
From: Diane s.22
Sent: Tuesday, July 24, 2012 10:18 AM
To: Jackson, Tom FLNR:EX
Cc: Roger Harris; Falkiner, Mike FLNR:EX
Subject: Re: BCFS Ombudsman
Attachments: BCFSC RECOMMENDATIONS TO MFLNRO.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am forwarding a list of the recommendations that have been made by the BC Forest Safety Ombudsman in recent years.

The recommendations are from the BCFSC Ombudsman reports and I have compiled them in a chart. Could you look at them and provide some feedback about which ones have been adopted, partially adopted, currently under review or no longer relevant? As well, I have added space for any comments.

For any of the recommendations that do not belong to FLNR, would you assist me by forwarding them on to the respective ministry for comment?

Thank you for your help and please contact me if you have any questions.

Regards,
Diane Palmer
s.22

On 12-07-09 2:31 PM, "Roger Harris" s.22 wrote:

Thank you
Sent on the TELUS Mobility network with BlackBerry
From: "Jackson, Tom FLNR:EX" <Tom.Jackson@gov.bc.ca>
Date: Mon, 9 Jul 2012 14:05:18 -0700
To: Falkiner, Mike FLNR:EX<Mike.Falkiner@gov.bc.ca>; 'Roger Harris' s.22
Subject: RE: BCFS Ombudsman
I can likely help out with this.

Robert T. Jackson R.F.T.He
Director Resource Worker Safety
Timber Operations, Pricing and First Nations Division
Office Location Port McNeill 956-5105/ s.17

From: Falkiner, Mike FLNR:EX
Sent: Monday, July 9, 2012 1:35 PM
To: 'Roger Harris'
Cc: Jackson, Tom FLNR:EX
Subject: RE: BCFS Ombudsman

Thanks. This is a bit of a mystery email but we stand by to help in any way we can.

Mike Falkiner

Executive Director

BC Timber Sales

Ministry of Forests, Lands & Natural Resource Operations

office: 250-387-8309

cell: s.17

From: Roger Harris s.22

Sent: Monday, July 9, 2012 1:28 PM

To: Falkiner, Mike FLNR:EX; Diane

Subject: BCFS Ombudsman

Mike, I am undertaking a review of a number of recommendations that have been made in the different reviews to evaluate which ones have been acted on, which ones have not as well as identify those that are no longer relevant.

Diane Palmer is assisting me with this work. I have asked her to forward to you a number of recommendations I am unsure where their status is right now or ifr any action was taken at all. Could you please either answer as best you can on the status of a recommendation or put Diane in contact with some one who could assist her with a specific topic.

I am not looking for full details or reports on what has been done. I am looking to generate a chart that would indicate that a recommendations is adopted, partially adopted, currently under review or no action taken. In some cases as some of the reports were done in 2005 things may have changed in a manner that the recommendation is not longer valid with a comment

if you have any questions feel free to give me a call s.22

From: Jackson, Tom FLNR:EX
Sent: Thursday, August 30, 2012 04:26 PM
To: 'Diane'
Cc: Falkiner, Mike FLNR:EX; Archdekin, Graham FLNR:EX; Nicholls, Diane R FLNR:EX; Hagel, Wayne FLNR:EX; Jensen, Tom R FLNR:EX
Subject: RE: BCFS Ombudsman
Attachments: BCFSC RECOMMENDATIONS TO MFLNRO final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Diane Here is our response to the information requested by Roger. Some points we would offer, we note the categorizations provided in your document did not offer a category to identify where alternative action was taken to address underlying concerns. We have tried to capture this in our comments. Further we note that many of the recommendations had actions in place before the recommendations were published or resulted in revising or reaffirming already existing approaches. Regarding the recommendations directed toward the Ministry of Advanced Education we would suggest that you seek responses from them to complete your understanding of action taken regarding these reports.

Should you have any questions about our responses I would be happy to assist.

Robert T. Jackson R.F.T.
Director Resource Worker Safety
Timber Operations, Pricing and First Nations Division
Office Location Port McNeill 956-5105 s.17

From: Diane s.22
Sent: Tuesday, July 24, 2012 6:46 PM
To: Jackson, Tom FLNR:EX
Subject: Re: BCFS Ombudsman

Thanks for getting back to me.
We are hoping to have your feedback by Labour Day. Late August will be fine.

On 12-07-24 10:33 AM, "Jackson, Tom FLNR:EX" <Tom.Jackson@gov.bc.ca> wrote:

When do you need this response by? s.22 can we get this to you in late August?

Robert T. Jackson R.F.T.
Director Resource Worker Safety
Timber Operations, Pricing and First Nations Division
Office Location Port McNeill 956-5105/949-0888

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Sent: Tuesday, July 24, 2012 10:18 AM
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Cc: Jackson, Tom FLNR:EX
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Mike Falkiner
Executive Director
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if you have any questions feel free to give me a call s.22

BC FOREST SAFETY COUNCIL OMBUDSMAN RECOMMENDATIONS TO MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

| REPORT | AREA OF CONCERN | # | RECOMMENDATION | ADOPTED | PARTIALLY ADOPTED | UNDER REVIEW | NO ACTION REQUIRED | COMMENTS |
|---|---------------------------------------|----|---|---------|-------------------|--------------|--------------------|----------|
| 2011 IF A TREE FALLS IN THE WOODS AND NO ONE IS AROUND TO HEAR IT... REVIEW OF FAILURES LEADING TO THE KHAIRA SITUATION | Notification: | 1 | Review its current notification requirements for camp operators with respect to the level of detail required to be provided. MFLNRO look particularly at the specific information required for camp geographic co-ordinates and calendar dates for setup and operation . | | | | | |
| | | 2 | Develop a system for making camp operator information available and accessible to other agencies, organizations and the public. | | | | | |
| | | 3 | Require as a "condition" of any government contract awarded that operators report exact camp location and operating timelines before commencing any camp operations, regardless of whether a camp is set-up on private or crown land. That this information be reported and available to all agencies and organizations at least 48 hours prior to the set-up of any camp operation. | | | | | |
| | Enforcement: | 4 | With the BC Government and the BC Forest Safety Council form a working group to investigate the potential to establish a practical shared delegated authority model for in-field inspections. | | | | | |
| | | 6 | Establish and identify a lead ministry to coordinate information sharing between government ministries, agencies and other relevant groups. | | | | | |
| | | 7 | Consider establishing an advisory committee including representatives from government, employer and labour organizations to review progress to date on the 2008 Auditor General's report and make recommendations for improving safety | | | | | |
| | Contract Qualification Process: | 8 | Investigate the establishment of a contract qualification process for silviculture contractors that bid on government contracts. Any contract qualification process should: <ul style="list-style-type: none"> • Be flexible enough to continue to encourage new entrants into the industry; • Consider the regulatory requirements of other provincial ministries; and • Provide recognition of the BCESC Safe Company certification program | | | | | |
| | Training: | 12 | All agencies and organizations as part of their in-field inspections of camp facilities to ensure, that as part of their responsibility, they include a visual inspection to ensure all pertinent employee information is posted in a manner and location accessible by all workers. | | | | | |
| | Tender versus Proposal Driven Models: | 13 | MFLNRO explore the option of expanding use of proposal-driven contracts, especially where working conditions present a high degree of difficulty or hazard. | | | | | |
| | | | | | | | | |
| 2007-2008 NO LONGER THE ROAD LESS TRAVELLED | Community Connection: | 1 | The Province should establish a new public highway designation for resource roads that serve as the primary or secondary access roads for communities. The new designation would have clearly defined standards for construction, maintenance, enforcement and be funded/resourced similarly to the public highway system. | | | | | |

| | | | | | | | |
|--------------------------------|----|--|--|--|--|--|--|
| | 2 | The Province should give strong consideration to extending the BC highways system model for compliance and enforcement of commercial vehicle regulations and inspections to this new road designation. | | | | | |
| | 3 | Take the lead in identifying which road systems this new road designation will apply to. Their specifications must align and comply with all the industries that will use these roads | | | | | |
| | 4 | When a road system receives a “new road designation,” the standards for construction and maintenance on this road should be at the highest level needed by any industrial activity for which it will be regularly used. | | | | | |
| Road Safety Management Groups: | 5 | Establish regional Road Safety Management Groups (RSMG) with the responsibility of managing all activities on resource roads in the province. | | | | | |
| | 6 | Identify the regional resource road networks that would logically be contained within any specific RSMG unit. | | | | | |
| Resources and Funding: | 7 | Work with industry to ensure that capital costs of resource road construction and maintenance within an RSMG unit are fully recognized for the purpose of tax credits and stumpage calculations. | | | | | |
| Public Education: | 8 | RSMGs should take an active role in supporting and assisting Industry Canada, BC Timber Sales, ICBC and the Ministry of Forests and Range to implement province-wide common signage, radio frequencies and radio protocols. | | | | | |
| Emergency Response: | 9 | Until there is a formal network of RSMGs across the province, regulatory agencies working with industry should develop clear communication plans for local first responders. | | | | | |
| | 10 | All RSMGs should be required to put in place an Emergency Response Plan with protocols and procedures to facilitate the quickest response to any accident on resource roads in their management area. | | | | | |
| Appraisal Manual Limitations: | 11 | Undertake a collaborative review and overhaul of the stumpage appraisal system to identify and address impediments to timely decision making at the operational level. | | | | | |
| Enforcement: | 13 | Responsibility for enforcing safety standards on resource roads should remain with government agencies currently charged with that responsibility--Ministry of Forests and Range, Ministry of Transportation, RCMP and WorkSafeBC--regardless of any changes in jurisdiction for resource road maintenance or operation. | | | | | |
| | 14 | Undertake a full review of the inter-agency training for all Government Agencies responsible for enforcing provincial statutes to ensure that agencies responsible for enforcement of provincial statutes are applying those laws and regulations equally and with the same interpretation. | | | | | |
| Technology: | 17 | Take the lead in advocating for Electronic Stability Control systems for all new industrial, commercial and private vehicles. | | | | | |
| | | | | | | | |

| | | | | | | | | |
|------------------------------|------------------|---|---|--|--|--|--|--|
| 2007 NOT OUT OF THE WOODS | Faller Training: | 3 | The provincial government, through the Ministry of Advanced Education, should incorporate the New Faller Training Program into the advanced education system and financially support the program in the same manner other trades certification and pre-apprentice programs receive financial support. | | | | | |
| | | 4 | The current falling and bucking curriculum should be reviewed by industry stakeholders to ensure that the course material being offered aligns with industry and faller trainee objectives. | | | | | |

| | | | | | | | | |
|--|-----------------------------------|----|--|--|--|--|--|--|
| | Non-Certified Trades Training: | 13 | Through the Ministry of Advanced Education, should incorporate all of the non-certified training programs into advanced education curriculums and resource them in the same manner it supports other industry trades training. | | | | | |
| | | | | | | | | |

Page 10 redacted for the following reason:

s.13

List of Contract Evaluations on the Corporate Services Division Sharepoint Site.

0333803 BC LTD
0460423 BC LTD AND CRESTON ORCHARDS INC DBA GFC GROWERS
0698452 BC Ltd DBA TIMBERLAND CONSULTANTS
0716706 BC LTD
0763058 BC LTD AND TRAILS HOLDINGS LTD DBA ARCHER CRM PARTNERSHIP
0774748 BC LTD
0782508 BC LTD
0785350 BC LTD
0805653 B C LTD DBA O K FORESTRY ROAD MAINTENANCE
0812652 BC LTD DBA TIMBERLAND CONSULTANTS 2001
082508 BC LTD DBA KOOTENAY WEED CONTROL
0919057 BC LTD DBA CONSUS MANAGEMENT LTD
275737 BITISH COLUMBIA LTD
367079 BC LTD
517568 BC LTD DBA ATLAS INFORMATION MANAGEMENT
528248 BC LTD DBA CUTTING EDGE FORESTRY
513251 BC LTD DBA MID BOUNDARY CONTRACTING
656632 BC LTD DBA MACKENZIE FORESTRY SERVICES
661525 BC LTD DBA CODERRE GEOSPATIAL INFORMATION SYSTEMS
670563 BC LTD
686149 BC LTD DBA STRALTHINNES FORESTRY CONSULTING
6908527 CANADA INC DBA CHASE CREEK CATTLE CO
ADAMS LAKE INDIAN BAND
A. D. FISHER CONTRACTING LTD
AKD REFORESTATION LTD
AKEHURST AND GALVANI REFORESTATIO LTD
ALEXIS CREEK FIRST NATION DBA ALEXIS CREEK INDIAN BAND
ALGONQUIN FORESTY LTD
ALKAM HOLDINGS LTD
ALLEN, GLENN DBA ACCURATE LOCATION SURVEY'S
ALLNORTH CONSULTANTS LIMITED
ALL TERRAIN CONSTRUCTION LTD
ALPINE LOGGING LTD
ALTERNATIVE FOREST OPERATIONS LTD
AMEC EARTH AND ENVIRONMENTAL DIVISION OF AMEC AMERICAS LTD
AMUT, JOSEPH CHRIS DBA ARROW HEAD FOREST SERVICES
A.N.M. CONSTRUCTION LTD
ANNUNZIELLO, JAMES ALLEN
ANSPAYAXW DEVELOPMENTS LTD
APEX FOREST AND WILDFIRE SERVICES LTD
APEX REFORESTATION LTD
APPLETREE INDUSTRIES LTD
ARGO ROAD MAINTENANCE (THOMPSON) INC
ARK SERVICES LTD
ARMAND PAQUET CONTRACTING LTD
ARTISAN REFORESTATION LTD
A. SANFORD AND SON ENTERPRISES LTD
ASHTON CREEK RANCH LTD

ASPEN CONSULTING INC
AVISON MANAGEMENT SERVICES LTD
AZIMUTH FORESTRY AND MAPPING SOLUTIONS LTD
B A BLACKWELL AND ASSOCIATES LTD
B A SITE SERVICES LTD
BACKER LOGGING LTD
BACKWOODS CONTRACTING LTD
BAD VENTURES LTD
BALBIS, DANILO T DBA SWITCHBACK SILVICULTURE
BALCAEN CONSOLIDATED CONTRACTING LTD
BALIFF, BRYCE DAVID
BARNWALL, EMILY CANDACE
BASELINE ARCHAEOLOGICAL SERVICES LTD
BAYLIFF, BRYCE DAVID
B.B.K. CONTRACTING LTD
BD SILVICULTURE INC
BHEX CONTRACTING LTD
BIG B CONTRACTING LTD
BILL LASUTA AND ASSOCIATES LTD
BILL TODD LOGGING LTD
BIVOUAC WEST CONTRACTING LTD
BLACK RIVER CONTRACTING LTD
BLACKIE HOLDINGS INC
BLACKWATER CONSTRUCTION CO LTD
BLAEDEN CONTRACTING LTD
BLASTPRO CONSTRUCTION LTD
BLUE COLLAR SILVICULTURE LTD
BOONSTRA, RICHARD
BORLAND CREEK LOGGING LTD
BORROW ENTERPRISES LTD
BOUCHER CHRISANN AND BOUCHER LAYNE DBA GETUMDONE CONTRACTING
BOULDER EXCAVATING LTD
BOURASSA, MICHAEL RENE
BOXWOOD FOREST PRODUCTS AND SERVICES LTD
BRADLEY, KEVIN SCOTT
NOEL EDWARD PHILLIPS DBA B R A T EXPEDITING
BRAUMANDI, ERIC MICHAEL DBA FORFISH CONSULTING
BRINKMAN AND ASSOCIATES REFORESTATION LTD
BUCK PERRIN HOLDING CORP
BUFF LUMBER LTD
C AND E ROADBUILDERS LTD
CABIN FORESTRY SERVICES LTD
CAINE, MARTIN G. DBA MERTON LAKE EXCAVATING
CALIBER BRIDGE AND DESIGN LIMITED
CAMERON, ANDREW PETER DBA A P CAMERON CONSULTING
CANIM LAKE INDIAN BAND (CANIM LAKE FIRST NATION)
CANYON TREE FARMS INC
CAPCO CONSTRUCTION SERVICES LTD
CAPILANO HIGHWAY SERVICES COMPANY
CARIBOO ENVIROTECH LTD

CARIBOO FOREST CONSULTANTS LTD
CARIBOO HIAB SERVICE LTD
CASCADIA NATURAL RESOURCE CONSULTANTS INC
CATHRO CONSULTING LTD
CEDAR CREEK SILVICULTURE LTD
CELTIC ENGINEERING LTD
CELTIC REFORESTATION SERVICES LTD
CELVIS FOREST MANAGEMENT INC
CENGEA SOLUTIONS INC
CENTRAL INTERIOR MAPPING CO LTD
CENTRAL KOOTENAY INVASIVE PLANT COMMITTEE
CHAD BURKE CONTRACTING INC
CHAM INVESTMENTS LTD
CHARTWELL CONSULTANTS LTD
CHASE, DOUG DBA DCW ENTERPRISES
CHATTER CREEK HOLDINGS LTD
CHIL LOGGING LTD
CHILCOTIN PLATEAU ENTERPRISES LTD
CHRISTIAN VALLEY SERVICE LTD
CHRISTOPHER FRANJO SOLIC DBA ALLSTARS SILVICULTURE
CJ LOGGING LTD
CLAN LOGGING LTD
CLARK, WENDY
CLOSE CUT CONTRACTING LTD
COAST RANGE CONTRACTING LTD
COASTAL RESOURCE MAPPING LTD
COCHRANE CONTRACTING LTD
CODERRE, MARC DBA CODERRRE GEOSPATIAL INFORMATION SERVICES
COLUMBIA EXTREME CONTRACTING LTD
COMFOR FORESTRY SERVICES LTD
CONSUS MANAGEMENT LTD
COPEMAN ENTERPRISES LTD
COPPER CANYON CONSULTING LTD
CORSAIR FIELD SERVICES LTD
CORTESE, JOE DBA ALTA VISTA MANAGMENT
CORTEX CONSULTING INC
COSMAN, LAURENCE M AND WESTMAN, MARY JEAN DBA AVELING ENTERPRISES
C P S INVESTMENTS INC
COTE, JOE DBA JOBKAT EXCAVATING
CRESCENT BAY CONSTRUCTION LTD
CRESTON VALLEY BEEF GROWERS ASSOCIATION
CRIDLAND LOGGING LTD
CRITICAL SITE LOGGING INC
CROCKETT, ROBERT JOHN DBA CROCKETT'S TRACTOR SERVICE
CUSTOM DOZING LTD
CYPRESS FOREST CONSULTANTS LTD
D AND D BOON CONSTRUCTION SERVICES LTD
DANE DEVELOPMENTS LTD
DARREN ADAMS CONTRACTING LTD
DAVEY TREE SERVICES A DIVISION OF DAVEY TREE EXPERTS CO OF CANADA LTD

DC FORESTRY SERVICES LTD
DCS CONSULTING LTD
D CUNNINGHAM CONTRACTING LTD
DEBRIS RESOURCES LTD
DENIS FRANCOEUR BACKHOEING LTD
DEVERELL CONTRACTING LTD
DEVICKS RANCH LTD
DEWAN ENTERPRISES LTD
D FEHR CONTRACTING LTD
DIG RITE BACKHOE SERVICES LTD
D J MCKAY ENTERPRISES LTD
DOHERTY, BRIAN JOSEPH DBA CUTTING EDGE FORESTRY
DOSENBERGER EXCAVATING LTD
DOUG BATEMAN LOGGING LTD
DOUG BROPHY CONTRACTING LTD
DOUG WYLIE TRUCKING LTD
DOWLING C MONETTE LOGGING LTD
DRAKE FORESTRY SERVICES LTD
DRB FORESTRY SERVICES LTD
DRH FORESTRY CONSULTING AND PRECISION WEST RESOURCE CONSULTANTS LTD
DRINKWATER, ROBERT STEPHEN DBA DRINKWATER ENVIRONMENTAL SERVICES
DR SYSTEMS INC
DUENORTH HELICOPTERS INC
DURFELD, CHRIS F DBA GLOBAL MAPPING SERVICES
DUZ CHO LOGGING LTD
DW VENTURES LTD
DWB CONSULTING SERVICES LTD
DYCK, KENNETH JACOB
DYNAMIC REFORESTATION LTD
E AND J TRUCKING LIMITED
E.L.F. SILVICULTURE CONSULTING LTD
EAGLE VALLEY HOLDINGS LTD
EAGLE VISION GEOMATICS AND ARCHAEOLOGY LTD
EAST KOOTENAY INVASIVE PLANT COUNCIL
EAST WEST TRANSPORTATION (2000) CORPORATION DBA EAST WEST HELICOPTERS
ECOFOR CONSULTING BC LTD
ECORA RESOURCE GROUP LTD
EDGEWATER HOLDINGS LTD
ELDORADO ENTERPRISES LTD
ENTOPATH MANAGEMENT LTD
EQWEST CONSULTING LTD
ERON CONTRACTING LTD
ESDILAGH FIRST NATION
ESTSEK ENVIRONMENTAL SERVICES LLP
EVERGREEN FOREST SERVICES LTD
FALL LINE FORESTRY LIMITED
FENNELL, GREGORY DBA GREG FENNELL CONTRACTING
FENNELL, LEE, DBA OKANAGAN FENCE SUPPLIES
FERGUSON, DWAYNE ROY DBA COPPER CANYON CONSULTING
FIELDSTONE RESOURCES LTD

FINLAY LAKE FORESTRY LTD
FINS CONSULTING LTD
FIREWEED MOUNTAIN SILVICULTURE LTD
FISHER, DEBBIE IRENE
FOLKLORE CONTRACTING LTD
FOREST FLOOR CONTRACTING LTD
FORREX FORUM FOR RESEARCH AND EXTENSION IN NATURAL RESOURCES SOCIETY
FORSITE CONSULTANTS LTD
FREDERICK, ROBERT DBA TRAPPER ASSOCIATION
FREE GROWING FORESTRY LTD
FRONTLINE RESOURCE 2004 INC
FULL PHASE FOREST CONSULTING LTD
GAGE FOREST MANAGEMENT LTD
GALENA CONTRACTORS LTD
GANE ENTERPRISES INC
GARDEN CREEK RANCH LTD
GDA CONTRACTING INCORPORATED
GEOTERRA INTEGRATED RESOURCE SYSTEMS LTD
GIASSON CONTRACTING LTD
GIBRALTAR ROCK DRILLING LTD
GITANYOW HUWILP SOCIETY
GITXSAN FOREST ENTERPRISES INC
GLEN LABBY CONTRACTING LTD
GO WOOD FORESTRY SERVICES LTD
GOLD CHAIN CONTRACTORS LTD
GOLDER ASSOCIATES INC
GREAT NORTHERN BRIDGEWORKS LTD
GRAINGER AND ASSOCIATES CONSULTING LTD
GRAINGER, BILL
GRAINGER, KAREN L
GRAPHICS WEST DESIGNERS AND PRINTERS LTD
GRASSY CREEK LTD
GRAYCO CONTRACTING LTD
GREEN-LINK SILVICULTURE INC
GREEN TIMBERS LOGGING CO LTD
GREG FENNELL CONTRACTING LTD
GRUNEWALD, LOWELL E
GUDEIT BROS. CONTRACTING LTD
GYUG, LES DBA OKANAGAN WILDLIFE CONSULTING
HAMELIN, ANDRE DBA HAMELIN SILVICULTURE
HAMLING LAKES CONTRACTING LTD
HARBOR SIGNS LTD
HARTWOOD HOLDINGS LTD
HAT LAKE LOGGING LTD
HAWKEYE HOLDINGS LTD
HAWKINS, PAUL DBA SILVAHAWK NATURAL RESOURCE CONSULTING
HEARTLAND ECONOMICS (2006) LTD
HEAVY METAL MARINE LTD
HEMMERA ENVIROCHEM INC
HIGH COUNTRY COLD STORAGE LTD

HILL, DARRELL CHRISTOPHER DBA ROOTS AND SHOOTS CONTRACTING
H.I.S VENTURES LTD
H.I.S. WILDFIRE FS INC
HLOOKOFF BULLDOZING AND EXCAVATING LTD
HOLBROOK DYSON LOGGING LTD
HOOFT, JASON DBA NORTH RIVER CONSULTING
HUMMER'S CONTRACTING LTD
HYBRID 17 CONTRACTING LTD
IMPACT REFORESTATION LTD
INDUSTRIAL FORESTRY SERVICE LTD
INFINITY-PACIFIC STEWARDSHIP GROUP LTD
INTERFACE FORESTRY LTD
INTEGRA FOREST CONSULTING LTD
INTEGRATED PROACTION CORP
INTERIOR REFORESTATION CO LTD
INTERIOR SILVI SERVICES LTD
IOTA CONSTRUCTION LTD
IRC SPATIAL DATA GROUP INC
ISLAND WOODLOTS LTD
IVERSON FOREST MANAGEMENT INC
JACKASS JUNCTION ENTERPRISES LTD
JMC FOREST MAINTENANCE 2005 LTD
JOB CONTRACTING LTD
JOCKS BLASTING AND SON LTD
JOHNSON, DAVID MARTIN
JOHNSON, DON CARL
JOHNSON, RICHARD L DBA PILOT POINT FOREST CONSULTANTS
JOR CONTRACTING LTD
J R E EXCAVATING INC
J R STEWART GENERAL CONTRACTING LTD
J R STEWART GENERAL CONTRACTING LTD DBA HIGH COUNTRY FORESTRY AND FIRE SERVICES
JUGGERNAULT DEVELOPMENT INC
JUNCTUS GEOMATICS CORP
K AND G CONTRACTTING
K AND M TRUCKING LTD
KALUM CONSTRUCTION LTD
KASBRO DRILLING AND BLASTING LTD
KASLO ELECTRIC LTD
KATCHMAR CONSTRUCTION (1997) LTD
KAUFMAN, DAVID MICHAEL DBA GREEN LINK SILVICULTURE
KDC FORESTRY CONSULTING_LTD
KENS CUSTOM GRADING LTD
KENNETH WAYNE GUITARD DBA ALPINE FOREST SERVICES
KFN FORESTRY LIMITED PARTNERSHIP
KHAIRA ENTERPRISES LTD
KHOWUTZUN FOREST SERVICES LIMITED PARTNERSHIP
KIM FOREST MANAGEMENT LTD
KLASSEN, FRED DBA STANDING STONE VENTURES
KLATT, DARREN DBA TYSOL ENTERPRISES
KLEANZA CONSULTING LTD

KLO-WELL SILVICULTURE LTD
KPMG PERFORMANCE REGISTRAR INC
KUMPULA, BRAD DEAN DBA SYNERGY FORESTRY AND FINISH CARPENTRY
L AND B MYERS CONTRACTING LTD
LANDMARK FOREST MANAGEMENT LTD
LARCH SYSTEMS INC
LAS CONSULTING INC
LATITUDE CONSULTING LTD
LAURENCE COSMAN AVELING ENTERPRISES LTD
LAVA FORESTRY LTD
LAWES FOREST MANAGEMENT LTD
LEADER SILVICULTURE LTD
LEBOURDAIS, JEREMIE WILLIAM
LEBOURDAIS, JEREMIE WILLIAM DBA JERATEC FORESTRY CONSULTING
LEICESTER, BRUCE
LEIGH-SPENCER, SALLY DBA ECOLOGIC CONSULTING
LEMARE LAKE LOGGING LTD
LEPKA HOLDINGS LTD
LEVERITE DRILLING AND BLASTING LTD
LIME CREEK LOGGING LTD
LINICKI, KEN DBA KEN LINICKI DEVELOPMENTS
LIPINSKI, BRENT DOUGLAS DBA WESTWOLD FOREST CONSULTING
LITTLE RIVER EXCAVATING LTD
LITTLE TREES REFORESTATION INC
LIVE CROWN FORESTRY LTD
LIZZIE BAY LOGGING LTD
LM FOREST RESOURCE SOLUTIONS LTD
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MIDWEST EXCAVATING LTD
MIHIS, PETRU VIOREL
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MONTANE FOREST CONSULTANTS LTD
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SMIENK, WILLEM JOHANNES DBA CLASSICAL WOOD
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SOUTHFORK HOLDINGS LTD
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SPECTRUM RESOURCE GROUP INC
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SPIREA FOREST CONTRACTING LTD
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STAR CONTRACTING LTD
STEEL RIDGE CONTRACTING LTD
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STEPHEN, KENNETH JOHN DBA POWELL RIVER DIVERS (2001)
STINGER WELDING LTD
STONE INDIAN BAND DBA YUNESIT'IN GOVERNMENT DBA YUNESIT'IN DEVELOPMENT ENTERPRISE
STONECROFT PROJECT ENGINEERING LTD
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STRATEGIC FOREST MANAGEMENT INC
STRATEGIC NATURAL RESOURCE CONSULTANTS INC
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SUMMIT ENVIRONMENTAL CONSULTANTS INC
SUMMIT REFORESTATION AND FOREST MANAGEMENT LTD
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SUNSHINE LOGGING (2004) LTD
SURESPAN CONSTRUCTION LTD
SURESPAN STRUCTURES LTD
SURVEY WEST CONSULTING CORP
SUTHERLAND-WEST LIMITED
SWAN, DANIEL GORDON DBA D AND D FORESTRY CONSULTING
SWAN, DEMI MARIE DBA D AND D FORESTRY CONSULTING
SYLVAN VALE NURSERY LTD

T & A DRILLING AND BLASTING CORP.
T. KAFFANKE CONSULTING LTD
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TARRY, ROBERT J
TDB CONSULTANTS INC
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TK'EMLUPSEMC FORESTY
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TOKAREK, WADE DBA WWT FORESTRY SERVICES
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TRUE BLUE VENTURES LTD
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TUTSHI VENTURES CORP
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UNI-PREP ENTERPRISES LTD
UNIVERSAL SILVICULTURE INC
UNIVERSITY OF NORTHERN BRITISH COLUMBIA
VAGABOND LOGGING LTD
VAN BURK, PHILIP
VANDOLAH ENTERPRISES INC
VAN DYKE, MICKEY
VAST RESOURCE SOLUTIONS INC
VOLD, TERJE DBA TERJE VOLD AND ASSOCIATES CONSULTING
VSA HIGHWAY MAINTENANCE LTD
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W G SHAW AND SON LTD
WADLEGGER LOGGING AND CONSTRUCTION LTD
WALL, ALLAN DBA AL WALL CONTRACTING
WASILIEW & ASSOCIATES FOREST/HYDROLOGY CONSULTING INC
WATERSMITH CONTRACTING LTD
WATSON, KENT DUSTON DBA FOR-TECH CONSULTING
WAYNE HANSEN CONSTRUCTION LTD

WEST ARM SILVICULTURE INC
WEST COAST HELICOPTERS MAINTENANCE AND CONTRACTING LTD
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WILSON, JUNE ELIZABETH
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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 written 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 at 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.

File: 10765-01

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

Purpose:

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

Background:

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

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

Procedures:

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

1. Silviculture Contract Documents:

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

2. Notice to Commence Work:

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

Karin Doucette, Employment Standards Officer.

Email: Karin.Doucette@gov.bc.ca

3. Contract Pre-work Meetings:

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

4. Field Inspection:

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

5. Discovered Non-Compliance Issues with the ESA:

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

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

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

Karin Doucette can be contacted at:

Email: Karin.Doucette@gov.bc.ca

Phone: 250-565-7063

Fax: 250-565-7110

OR

Hans Suhr at:

Email: Hans.Suhr@gov.bc.ca

Phone: 250-565-6077

Fax: 250-565-7110

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.

Questions from staff as a result of training on Industrial Camp Standards and Employment Standards

| CAMP STANDARDS QUESTIONS | Response |
|---|---|
| 1. Camps with less than 5 persons are exempt from the FS776 camp standards. Do camps with less than 5 persons still require written approval of the camp location? | Yes, the requirement for written approval of the camp location is part of the FS1000 contract document and required for all camps that the contractor supplies, including those with less than 5 persons. |
| 2. If the contractor has several groups of 4 or less workers camping in the same general location (e.g. adjacent landings) are they still exempt from the FS776 Camp Standards | No, this clearly does not meet the intent of the legislation and the exemption does not apply. |
| 3. If the contractor is securing their water from a known water source such as a private well or municipal water supply does this eliminate the need to get approval from the Health Authority? | No. The Health Authority advises that contamination can occur during transport and storage and their review and approval is still required. |
| 4. What authority do Ministry staff have to inspect camps on private land? | Article 5.01 "Right to inspect" of the FS776 grants authority to inspect a camp. Section 137 of the <i>Forest Act</i> grants authority for a Forest Officer to enter private land. Note that a Forest Officer must not enter a dwelling without the consent of the owner or occupier. |
| 5. Is a status check of the proposed camp location required prior to providing camp approval? | This is not a mandatory requirement at this time but we do suggest it as a "best practice" that may be followed based on your knowledge of the area and the potential for conflicts. |
| 6. My contractor has workers staying in a motel. The contractor is paying for the motel and deducting the cost from the workers. Do the Camp Standards apply and are we to inspect the motel? | If the full cost of the motel is being deducted from the workers then the accommodation is not supplied by the contractor and the camp standards do not apply. If the contractor is subsidizing a portion of the accommodation cost then the camp standards apply. If the accommodation is a licensed facility available to the public then the owner of the establishment has requirements to comply with. In this case the risk to BCTS is low and a due diligence review such as asking the workers if there are issues with the accommodation and checking if the establishment has a valid food premises permit and business licence may be sufficient. Document this review. This same approach may apply to commercial logging or hydro camps, restaurants and other licensed public facilities. |

| | |
|---|---|
| <p>7. How do I determine if the camp standards apply to my specific situation?</p> | <p>Answering the following two questions should assist in determining whether the camp standards apply.</p> <ol style="list-style-type: none"> 1) Who is supplying or paying for the camp, sleeping accommodation and/or food ? 2) Is the camp, sleeping accommodation and/or food mandatory or voluntary for the worker? <p>If the contractor is supplying all or a portion of the camp, sleeping accommodation and/or food and it is used by the worker(s) then the camp standards apply. For example, if the contractor supplies only a cook trailer all of the other camp standards are still required (showers, latrines, dry rooms, refrigeration, etc....)</p> <p>If the camp, sleeping accommodation and/or food is supplied by the worker(s) and voluntarily used (example – workers voluntarily cooking together at a motel, workers voluntarily camping together) then the camp standards do not apply to those aspects that are voluntary and not provided in whole or in part by the employer.</p> |
| <p>8. Is a permit required to draw water out of a creek to run showers or other uses?</p> | <p>Our initial Camp Standards project included only the public health and safety agencies. Subsequently, we have been in discussion with Ministry of Environment – Water Stewardship Division and approval is required for the short term use of water from a stream, lake or other waterbody. Applications and information are available from Front Counter BC offices and from the following website:</p> <p>http://www.env.gov.bc.ca/wsd/water_rights/licence_application/section8/index.html</p> <p>The Industrial Camps Standard Bulletin, FS776 and FS776a have been updated to include this requirement.</p> |
| <p>9. The District that I am operating in had a requirement for a Special Use Permit for all silviculture camps. Is this still a requirement?</p> | <p>We have reviewed this matter with Ministry of Attorney General and determined that it is appropriate at this time to continue to authorize camps through the FS1000 contract. That does not preclude the District Manager from issuing a Special Use Permit (SUP), and you may continue that practice in your area if required by the District Manager. Before any changes are made to the general practice of issuing approval under the contract, a comprehensive ministry-wide review would be recommended.</p> <p>In consideration of the above, we feel that it would be premature to revise the direction. Therefore we did not specifically address the SUP requirement within the Camp Standards Bulletin. In the interim, if the District Manager requires a Special Use Permit as a mandatory requirement for all industrial camps (including short term temporary camps for BCTS activities) then your contractors should be apprised of this requirement.</p> |

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| | Regardless if the District Manager requires a SUP or not, you as the Ministry representative must still grant approval as per the requirement of the FS1000 contract.” |
| EMPLOYMENT STANDARDS QUESTIONS | Response |
| 10. Can you clarify the payment of travel time and the relation to the minimum wage requirements? | <p>This information provides further clarification to the answer found in #4 in the FS775b form. Review the example below:</p> <p>The contractor is required to pay travel time from camp to the worksite and back to the camp at the end of the day for workers that are being paid by the hour. For workers being paid on a unit rate, the contractor must ensure that all earnings from the tree planting [or manual brushing] over a two week period exceed the equivalent earnings due a worker being paid the minimum wage inclusive of the travel hours. If the day goes beyond 8 hours, the employee is entitled to 1.5 times the minimum wage. If the work day extends to more than 12 hours, the employee will be entitled to double time.</p> <p>For example:</p> <ul style="list-style-type: none"> • 2 week pay period. • Employee earns \$1,750 during the 2 week pay period [from tree planting work or manual brushing]. • Each day includes 8 hours of work and 4 hours of travel time. <p>The employer must do the base line calculation to determine the minimum wage.</p> <p>80 hours regular wage x minimum wage [\$8.75 per hour] = \$700.00 40 hours travel at 1.5 x \$8.75 per hour = \$525.00 Total minimum pay for the employee for the 2 week pay period equals = \$1, 225.00</p> <p>In this example, the employee earned \$1,750.00 which is above the minimum wage calculation of \$1,225.00. Because of this, the contractor does not have to top up the employee’s earnings as it exceeds the minimum wage. If the pay earned by the employee over a 2 week pay period is less than the minimum calculation of \$1,225.00, the contractor has to make up the difference and pay the employee accordingly.</p> <p>Note that the employer can average the piece work earnings over a pay period up to 16 calendar days. Also, please note that</p> |

| | |
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| | vacation pay and statutory holiday pay are not included in the in the calculation of the minimum wage as they are added on to the employee's pay. |
|--|---|

File: 280-40/Memo 2011
Cliff: 175262

April 26, 2011

To: Timber Sales Managers

From: Tom Jensen
Assistant Deputy Minister
Forest Tenures and Timber Pricing Division

Re: Camp Standards and Employment Standards under BC Timber Sales Contracts

BC Timber Sales (BCTS) has been working with Vicky Taylor, A/Senior Ministry Contract Procurement Specialist, Financial Services Branch, to revise the Camp Standards schedule, which is often included in many silviculture and other contracts involving the establishment of a camp.



BCTS made the decision to revisit the schedule in response to issues arising from a BCTS silviculture contract with Khaira Enterprises Ltd. BCTS has used the opportunity to update and clarify key elements of the Camp Standards schedule, reinforce Employment Standards as they apply to contracts, revise existing related documents and develop new documents.

A number of the changes contained in the documents are critical to contractor compliance with contractual and statutory requirements. Therefore, it is essential that BCTS staff responsible for the preparation, issuance and administration of silviculture and other contracts involving camps reads and understands the changes.

The list of documents includes:

- FS1000, Operational Services Contract;
- FS776, Camp Standards Schedule;
- FS776a, Inspection form – Compliance with Camps Standards;
- FS1279, Notice to Commence Work;
- FS775a, Inspection form – Silviculture Worker (new form re employment standards);
- FS775b, Inspection form – Silviculture Contractor (new form re employment standards);
- Advisory Bulleting No. 2011-03-22 (External) – Industrial Camp Standards (new guidance document); and
- Advisory Bulleting No. 2011-03-23 (External) – Compliance to the Employment Standards Act in the Ministry of Forests, Lands and Natural Resource Operations' Silviculture Contracts (new guidance document).

Timber Sales Managers

These documents are located at the following web links:

<https://gww.for.gov.bc.ca/bcts/corporate/contract/>

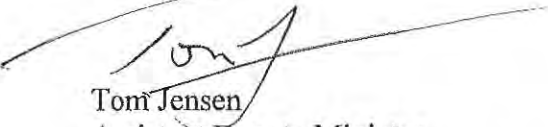
<https://gww.for.gov.bc.ca/bcts/memos/>

To communicate the revised and new documents to BCTS staff, three LiveMeetings have been scheduled:

- April 27, 1:15 to 2:45 PM for Coast BCTS staff
- April 28, 1:15 to 2:45 PM for South Interior BCTS staff
- May 4, 1:15 to 2:45 PM for North Interior BCTS staff

If any of your staff members are unable to attend the LiveMeeting for their area, they may attend one of the other LiveMeetings. Attached is copy of the agenda. In preparation for the LiveMeetings, please review the Camp Standards schedule (copy attached) and the other documents.

If you have any questions, please contact Jeff Fukumoto, Don Hudson, Brian Wesleyson or Graham Archdekin.



Tom Jensen
Assistant Deputy Minister
Forest Tenures and Timber Pricing

pc: Jody Shimkus, Assistant Deputy Minister, Coastal Region
Dave Peterson, Assistant Deputy Minister, Southern Region
Kevin Kriese, Assistant Deputy Minister, North Central/West Region
John Cavanagh, Assistant Deputy Minister, Northeast Region
Jim Snetsinger, Chief Forester, Stewardship Division
Madeline Maley, Regional Executive Director, Southern Region
Susanna Laaksonen-Craig, A/Deputy Chief Forester, Stewardship Division
Butch Morningstar, Executive Director, Regional Operations North Central/West Region
Brian Clark, Executive Director, Regional Operations South Region
Nick Crisp, Executive Director, Regional Operations Northeast Region
Peter Wyatt, Director, Strategic Initiatives Branch
Brian Wesleyson, Timber Sales Manager, Peace-Liard Business Area
Don Hudson, Timber Sales Manager, Strait of Georgia Business Area
Jeff Fukumoto, Woodlands Manager, Okanagan-Columbia Business Area
Vicky Taylor, A/Senior Ministry Contract Procurement Specialist, Financial Services Branch
Graham Archdekin, Manager, BCTS Policy/Scaling/Waste, Timber Pricing Branch

File: 195-20/Memo 2011
Cliff: 178106

JUN 01 2011

To: See Attached Distribution List

From: Doug Konkin
Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations

Re: Camp Standards and Employment Standards under Ministry of Forests, Lands and Natural Resource Operations Contracts

The purpose of this memorandum is to inform affected agencies of the steps that the Ministry of Forests, Lands and Natural Resource Operations (FLNR) has taken to prevent the infractions associated with the Khaira Enterprises Ltd. silviculture contract from recurring.

The ministry has updated and clarified key elements of the Camp Standards schedule (which is included in silviculture and other contracts involving establishment of a camp), reinforced employment standards as they apply to contracts, revised existing related documents and developed new documents.

The new documents include two new advisory bulletins: one respecting industrial camp standards and the other is respecting compliance with the *Employment Standards Act* under ministry silviculture contracts. The bulletins will guide both ministry staff and contractors by providing information on legal requirements, the purpose of different documents, field inspections, non-compliance issues, and communication.

A number of the changes contained in the documents are critical to contractor compliance with contractual and statutory requirements. Accordingly, the new and revised documents have been posted for ministry staff to use and training to staff has been provided.

The list of documents includes:

- FS1000, Operational Services Contract;
- FS776, Camp Standards Schedule;
- FS776a, Inspection form – Compliance with Camps Standards;
- FS1279, Notice to Commence Work;
- FS775a, Inspection form – Silviculture Worker (new form re employment standards);
- FS775b, Inspection form – Silviculture Contractor (new form re employment standards);
- Advisory Bulletin No. 2011-03-22 (External) – Industrial Camp Standards (new guidance document); and

Camp Standards and Employment Standards under FLNR Contracts

- Advisory Bulletin No. 2011-03-23 (External) – Compliance to the *Employment Standards Act* in the Ministry of Forests, Lands and Natural Resource Operations' Silviculture Contracts (new guidance document).

The new bulletins are posted at the following public web link:

<http://www.for.gov.bc.ca/bcts/policy/>

The ministry has also established an internal SharePoint site on which all FLNR contract performance evaluations are to be posted. Ministry staff can review the evaluations to assist in determining the frequency of inspections appropriate for specific contracts.

I recommend that you distribute this memorandum to appropriate staff to ensure that the lines of communication are maintained.

If you have any questions, please contact Graham Archdekin, Manager of Tenure Opportunities, Timber Pricing Branch at 250 387-8302.


for Doug Konkin

Attachment: Distribution list

pc: Tom Jensen, Assistant Deputy Minister, Timber Operations and Pricing Division
Jim Snetsinger, Chief Forester, Forest Stewardship Division
Mike Falkiner, Executive Director, BC Timber Sales
Christine Gelowitz, A/Executive Director, Corporate Initiatives Office
Jim Sutherland, Director, Forest Practices and Investment Branch
Graham Archdekin, Manager, Tenure Opportunities, Timber Pricing Branch

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Forests, Lands and Natural
Resource Operations

Date: July 26, 2011

Minister Responsible: Hon. Steve Thomson

Khaira Situation – Review by Forest Safety Ombudsman

ADVICE AND RECOMMENDED RESPONSE:

- We welcome this report and the recommendations provided by the Forest Safety Ombudsman to prevent situations like Khaira from happening again.
- In fact, we have already taken a number of actions that address some of these recommendations brought forward by the Forest Safety Ombudsman. For example:
 - BC Timber Sales silviculture contractors are now required to provide 72 hours notice prior to any camp being established.
- Safety is a shared responsibility. A number of ministries and safety agencies all have important roles to play in ensuring that silviculture contractors and operators act in the best interests of their workers.
- We will continue to work closely with the other groups directly involved in developing practical solutions to the coordination gaps that were brought to light by the Khaira case.

(if asked about Khaira situation in general)

- The living conditions discovered last July at the silviculture camp operated by Khaira Enterprises were unacceptable and the camp was shut down. Immediate steps were taken by authorities to address the health and safety of the workers living in the camp.
- Khaira has been barred from bidding on any new contracts with the Ministry of Forests, Lands and Natural Resource Operations until September 2012.
- All BCTS contractors must be SAFE Company certified and contracts clearly state that contractors must comply with all laws, including those regarding camp standards.

KEY FACTS REGARDING THE ISSUE:

BC Forest Safety Ombudsman Roger Harris will release a “Review of Failures Leading to Khaira Situation” on Wednesday, July 27. The report contains 13 detailed recommendations to a variety of ministries, agencies and organizations. Government has already responded to a number of the recommendations:

Notification Recommendations

1. MFLNRO review its current notification requirements for camp operators – specifically camp geographic coordinates and calendar dates for setup and operation.
- **Action already taken:** Notification requirements for silviculture contracts have been upgraded.

2. MFLNRO develop a system for making camp operator information available and accessible to others.
 - **Action already taken:** Relevant information is now being made available and accessible to other agencies and organizations.
3. MFLNRO require operators (at least 48 hours prior to set-up) to report exact camp location and operating timelines before commencing any operations.
 - **Action already taken:** Silviculture contractors are now required to provide 72 hours notice prior to any camp being established.

Enforcement Recommendations

4. The Province, WorkSafeBC, BC Forest Safety Council form a working group to investigate a potential model for in-field inspections.
 - **Action already taken:** MFLNRO has established a collaborative inspection process under which the ministry, when conducting in-field inspections, acts as the eyes and ears for other affected agencies and organizations. Inspection results are reported to provide them with information they need to determine if and when to follow up with their own in-field inspections.
 - MFLNRO also conducts joint in-field inspections with other agencies and organizations where necessary.
 - MFLNRO will participate in any effort to explore a shared-delegation model with other affected agencies.
5. BC Forest Safety Council enhances its monitoring, auditing and in-field inspecting processes.
 - **Response:** This recommendation is to be addressed by the BC Forest Safety Council to ensure the integrity of SAFE Companies certification.
6. The Province establish and identify a lead ministry to coordinate information sharing.
 - **Response:** MFLNRO is supportive and will participate in any effort to improve the flow of information among affected agencies and organizations.
7. The provincial government considers establishing an advisory committee to review progress to date on the 2008 Auditor General's report and make recommendations for improving safety outcomes.
 - **Action already taken:** One of the recommendations from the Auditor General's report was more coordinated sharing of information. This has been accomplished with additional eyes and ears on the ground, and more in-field inspections.

Contract Qualification Process

8. MFLNRO establish a contract qualification process for silviculture contractors that bid on government contracts.
 - **Action already taken:** A system of eligibility requirements is already in place that needs to be met by prospective contractors.
 - To be eligible to bid on BCTS silviculture contracts, the company must meet BC Forest Safety Council requirements respecting safety certification or endorsement.
 - Contracts are awarded to the lowest qualified and compliant bidder – not just the bidder with the lowest price.
 - It is also standard practice for BCTS to review the past performance of contractor bidders.
9. Western Silviculture Contractors Association investigate the establishment of professional standards code for its membership.
 - **Response:** This recommendation is to be addressed by the Western Silviculture Contractors Association.
10. BCFSC continue to expand the monitoring and auditing of SAFE Companies.
 - **Response:** This recommendation is to be addressed by the BC Forest Safety Council to ensure

ADVICE TO MINISTER

SAFE Companies are operating within the terms of their certification.

Training Recommendations

11. Develop a "Silviculture Workers Training Program" for new employee working in the silviculture sector.
 - **Response:** This recommendation is to be addressed by the BC Forest Safety Council and Western Silviculture Contractors Association in conjunction with WorkSafeBC.
12. Visual inspection of camp facilities to include checking that all pertinent employee information is posted in a manner and location accessible by all workers.
 - **Action already taken:** It is now a requirement that employment standards be posted for the benefit of all workers.

Tender versus Proposal Driven Models

13. MFLNRO explore the option of expanding use of proposal-driven contracts, especially where working conditions present a high degree of difficulty or hazard.
 - **Action already taken:** The ministry will continue to explore opportunities for more efficient and effective tendering contracts, including the use of Requests For Proposals.
 - The ministry is always looking for additional ways to improve contracting and works with the contracting community to do so.
 - During the BCTS tendering process, it is also standard practice for bidders to provide evidence that they have successfully completed similar work.

Background:

On Feb. 11 Forest Safety Ombudsman Roger Harris announced that he would be undertaking a four-month review around health and safety conditions found at silviculture camps. The review is triggered by the Khaira incident and calls that the Ombudsman has received in the past.

The Forest Safety Ombudsman is appointed by the BC Forest Safety Council, a not-for-profit organization that advocates for safety across the forest sector. The BC Forest Safety Council board of directors is made up of representatives from all aspects of the forest sector and from the provincial government. The Forest Safety Ombudsman follows the standards and code of ethics set out by the International Association of Ombudsman.

In July, then Ministry of Forests and Range staff discovered people working for Khaira Enterprises Ltd. in unsafe conditions north of Golden. Khaira was under contract to BC Timber Sales on a silviculture contract.

Khaira forfeited its security deposit and in September 2010 was banned from bidding on ministry silviculture contracts for two years. BC Timber Sales requires all its contractors to be SAFE Company certified and requires contractors to be in compliance with all laws. As a result of the Khaira situation, BC Timber Sales has strengthened language in its bulletins related to camp standards and employment standards.

The Ministry of Health, Ministry of Labour, WorkSafe BC, Western Silviculture Contractors Association and the Consulting Foresters of BC have all been informed of the changes. BC Timber Sales staff who deal with contracts will also receive training on the changes.

| | | |
|-------------------------|------------------|--------------|
| Communications Contact: | Cory Shirshac | 250-953-4200 |
| Program Area Contact: | Graham Archdekin | 250-387-8302 |

File Location: J:\!Workgrp\Issues\2011 - Issues\Khaira

| Program Area | PAB | ADM | Minister's Office |
|---------------------|---------------|------------|--------------------------|
| GRAHAM ARCHDEKIN | CORY SHIRSHAC | TOM JENSEN | |

File: 195-20/Memo 2011
Cliff: 178416

JUL 15 2011

To: See Attached Distribution List

From: Doug Konkin
Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations

**Re: Camp Standards and Employment Standards under Ministry of Forests, Lands
and Natural Resource Operations Contracts**

This letter is to inform you of the steps that the Ministry of Forests, Lands and Natural Resource Operations (FLNR) has taken to address the issues arising from the Khaira Enterprises Ltd. (Khaira) silviculture contract in the Golden area.

Upon discovering Khaira's contractual and statutory contraventions on July 21, 2010, BC Timber Sales (BCTS) took action by immediately suspending Khaira's operation. BCTS then cancelled the contract on July 26, 2010 and the security deposit was forfeited, after which Khaira was banned for a period of two years from bidding on any FLNR silviculture contracts. The unpaid portion of the contract for work successfully completed, which would have been paid to Khaira, was withheld pending the results of the Ministry of Labour, Employment Standards Branch (ESB) investigation and has been transferred to an ESB trust account to be used to help pay the Khaira workers.

In August 2010, BCTS began a review of the silviculture contract document and camp standards schedule and, working with the ministry contracting staff and stakeholders, updated and clarified key elements of the camp standards and related documents (e.g., inspection form). In addition to improving the contract related documents, two new bulletins were developed to guide staff and contractors respecting industrial camp standards and compliance with the *Employment Standards Act* under silviculture contracts. The bulletins will guide both ministry staff and contractors by providing information on legal requirements, the purpose of different documents, field inspections, non-compliance issues, and communication.

At the same time as the documents for silviculture contracts were being updated, a multi agency group (with representatives from Ministry of Labour, Ministry of Health, regional health authorities, WorkSafeBC and FLNR) was formed to coordinate activities by the agencies involved. FLNR has been working with the other agencies and has kept them informed of its progress.

A number of the changes contained in the documents are critical to contractor compliance with contractual and statutory requirements. Accordingly, the new and revised documents have been posted for FLNR staff to use and training has been provided.

The following is list of new and revised documents with the key changes:

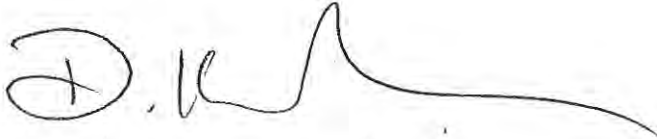
- FS1000, Operational Services Contract,
 - paragraph 15.20, Camping and Parking, changed to clarify camping/parking authorizations;
- FS776, Camp Standards Schedule;
 - paragraph 3.01 clarifying the exception for camps less than 5 persons, paragraph 6.01, revised to require 72 hours notice of camp establishment to the local health authority, WorkSafeBC and FLNR, paragraph 6.02(c) specifying the conditions of the posting/distribution of the Silviculture Workers Fact Sheet, paragraphs 6.14 and 6.15, updating the requirements for sleeping accommodations, as well as other revisions;
- FS776a, Inspection form – Compliance with Camps Standards,
 - conditions (e.g., food handlers' health) beyond the expertise of inspecting FLNR staff have been deleted, and checking for required permits and approvals have been added;
- FS1279, Notice to Commence Work,
 - changed to update to whom in Ministry of Labour the form is be copied;
- FS775a, Inspection form – Silviculture Worker,
 - new form to be used by FLNR staff to determine whether the contractor's employees have been properly informed of the employment standards and related information;
- FS775b, Inspection form – Silviculture Contractor,
 - new form to be used by FLNR staff to determine whether the contractor has communicated employment standards and related information to their employees;
- Advisory Bulletin No. 2011-03-22 (External) - updated May 12, 2011 – Industrial Camp Standards,
 - new document to guide FLNR staff and contractors on the administration and enforcement of camp standards;
- Advisory Bulletin No. 2011-03-23 (External) – Compliance to the Employment Standards Act in the FLNR's Silviculture Contracts,
 - new document to guide FLNR staff and contractors on the administration and enforcement of employment standards.

The new bulletins are posted at the following public web link:

<http://www.for.gov.bc.ca/bcts/policy/>

The FLNR has also established an internal site on which contract performance evaluations are to be posted. BCTS staff and other FLNR staff can review the evaluations to assist in determining the frequency of inspections appropriate for specific contracts.

If you have any questions, please contact Graham Archdekin, Manager of Tenure Opportunities, Timber Pricing Branch at 250 387-8302.



Doug Konkin
Deputy Minister
Forests, Lands and Natural Resource Operations

Attachment: Distribution List

pc: Roger Harris, BC Forest Safety Ombudsman, BC Forest Safety Council
Tom Jensen, Assistant Deputy Minister, Timber Operations and Pricing Division,
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Mike Falkiner, Executive Director, BC Timber Sales
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From: [Jackson, Tom FLNR:EX](#)
To: ["Diane";](#)
cc: [Falkiner, Mike FLNR:EX](#); [Archdekin, Graham FLNR:EX](#);
[Nicholls, Diane R FLNR:EX](#); [Hagel, Wayne FLNR:EX](#); [Jensen, Tom R FLNR:EX](#);
Subject: RE: BCFS Ombudsman
Date: Thursday, August 30, 2012 4:26:09 PM
Attachments: [BCFSC RECOMMENDATIONS TO MFLNRO final.pdf](#)

Diane Here is our response to the information requested by Roger. Some points we would offer, we note the categorizations provided in your document did not offer a category to identify where alternative action was taken to address underlying concerns. We have tried to capture this in our comments. Further we note that many of the recommendations had actions in place before the recommendations were published or resulted in revising or reaffirming already existing approaches. Regarding the recommendations directed toward the Ministry of Advanced Education we would suggest that you seek responses from them to complete your understanding of action taken regarding these reports.

Should you have any questions about our responses I would be happy to assist.

Robert T. Jackson R.F.T.
Director Resource Worker Safety
Timber Operations, Pricing and First Nations Division
Office Location Port McNeill 956-5105 s.17

From: Diane s.22
Sent: Tuesday, July 24, 2012 6:46 PM
To: Jackson, Tom FLNR:EX
Subject: Re: BCFS Ombudsman

Thanks for getting back to me.
We are hoping to have your feedback by Labour Day. Late August will be fine.

On 12-07-24 10:33 AM, "Jackson, Tom FLNR:EX" <Tom.Jackson@gov.bc.ca> wrote:

When do you need this response by? s.22
can we get this to you in late August?

Robert T. Jackson R.F.T.

Director Resource Worker Safety
Timber Operations, Pricing and First Nations Division
Office Location Port McNeill 956-5105 s.17

From: Diane s.22
Sent: Tuesday, July 24, 2012 10:18 AM
To: Jackson, Tom FLNR:EX
Cc: Roger Harris; Falkiner, Mike FLNR:EX
Subject: Re: BCFS Ombudsman

Hello,

I am forwarding a list of the recommendations that have been made by the BC Forest Safety Ombudsman in recent years.

The recommendations are from the BCFSC Ombudsman reports and I have compiled them in a chart. Could you look at them and provide some feedback about which ones have been adopted, partially adopted, currently under review or no longer relevant? As well, I have added space for any comments.

For any of the recommendations that do not belong to FLNR, would you assist me by forwarding them on to the respective ministry for comment?

Thank you for your help and please contact me if you have any questions.

Regards,
Diane Palmer

s.22

On 12-07-09 2:31 PM, "Roger Harris" s.22 wrote:

Thank you

Sent on the TELUS Mobility network with BlackBerry

From: "Jackson, Tom FLNR:EX" <Tom.Jackson@gov.bc.ca>

Date: Mon, 9 Jul 2012 14:05:18 -0700

To: Falkiner, Mike FLNR:EX<Mike.Falkiner@gov.bc.ca>; 'Roger Harris' s.22

Subject: RE: BCFS Ombudsman

[I can likely help out with this.](#)

Robert T. Jackson R.F.T.He
Director Resource Worker Safety
Timber Operations, Pricing and First Nations Division
Office Location Port McNeill 956-5105/ s.17

From: Falkiner, Mike FLNR:EX
Sent: Monday, July 9, 2012 1:35 PM
To: 'Roger Harris'
Cc: Jackson, Tom FLNR:EX
Subject: RE: BCFS Ombudsman

Thanks. This is a bit of a mystery email but we stand by to help in any way we can.

Mike Falkiner
Executive Director
BC Timber Sales
Ministry of Forests, Lands & Natural Resource Operations
office: 250-387-8309
cell: s.17

From: Roger Harris s.22
Sent: Monday, July 9, 2012 1:28 PM
To: Falkiner, Mike FLNR:EX; Diane
Subject: BCFS Ombudsman

Mike, I am undertaking a review of a number of recommendations that have been made in the different reviews to evaluate which ones have been acted on, which ones have not as well as identify those that are no longer relevant.

Diane Palmer is assisting me with this work. I have asked her to forward to you a number of recommendations I am unsure where their status is right now or if any action was taken at all. Could you please either answer as best you can on the status of a recommendation or put Diane in contact with some one who could assist her with a specific topic.

I am not looking for full details or reports on what has been done. I am looking to generate a chart that would indicate that a recommendations is adopted, partially adopted, currently under review or no action taken. In some cases as some of the reports were done in 2005 things may have changed in a manner that the recommendation is not longer valid with a comment

if you have any questions feel free to give me a call

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Not Responsive

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Silviculture Review Group

Meeting Notes – August 31, 2011

Present:

Labour: John Blakely, Pat Cullinane (ESB), Gary Klein

Forests, Lands and Natural Resource Operations: Graham Archdekin, Tom Jackson, Dave Cornwell, Vicky Taylor

WorkSafeBC: Betty Pirs

Northern Health Authority: Greg Thibault

Health: Mike Zemanek

Opening Remarks:

This is our third formal meeting to discuss silviculture issues particularly issues arising from the Khaira Enterprises incidents of last summer. With the filing of the Forest Safety Ombudsman's report we are in a position to assess the current status of initiatives taken over the last year and to determine if there are outstanding issues that necessitate our continued activity on these issues.

Round Table Discussion

- MFLNRO
 - Operations have changed with new camp and inspection standards implemented by BCTS and NRO
 - The Harris report has received support from the Western Silviculture Contractors Association (WSCA) – a meeting is scheduled with the Deputy Minister (MFLNRO) and WSCA to discuss the report's recommendations.
 - WSCA is monitoring silviculture operations around the province and reporting substandard practices. Recently a firm was reported to government but investigations confirmed that the firm was not under contract to government and it remained unknown if the firm was actually working in the reported area.
 - Forests For Tomorrow Program has been brought under direct control of government. Sub-contractors must now be SAFE certified and the level of control for contractors is much higher with camp standards being enforced through joint inspections.
 - Contract management practices have been going smoothly.
- WorkSafeBC
 - No reported concerns regarding notification requirements have been noted

- WorkSafeBC officers have conducted inspections on some silviculture operations
- WorkSafeBC is working on an updated camp inspection checklist with MFLNRO input
- Employment Standards Branch
 - There has not been an increase in complaints within the silviculture sector
 - Some employers have been found to be non-compliant with respect to the required frequency for payment of wages. Employers are required to pay employees at least twice per month and some employers have been paying at the conclusion of the contract. When the contract is lengthy this can create a large liability for the employer making it more difficult to pay the wages. ESB is addressing this issue through MFLNRO, BCTS, and WSCA.

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- Health & Health Authorities
 - There are continued challenges with respect to being advised of locations of industrial camps especially silviculture camps.

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- It is unknown how effectively the notification process is working. Some effort needs to be directed at assessing where camps have been set up and determining if agencies including the health authorities have been notified

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- One issue to be determined is if which camps require food prep and water permits

Response to the Forest Safety Ombudsman's Report:

MFLNRO has taken the lead in providing a response to the 13 recommendations in the report. These are reprinted from the ministry issue note with the addition of comments raised during the meeting.

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Next Steps:

It was determined that a number of action items have arisen from this meeting. A further meeting is required to follow up on these items. Next meeting will be scheduled in 6 – 8 weeks.

Action Items:

1. Graham Archdekin will be meeting with MFLNRO Deputy Minister and WSCA.

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2.

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3. Graham Archdekin will review ESB requirements for frequency of pay with contract administrators.
4. Employment Standards will provide MFLNRO and BCTS with a summary of complaints within the silviculture sector.
5. Vicky Taylor will provide to Mike Zemanek the number and locations for camp notifications received by BCTS . These will be distributed to health authorities to determine if local health officers have been notified of camp locations. Health authorities will be requested to provide camp notification information to Vicky so that contractor compliance with notification requirements can be determined.
6.

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