not compromise water quality, fish and wildlife habitat or the rights of other water users. If you are contemplating the use or diversion of water for your industrial camp (e.g. for showers or other uses) you must have approval from the Ministry of Environment - Water Stewardship Division. Application forms, fees and additional information are available from all Front Counter BC offices and from the Ministry of Environment - Water Stewardship Division website as the following location:

http://www.env.gov.bc.ca/wsd/water_rights/licence_application/section8/index.html

NOTE: The issuance of permits and approvals for sewage disposal, operation of a food premises and for drinking water protection may take a considerable time. Contractors should review requirements and obtain the necessary permits and approvals from the Health Authority prior to the field season. Contractors planning on the "short term use of water" from a

streambed or other water body should secure approval from the Ministry of Environment well in advance of the proposed camp.

When should a camp inspection be performed by BCTS staff?

Camp standards and plans for camps must be reviewed as part of the contract pre-work meeting when the FS776 is part of the contract. BCTS EMS checklists will be updated to include these requirements. BCTS staff must inspect a camp as soon as possible after establishment and generally within the first 24 to 48 hours.

Contracts that do not include the FS776 Camp Standards Schedule should be inspected using a risk based approach in consideration of the experience and track record of the contractor, conformance to EMS and Safety requirements, and other factors.

How should the camp inspection be documented?

Camp inspections should be documented on the "FS776a Inspection Form – Compliance with Camp Standards" immediately upon inspection. Ensure you download the most current form from the Ministry forms website.

Who enforces the Camp Standards requirements?

BCTS staff enforce the requirements of the contract including the FS776 Camp Standards Schedule. Penalties and enforcement actions are as defined within the terms and conditions of the contract.

The local Health Authority is responsible for permitting and enforcement of the Industrial Camps Health Regulation, Food Premises Regulation, *Drinking Water Protection Act* and Drinking Water Protection Regulation. BCTS staff should report significant camp issues and potential violations to the local Health Authority.

WorkSafe BC is responsible for worker safety including the *Workers Compensation Act* and its Occupational Health and Safety Regulation. BCTS staff should report worker safety issues and potential violations to WorkSafe BC.

The Ministry of Labour – Employment Standards Branch enforces the *Employment Standards Act*. BCTS staff should report employment standards issues and potential violations to the Employment Standards Branch.

The Compliance and Enforcement Branch of the Ministry of Forests, Lands and Natural Resource Operations enforce the *Water Act* and Regulations. BCTS staff should report potential violations of the *Water Act* to Compliance and Enforcement Branch. Questions and inquiries regarding the "short term use of water" application and approval process should be directed to Front Counter BC or the Ministry of Environment - Water Stewardship Division.

Collaboration, communication and joint inspections between the various government agencies is highly recommended for efficient and effective use of resources and to promote worker health and safety. If the local Health Authority determines that a camp should be closed, BCTS will assist with this closure by withdrawing the approval to establish a camp on Crown Land. Both agencies would pursue other penalties and enforcement actions available under the contract and legislation.

Contacts

For further information regarding this bulletin please contact Graham Archdekin, Manager, Tenure Operations (250-387-8302) at BCTS Headquarters.

REFERENCE GUIDE FOR
TDG (Transportation of Dangerous Goods)

The 4-step snapshot to understanding TDG

Class 1: Explosives

Class 2: Gases

Class 3: Flammable & combustible liquids

Class 4: Flammable solids

Class 5: Oxidizing substances

Class 6: Poisonous & infectious substances

Class 7: Radioactive materials

Class 8: Corrosive substances

Class 9: Miscellaneous products

- Symbols
  - The symbol is a visual reminder of what type of substance is being transported
  - Symbols are found on Labels & Placards
  - Some examples of the classes you might encounter in the forest industry are:
    - Class 1 – Blasting materials (Explosives)
    - Class 2 – Oxygen, Acetylene, Propane (Gases)
    - Class 3 – Diesel, Gasoline, Solvents (Flammable & Combustible liquids)
    - Class 6 – Solvent compounds, paint removers (Poisonous substances)
    - Class 8 – Battery acids (Corrosive substances)

- Safety Marks
  - Safety Marks are the **first indicator** to the worker that they are dealing with a dangerous good when approaching a container or vehicle load
  - Types of Safety Marks
    - Labels – small diamond shaped marks generally found on smaller containers (i.e. oxygen bottles)
    - Placards – large diamond shaped marks generally found on larger containers or on loaded vehicles transporting dangerous goods
  - Safety Marks will contain the following information:
    - Symbol of the dangerous good (i.e. a flame)
    - Class of the substance (i.e. Class 3)
    - Shipping Name (i.e. Gasoline)
    - PIN (product identification) number (i.e. UN 1203)
  - Use of Safety Marks
    - Whenever a dangerous good is transported
    - When used on larger loads, placards are generally attached at 4 corners of the load vehicle
    - Placards are even required when containers or tanks are empty

- Documentation
  - Class 3 substances (Diesel, Gasoline) generally do not require a shipping document unless the container size is 2000 liters or larger
  - Used oils (generated by the contractor) are not classified under TDG regulation
  - If a shipping document is used, it must contain the following information:
    - Document number
    - Date of shipment
    - Signature of the shipper
    - Shippers name and address and 24 hour contact number
    - Receivers name and address
    - Carriers name
    - Name, Class, PIN, Packing group, and volume of product being shipped
    - Type and number of placards used

- Emergency Response
  - When spills or leaks exceed the quantities listed, it must be reported to:
    - The Police
    - The Employer
    - The Vehicle owner
  - The owner of the goods

Rules to remember for TDG

1. **Use the right container**
2. **Keep the container capped**
3. **Label the container**
4. **Secure the container in an upright position when in transport**
5. **When unloaded, protect from collision**

File: 10765-01

Advisory Bulletin No. 05/15/08 – Multiple Employers on Timber Sale Licences

This advisory bulletin provides advice to BC Timber Sales (BCTS) staff on the matter of multiple employers on timber sale licences (TSLs). This bulletin replaces all previous advice on this matter.

Basic Principles

This bulletin addresses those cases wherein BCTS hires a contractor to undertake certain tasks within a TSL cutting authority area at the same time that the holder of the TSL is conducting timber harvesting (including road-building) activities.

The holder of a TSL is the "Owner" of the workplace. In order for BCTS to fulfill its mandate and foster an optimal safety circumstance for TSL holders, it is important that BCTS respect and facilitate the TSL holders' ownership.

The matter of having two "Owners" (BCTS and the Licensee) of a workplace leads to confusion which must be resolved by establishing a "prime contractor". To facilitate the optimal safety circumstance mentioned above, and to uphold the TSL holder as "owner" of the workplace, and to permit the licensee to freely meet its business interests and obligations, **BCTS must not direct the TSL holder to assume the roles and responsibilities of a "prime contractor".** Rather, the situation is better addressed by a mutual and documented agreement between the two owners.

Owner of the Workplace

The Workers' Compensation Act (W.C. Act) defines "Owner" as including

(a) a trustee, receiver, mortgagee in possession, tenant, lessee, **licensee** or **occupier of any lands** or premises used or to be used as a workplace, and

(b) a person who acts for or on behalf of an owner as an agent or delegate.

Thus, the holder of a TSL is an "Owner" of the workplace, and the "workplace" is the cutting authority and/or permit area.

Duties of an Owner

Every owner of a workplace must

(a) provide and maintain the owner's land and premises that are being used as a workplace in a manner that ensures the health and safety of persons at or near the workplace,

(b) give to the employer or prime contractor at the workplace the information known to the owner that is necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace.

The W.C. Act defines an "Employer" as including every person having in their service under a contract of hiring or apprenticeship, written or oral, express or implied, a person engaged in work in or about an industry.

Formation of a Multiple-employer workplace

A "multiple-employer workplace" means a workplace where workers of 2 or more employers are working at the same time. Thus, when BCTS contracts with another party to undertake certain tasks (e.g. cone collection; waste assessments) on a TSL area at a time when TSL holder is also undertaking activities (e.g. logging; road building), a “multiple-employer” workplace is created.

Effect of creating a Multiple-employer workplace

Whenever a multiple-employer workplace is created, a “Prime Contractor” must be established.

In relation to a multiple-employer workplace, the “Prime Contractor” is

(a) the directing contractor, employer or other person who enters into a written agreement with the owner of that workplace to be the prime contractor for the purposes of this Part, or

(b) if there isn’t such a written agreement, the owner of the workplace.

The prime contractor of a multiple-employer workplace must

(a) ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and

(b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations in respect of the workplace.

Each employer of workers at a multiple-employer workplace must give to the prime contractor the name of the person the employer has designated to supervise the employer's workers at that workplace.

BCTS position in Multiple-employer workplaces on TSL’s

BCTS does not generally have the expertise to assume the position of an Owner or prime contractor on a harvest operation. Further more, if BCTS were to assume that position, either directly or via a contracted resource, that act would affect the market opportunity afforded the licensee through the licence and be contrary to the BCTS mandate of market pricing.

Therefore, BCTS must approach the TSL holder requesting permission to proceed with the works and proceed with said works only after a suitable prime contractor is established and agreed upon in writing.

It is not appropriate for BCTS to exercise pressure on the licensee to accommodate those works. If mutual agreement on a primary contractor cannot be achieved, BCTS will have to pursue suitable alternative arrangements. **In most circumstances, however, it is likely that the appropriate prime contractor would need to be the harvesting contractor on the site.**

Actions

For new TSLs:

If it is expected that BCTS will need to access a TSL area or to work adjacent to that area in pursuit of other program goals, BCTS should include this expectation in the Notice to

Intending Bidders. BCTS must not, by TSL clause or other instrument, compel the licensee to accept this possibility.

For existing TSLs:

BCTS will formally notify the TSL holder that it wishes to proceed with works, will seek to mutually agree upon prime contractor arrangements, and establish those arrangements in writing.

BCTS Contractors:

All BCTS contractors and licensees engaged on multi-employer worksites created by BCTS will be notified in writing as to the prime contractor responsibilities and subordinate contractor responsibilities. It is recommended that a joint meeting of all parties be held to discuss any concerns of any party and to ensure that all parties understand their respective expectations and roles.

Contacts

For further information regarding this bulletin please contact Tom Jackson, Manager, Safety Initiatives, or John Stephen, Tenures Forester, BCTS Headquarters at (250) 387-8637.

March 25, 2013

Resource Road Users,

RE: VIN (VEHICLE IDENTIFICATION NUMBER) COMPANY REGISTRATION & PLATING

The Okanagan TSA Road Safety Group has moved forward with the initiative to encourage all Industrial Resource Road Users to register with the BC Forest Safety Council (BCFSC) and mount a Vehicle Identification Number plate on their vehicle. Major Licensees, Ministry of Forests Lands and Natural Resource Operations (MoFLNRO), Worksafe BC and other Industrial Users within the TSA that manage industrial safety on these roads endorse this program.

The VIN program was introduced more than 5 years ago, and has been adopted as standard operating procedure by most Licensees (including oil and gas, and mining operators) across northern BC. Because each VIN plate is unique, properly mounted VIN plates enable easy and consistent identification of vehicles using resource (and public) roads. Current VIN program users agree that presence of the VIN plate has made a significant contribution to increasing driver accountability, and encourages owners and operators to learn and apply local road use protocols and broader best driving practices. Registering VIN plates in the database enables proactive incident and close-call reporting. An effective reporting mechanism can, in turn, be used to improve estimates of the number and types of vehicles utilizing resource roads, and can help identify routes or locations where there are opportunities to reduce road hazards (e.g. through education, maintenance, scheduling, etc.). This will ultimately improve road safety for all road users.

As a Resource Road user, it is requested that you participate in this program by registering through the BCFSC with your own VIN(s) and mount a specifically designed plate to your vehicle(s). Attached you will find Plate Standards, mounting instructions as well as a quote and contact information from a local sign supplier.

Should you have any questions about the VIN Project, or to obtain registration forms and other details, you can visit the BCFSC website at:

http://www.bcforestsafe.org/Vehicle_Identification_Number_Program

or you can call BCFSC at 1-877-324-1212.

We appreciate your efforts to maintain a safe standard of work for all industrial users and the general public.

TSA Road Safety Group

BCTS BC Timber Sales TOLKO INDUSTRIES LTD. BRITISH COLUMBIA GORMAN The Finest Boards WORKSAFE BC BC Forest Safety Council

VIN Plate Standards

The recommended VIN plate standard as per readability research completed by the BCFSC:

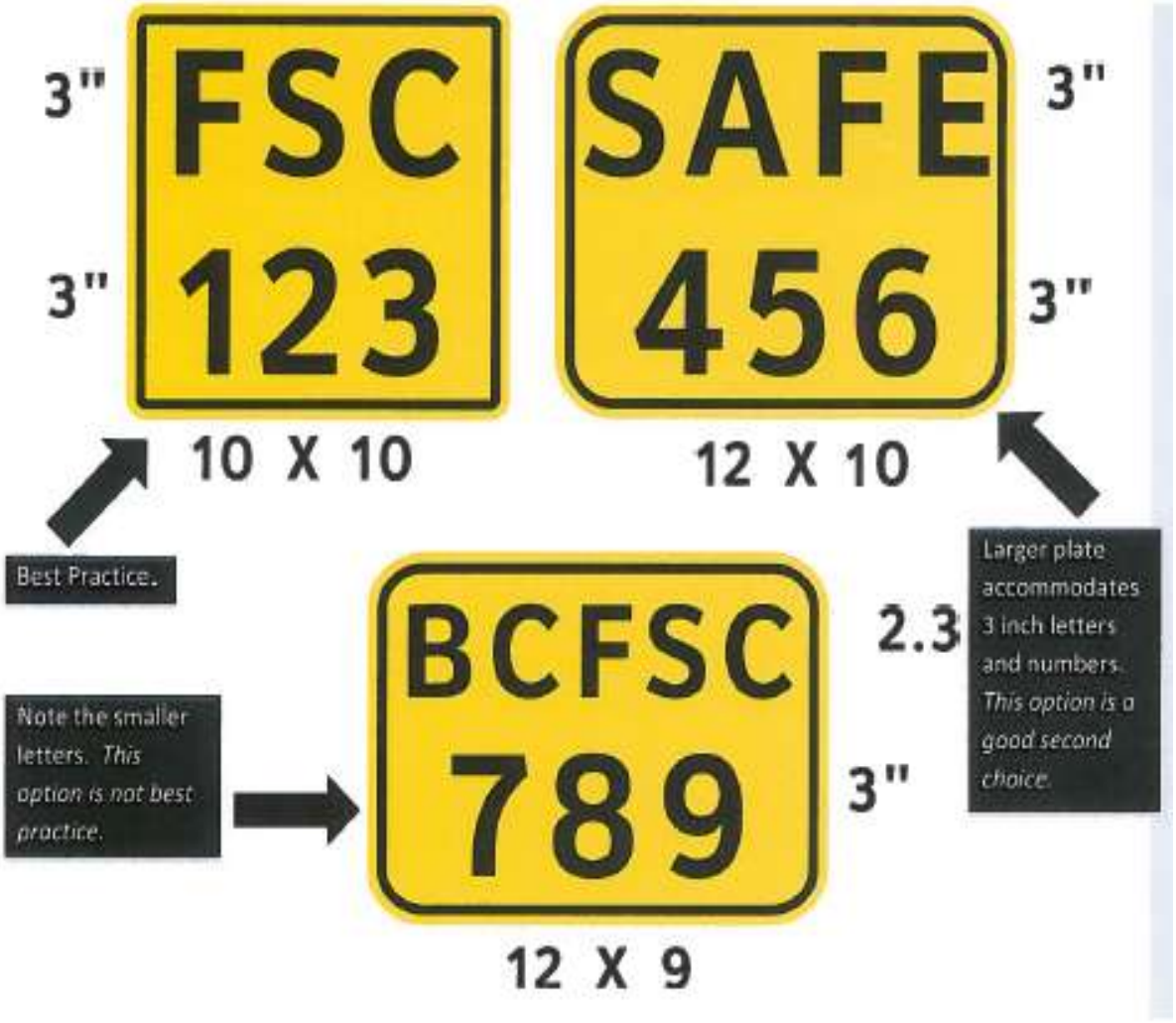
- **Plate Material** – 12 gauge aluminum, rounded corners preferred.
- **Plate Size** – 10 inch x 10 inch
- **Background** – Engineering grade, 7 year durability and yellow reflective vinyl background. (e.g. 3M Engineering Grade 3200 Scotchlite Reflective sign Vinyl Yellow No. 3271)
- **Border Width** – ¼ inch
- **Border Inset** – ¼ inch
- **Border Color** – Black
- **Font** – ClearviewHwy 4B
- **Font Size** – 3 inch
- **Font Placement** – Centered horizontally.
- **Top Line Text** – 3 alphabet characters – consider readability when selecting characters.
- **Bottom Line Text** – 3 numeric characters – consider readability when selecting characters.
- **Hole Placement** – Dependent on needs, do not have a hole through a character.

Mounting the Plate:

Plate is to be mounted to the front of the vehicle, centered on the bumper. The mount location must be easily viewable by oncoming traffic, if a suitable location can't be found on the bumper try the grill or bull board. Typically the easiest place to mount the plate is above an existing license plate.

The example drawings show multiple options for plate size and the number of characters. When deciding the letters (typically an acronym) for your plate please consider that three letters is generally more memorable and readable than other options (no more than 5). If you do choose to use more than three characters consider using words or letter combinations recognizable as words instead of acronyms or random letter combinations.

Example Drawings



REFERENCE GUIDE FOR WHMIS

The 3-step snapshot to understanding WHMIS

Class A: Compressed Gas

Class B: Flammable and Combustible material

Class C: Oxidizing Material

Class D: Poisonous and Infectious Materials

Class E: Corrosive Material

Class F: Dangerously Reactive Material

➢ Understand the symbols

- The symbol is a visual reminder of what type of substance you will be handling
- Symbols are found on Labels and MSDS.
- Some examples of the classes you might encounter in the forest industry are:
  - Oxygen and Acetylene (Compressed Gas)
  - Gasoline and Diesel (Flammable/Combustible)
  - H2S gas from Sour Gas wells (Poisonous material)
  - Battery Acid (corrosive materials)

➢ Recognizing Labels

- Labeling (by Suppliers or Employers) is required on hazardous substances
- Labels are the **first indicator** to the worker that they are dealing with a hazardous substance
- Labels must contain the following information:
  - Identification of the substance (eg. Diesel Fuel)
  - Hazard symbol of the substance
  - Precautionary and First Aid measures
  - Reference to Material Safety Data Sheets (MSDS)
- Types of Labels
  - Supplier – generally an adhesive label attached before shipment
  - Workplace – often a plastic tag attached by a wire or plastic tie to the container by the employer
  - Hand written – writing of the product name by the worker when the substance is dispensed for their individual use.

SHELL DIESELINE/CARBURANT DIESEL SHELL DIESELINE 322-110
SHELL DIESELINE MARKED/CARBURANT DIESEL SHELL DIESELINE COLORÉ 325-111
SHELL KEROSENE/KÉROSÈNE SHELL 301-101

HAZARDS
Combustible Liquid
Irritating to Skin

SAFE HANDLING
Eliminate all ignition sources.
Wear suitable gloves and eye protection.
Avoid prolonged exposure to vapours.
Empty containers are hazardous, may contain flammable/explosive liquid residue or vapours. Keep away from sparks and open flames.

FIRST AID
Wash contaminated skin with soap and water.
Flush eyes with water.
If overcome by vapours, remove to fresh air.

AVERTISSEMENT
Liquide combustible.
Cause une irritation de la peau.

PRÉCAUTIONS
Éliminer toutes les sources d'inflammation.
Porter des lunettes de sécurité et des gants appropriés. Éviter d'être exposé de façon prolongée aux vapeurs. Les contenants vides sont dangereux, ils peuvent contenir des vapeurs ou des résidus liquides inflammables/explosifs. Tenir loin des étincelles et des flammes nues.

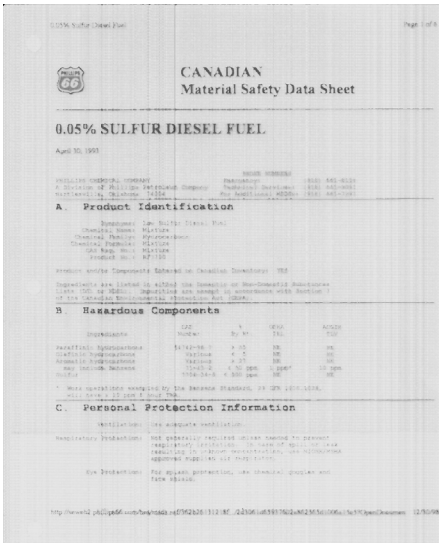
PREMIERS SOINS
Laver la peau atteinte à l'eau et au savon.
Rincer les yeux à grande eau.
En cas d'inhalation des vapeurs, transporter la personne incommodée au grand air.

SEE MATERIAL SAFETY DATA SHEET FOR FURTHER DETAILS
POUR DE PLUS AMPLES RENSEIGNEMENTS, CONSULTER LA FICHE SIGNALÉTIQUE DE CE PRODUIT

SHELL CANADA LIMITED
SHELL CANADA LIMITÉE
400-4th AVENUE S.W.

➢ Knowing how to use **Material Safety Data Sheets (MSDS)**

- An MSDS is a written bulletin issued by the supplier providing specific information about the hazardous substance
- MSDS will contain the following information
  - Product Name
  - Hazardous ingredients
  - Physical data
  - Fire and Explosion hazard
  - Reactivity data
  - Toxicological properties
  - Preventative measures
  - First Aid measures
  - Preparation information
- An employer must make the Material Safety Data sheets available to the workers, and provide time for them to read the information before commencing work


CANADIAN
Material Safety Data Sheet

0.05% SULFUR DIESEL FUEL

A. Product Identification

B. Hazardous Components

C. Personal Protection Information