

AFFILIATED
TO
CONFEDERATION
OF
CANADIAN UNIONS



A S A W

Room 208, Bromley Bldg. Mailing Address P.O. Box 1628, Yellowknife, NWT Telephone 873-4528

A BRIEF
on
CHANGES AND AMENDMENTS
To The
MINING SAFETY ORDINANCE
Of The
NORTHWEST TERRITORIES

Presented to The
GOVERNMENT AND COMMISSIONER
OF THE
NORTHWEST TERRITORIES

by

THE CANADIAN ASSOCIATION OF SMELTER AND ALLIED WORKERS
LOCAL NUMBER FOUR,
AFFILIATED WITH THE
CONFEDERATION OF CANADIAN UNIONS

February, Nineteen Eighty-One

Thank you for the privilege of supplying our input on changes we feel to be necessary in the Mining Safety Ordinance of the Northwest Territories. Certainly there are numerous areas that need substantial revision.

In this submission, we make no real attempt to re-draft the actual wording of the Ordinance, since such legislation is altered and rewritten many times before being finalized. In some cases, where our changes are relatively minor, we have changed a few words in existing sections to indicate the direction we would like the amendments to take.

A major priority should be the formation of a committee to oversee all matters connected with the safe operation of mines in the N.W.T. This committee could be known as the N.W.T. Mining Board to differentiate from each mine's Mine Safety Committee. We propose that its structure comprise equal membership from senior mining management, selected by the Chamber of Mines, and senior labour representatives selected by major mining unions operating in the N.W.T. The chairman, who should have tie-breaking capability, would be appointed by the Commissioner.

This Board should evaluate changing conditions and techniques within the mining industry and decide upon pertinent rule changes, inspection procedures and any other matters falling within its area of competence in mining. This Board should not be charged with disciplinary or supervisory functions, but act instead as an interested body of technically qualified source personnel for the guidance of the Legislative Assembly and the Commissioner. Due to the expert nature of such a Board, its terms of reference should be as broad as possible, and mechanisms should be put in place to allow maximum implementation of their recommendations, and particularly, since safety considerations are involved, some occasions will also call for a degree of speed.

Any physical, technological, financial or safety condition in mining, existing or new, should be within the sphere of the Board to consider and act upon. Its balanced structure should

create sound policies and certainly would provide interested guidance to a concerned government.

Some items not presently covered adequately in the present Ordinance need legislative attention to protect worker health. We suggest consideration be given to setting carefully studied limits on such work factors as maximum dust levels, minimum lighting, maximum and minimum temperatures, and reasonable ventilation requirements.

Obviously, some jobs and some workplaces will not be amenable to outright control of the above factors. In such cases, there should be requirements for protective equipment or auxiliary lighting, heating, cooling or whatever the particular situation may demand.

Following are numerous specific items we propose changing. If detail is insufficient in any case, we are prepared to amplify, substantiate, and/or justify any of them. Please feel free to request further details.

Sec. 2(b) Add new subparagraph (iv):

Safety Rules.

A paragraph defining a maximum figure for dust concentrations acceptable under the varying conditions of available worker protection, and the agents contained in the dust, should be included.

Yes. Try that!

Sec. 2(d) Add some requirements for technical qualification of mining inspectors.

Sec. 2(i) Same modification as 2(d) above.

Sec. 3(a) Insert a requirement for qualification of inspectors.

Sec. 3(c) As in 3(a) add requirement for qualification.

They do! Sec. 5(1)(a) Inspectors should inspect on a regular basis and more frequently than scheduled if required.

Sec. 5(1) Add a paragraph empowering employee Mine Safety Committee members to accompany inspectors on mine inspections. The Mine Safety Committee should have the authority to require an immediate inspection of specific problems.

Why?

You do your job

We will do ours.

Who pays?

NOTE: We feel full inspections should be made on at least a monthly basis.

Sec. 12.4 and 12.5 Renumber as 12.3 and 12.4 respectively.

Sec. 13.1(a) "is under the age of twenty-one years AND,
(b) no change

OK

- shall operate or be permitted to operate any hoisting engine at a mine shaft in which persons are carried. A trainee operating under the direct supervision of an instructor shall be exempt from (b) above. Such instructor shall bear responsibility for safe operation of the hoist.

Sec. 14.1(a) Insert the word "miner's" before "certificate".

Rules.

(b)

NEW. No person shall work in dust levels exceeding Threshold Limit Values without proper training and protective equipment.

Why Sec. 14.2 ?

Delete. see original. should retain.

Sec. 16.1

OK

"... shall, within thirty days prior to the date of expiry of the certificate, be notified by the employer, who shall apply to a medical officer ... " etc.

Sec. 17.2
Why this ?

"... where the applicant is free from respiratory diseases."

Sec. 18.2

As in 17.2 above.

Sec. 19.1 ✓

Misprint "photograph".

Sec. 19.4

True

New

Consideration should be given to requiring special examinations for specific local hazards (eg: arsenic at Giant, radon at Echo Bay, heavy metals at various operations).

Yes Sec. 19.5 New

Any individual shall have full access to personal medical history as recorded under this Ordinance.

Sections 21, 22, 23

Maybe Dr Stewart

We propose deletion of these sections, and replace them with sections empowering the Workers' Compensation Board or the Occupational Health Unit to carry out the functions therein.

? Sec. 25.1 and 25.2

Delete (exemption if no silica)

Sec. 26(a)
What.

"An owner of a mine at which radioactive materials are, were, or could potentially be mined ? . . . "

They are now Sec. 26(b) New

Regulations of Atomic Energy Canada concerning workers in related fields shall apply.

Sec. 28

Delete - Rules

"... has been authorized in writing by an inspector."

Sec. 30.3

Why joint?

NEW. Joint inspection by the Mine Safety Committee and the inspector shall be carried out on new installations before use, or before reactivation of a closed area or property.

Sec. 5(1)(b)

Some take more time than others

Inspection notices should be given to both management and the Mine Safety Committee. More emphasis should be given to requiring rapid correction of faults. Wider distribution of inspection reports (bulletin boards) will heighten employee awareness of problems and corrective action required or taken.

Sec. 5(1)(c)

All should be done without prior notification.

Delete all after ". . . by day or night." Some inspections should be done without prior notice to avoid the tendency to part-time safety programs.

Sec. 5(1)(g)

Sounds O.K. New

The inspector shall meet with the Mine Safety Committee involved to discuss and analyze circumstances surrounding serious or fatal accidents, with a view to avoiding recurrences. Such meetings shall take place within one week of the occurrence.

Sec. 5.5

You can't do anything at Nanisivik or Cantung in that time.

We propose that objections be filed as soon as possible but not later than 3 days. (new 14 days)

Sec. 5.6

Notification under this section should be extended to the Mine Safety Committee involved.

Sec. 6(h)

yes

NEW. Any alteration, suspension, approval or cancellation of any rule(s) shall be circulated to the Mine Safety Committee involved.

Sec. 7.4

yes

NEW. Any suspension or alteration of rules under this section shall be reported to the Mine Safety Committee concerned.

Sec. 9

Why just U.G.

GENERAL: We disagree with having people working underground alone. If this must be done, voice communication should take place at least hourly. If such communication is impossible, workers should not be working alone.

Anyone, at any time can declare a workplace unsafe. But this does not make it safe or unsafe!

Further, a worker should be able to declare the workplace unsafe, and in this case representatives of the Mine Safety Committee should immediately view the workplace to determine its condition.

Sec. 10.3(a)

Why

At least once a month, in the company of a mining New inspector, inspect all of the working places in its mine.

Sec. 10.3(d)

What records.

Have access to records concerning subjects under inspection.

Sec. 11.1

has been done

"No one under the" "and no one under the age of eighteen"

Sec. 11.2

"

Delete. }

Sec. 11.3

Delete. }

Sec. 12.1

This would not allow overtime U.G.

". . . eight hours shall be computed from the time of leaving the surface to time of return to surface. In the case of hoist operators, eight hours at the workplace shall comprise a normal shift."

Sec. 12.2(c)

Delete. (revisions)

Sec. 12.3

Delete.

- Sec. 34.2 ✓ And "... and the Mine Safety Committee concerned."
- Sec. 35.2 *(Have removed RCMP ?) Yes* NEW. The Mine Safety Committee, together with an inspector, shall carry out an independent investigation of the circumstances surrounding the accident.
- Sec. 35.3 *OK* Change "photographs or drawings" to "photographs and accurate scale drawings". Add a last sentence. "Photographs and drawings are to be made available to the Mine Safety Committee and the inspector."
- Sec. 36.1 *OK* "... send notice in writing and in duplicate, to an inspector and the relevant Mine Safety Committee of such occurrence, and shall also furnish these parties with such particulars as they may require."
- Sec. 37.1 *OK* "... a mine in which underground operations have commenced, i.e. - from shaft collar down."
- Sec. 37.1(b) Delete. *(See original)*
- Sec. 40.1 ? "... liable on summary conviction to a penalty as imposed by the courts." ?
- Sec. 40.2 ? "... to a fine for each day not exceeding ten thousand dollars." *now 7000,*

Perusal of the above recommendations will show that we would require much more from both the Mine Safety Committees and the Mining Inspection branch of government. It is entirely possible that the inspection staff would have to be expanded. Indeed, we feel that the roles of both the above parties, and the companies as well, have to bear a greater load if the avowed goals of safety in the mines is to be achieved.

Certainly, the increased costs must be considered, but so must the hoped-for reductions in death, injury, Compensation payments and company insurance costs.

Even if net higher costs were recorded, kindly be reminded that this is one of extremely few truly PRODUCTIVE economic sectors in the N.W.T., and a relatively minor administrative cost increase is little enough to pay for a healthier mining industry.

If major action is not taken along these lines, could it not be said that we are paying only lip service at best to the vital subject of employee and employer well-being?