

*A BRIEF RESPECTING MINE SAFETY IN THE
NORTHWEST TERRITORIES PRESENTED TO THE
GOVERNMENT OF THE NORTHWEST TERRITORIES
YELLOWKNIFE FEBRUARY 16, 1981*

SUBMISSION

by the

*NORTHWEST TERRITORIES CHAMBER
OF MINES*

INTRODUCTION

In response to notification dated December 17, 1980 and signed by Mr. Tom Butters, Executive Member responsible for Justice and Public Services, we are pleased to submit to you our recommendations respecting any changes in the NWT Mining Safety Ordinance that may result from a motion passed by the Legislative Assembly respecting the Mine Safety Ordinance on Thursday, November 6, 1980.

- 1.01 The recommendations and accompanying explanations and comments are of a general nature and do not address the specifics that would result from a clause-by-clause scrutiny of either the existing Ordinance and accompanying regulations or of proposed changes recommended in the Federation of Labour Brief submitted to Mr. George Braden on December 11, 1980 and to the Executive Committee on January 7, 1981.
- 1.02 We believe an in-depth review of individual clauses can only be productive if carried out in a forum that permits frank discussion of specifics by representatives of the Federation of Labour, the Chamber of Mines and Mine Safety Services, Government of the NWT as outlined in the letter of December 22, 1980 addressed to Mr. Butters and signed by the President of the Chamber of Mines, Mr. R.W. Spence.
- 1.03 If the Government of the Northwest Territories is to be successful in achieving much sought-after political, social and financial objectives it is imperative that it encourage the growth of a strong viable economic community. The economic future of the Territory is heavily dependent on the orderly development of mineral resources. Part of that development will require mine safety regulations, environmental controls and health standards that are unbiased, reasonable and technically sound. It will also require that the authority and responsibility of Mine Safety Services and Mine Management not be jeopardized in any way.

2. SUMMARY OF RECOMMENDATIONS

Listed below is a summary of the recommendations contained within this brief. All are considered important to the Chamber and therefore the order in which they are listed does not designate any degree of preference placed on them by the Chamber.

1. *That the present spirit of co-operation that exists between Industry and Mine Safety Services in seeking solutions to problems that arise in respect to mine safety be encouraged to continue.*
2. *That recognition be given to the fact that successful accident prevention is primarily dependent on education rather than legislation.*
3. *That in order for substantial progress to be made in the field of occupational health and safety, there must be full commitment by all the parties, the worker, the union, the government and the industry to acceptance of responsibility in an atmosphere of mutual respect and trust. Each person must be ready to say - "I am committed. I accept my responsibility to do my part".*
4. *That the total number of agencies of government to which the Industry must answer should be kept to a minimum. It further recommends that all directives to the Industry must be given in clear and concise language that can be easily understood by labour and management alike.*
5. *That Mine Safety Services should have primary responsibility for all matters related to the safety of workers in the Industry.*
6. *The Senior Mining Engineer will be permitted reasonable access to the Commissioner, Executive Members and Senior Department Heads for the purposes of carrying out his responsibilities.*
7. *The Government give consideration to the creation of a Department of Non-Renewable Resources and take immediate action to identify all responsibilities currently under its jurisdiction, together with additional responsibilities it can expect to assume in future years as the first step in establishing this new department.*

3: THE OBJECTIVE OF LABOUR, GOVERNMENT AND MANAGEMENT MUST BE TO CREATE
A SAFE WORKING ENVIRONMENT FOR ALL EMPLOYEES WORKING IN THE MINING INDUSTRY

- 3.01 At the present time an atmosphere of co-operation based on constructive criticism is encouraged by the Department of IAND in handling all matters related to mine inspection. It is important that this same approach be adopted by the Department of Justice and Public Services. Many problems require the combined expertise of Mine Safety Services and Industry personnel simply because they are unique to a specific situation. Therefore accessibility to all available expertise must be protected in the best interests of correcting unsatisfactory safety or occupational health programs.
- 3.02 The key to a successful accident prevention program is the development of conscious and co-operative attitudes towards safety in the minds of all workers and managers within the work place. It has been clearly demonstrated in other jurisdictions that efforts to "legislate" rather than "educate" in the area of safety have not had the degree of success in preventing accidents that was anticipated by the proponents of the legislation.
- 3.03 This premise is supported by experiences in the 1970's with OSHA regulations in the United States and with the New Safety Ordinance enacted in Saskatchewan. In both jurisdictions enforcements and its accompanying punitive actions did not produce appreciable improvement in safety records. Priority must be given to the identification of the reasons accidents occur and to the development of proper solutions..

8. *The Senior Mining Engineer be a professional engineer with substantial experience in the Industry.*
9. *All inspection staff will be individuals with demonstrated experience in the Industry and properly qualified to carry out the assigned responsibilities of the respective position.*
10. *All Mine Safety Services staff shall have demonstrated ability to communicate well with associates and Industry personnel.*

THE CHAMBER RECOMMENDS

1. *That the present spirit of co-operation that exists between Industry and Mine Safety Services in seeking solutions to problems that arise in respect to mine safety be encouraged to continue.*
2. *That recognition be given to the fact that successful accident prevention is primarily dependent on education rather than legislation.*
3. *That in order for substantial progress to be made in the field of occupational health and safety, there must be full commitment by all the parties, the worker, the union, the government and the industry to acceptance of responsibility in an atmosphere of mutual respect and trust. Each person must be ready to say - "I am committed. I accept my responsibility to do my part".*

4. JURISDICTIONS UNDER WHICH WORKER HEALTH AND SAFETY ARE REGULATED SHOULD BE KEPT TO A MINIMUM

4.01 To ensure safe, efficient operation of mines it is essential that the number of agencies of government under whose authority a mine must operate are as few in number as possible. At the present time the Industry is subject to regulation by the Workers' Compensation Board, Labour Standards, Occupational Health and Safety, Mine Safety Services and various environmental control agencies. We have a real concern as to how the directives of these various regulatory authorities will be co-ordinated and what mechanism will be in place to prevent directives of a conflicting nature from being given to Industry.

4.02 It has been demonstrated in other jurisdictions notably the United States that when Industry is subject to a diverse collection of regulatory agencies often with conflicting regulations, confusion develops that results in unnecessary delays in taking corrective action. We therefore believe that one point of contact with Government is preferable if management is to be successful in maintaining safe, efficient mining operations and to be up-to-date in compliance with all regulations.

THE CHAMBER RECOMMENDS

1. *That the total number of agencies of government to which the Industry must answer should be kept to a minimum. It further recommends that all directives to the Industry must be given in clear and concise language that can be easily understood by labour and management alike.*

2. *That Mine Safety Services should have primary responsibility for all matters related to the safety of workers in the Industry.*

5. THE MINE SAFETY SERVICES GROUP WITHIN THE TERRITORIAL GOVERNMENT SHOULD BE SO ORGANIZED THAT IT RETAINS ITS DISTINCT IDENTITY AND HAS A HIGH PROFILE WITHIN THE BUREAUCRACY

5.01 Mining has played and will continue to play an important role in the economic growth of the NWT. The priority that the Government gives to Mine Safety Services will reflect in considerable measure the degree of recognition the Government gives to the importance of the Industry.

5.02 We believe that the transfer of Mine Safety Services affords to the Government of the NWT an excellent opportunity to form the nucleus of what would some day represent a complete department responsible for non-renewable resources in the NWT and that therefore, the Senior Mining Engineer should report directly to a member of the Executive Committee.

5.03 If the government should decide that a separate department cannot be justified at this early stage, we believe it is essential that the Mine Safety Services group be kept intact, retain its own distinct identity and that the Senior Mining Engineer should report to no less than a Deputy Minister and that an assessment be made annually to determine whether sufficient responsibilities have accrued to the Government to warrant establishment of a separate department.

5.04

Historically, the Senior Mining Engineer has enjoyed reasonable access to the Commissioner on all matters worthy of his attention. We believe that this practice should continue until such time as changes are made to the NWT Act designating responsibility for the Territorial Mine Safety Ordinance to a Minister or Deputy Minister. It is equally important that Industry personnel continue to enjoy easy access to the staff of Mine Safety Services and that access not become encumbered by unnecessary red tape.

THE CHAMBER RECOMMENDS.

1. *The Senior Mining Engineer will be permitted reasonable access to the Commissioner, Executive Members and Senior Department Heads for the purposes of carrying out his responsibilities.*
2. *The Government give consideration to the creation of a Department of Non-Renewable Resources and take immediate action to identify all responsibilities currently under its jurisdiction, together with additional responsibilities it can expect to assume in future years as the first step in establishing this new department.*

6. MINE SAFETY SERVICES MUST BE STAFFED BY COMPETENT, WELL-TRAINED AND EXPERIENCED INDIVIDUALS

- 6.01 We believe the Senior Mining Engineer must be a professional mining engineer who has had considerable experience in the Industry prior to his engagement to this important position. His staff should be individuals who have demonstrated competence and experience through having worked in the Mining Industry.
- 6.02 The quality of expertise that comprise Mine Safety Services will play an important role in the standards of safety that can be expected within the work places of the Industry. It must be recognized that mining, like many other industries, has unique problems that can only be recognized and successfully resolved by highly skilled individuals with the necessary background and experience to deal with them.
- 6.03 Communications between Mine Safety Services and Industry personnel are of vital importance. Irrespective of what the problem may be or the recommended solutions, unless all parties involved are able to communicate easily in all manner of form, the potential for unnecessary delays, frustration and confusion exists. Such an atmosphere is not conducive to improving safety in the work place.

THE CHAMBER RECOMMENDS

1. *Senior Mining Engineer be a professional engineer with substantial experience in the Industry.*
2. *All inspection staff will be individuals with demonstrated experience in the Industry and properly qualified to carry out the assigned responsibilities of the respective position.*
3. *All Mine Safety Services staff shall have demonstrated ability to communicate well with associates and Industry personnel.*

7/ AMENDMENTS TO THE ORDINANCE SHOULD BE CAREFULLY CONSIDERED TO ASSURE THAT THEY ARE
CLEARLY IN SUPPORT OF THE OBJECTIVE WHICH IS TO IMPROVE SAFETY CONDITIONS IN THE INDUSTRY

7.01 To assist the Government in making revisions to the Ordinance it is imperative that it has available to it the necessary technical expertise to properly assess proposed changes. It is essential that amendments be carefully examined to assure that they are necessary, practical and in support of the overall objective of improved safety in the work places of the Industry. It is therefore of paramount importance that a Senior Mining Engineer be engaged by the Government prior to proceeding to amend the Ordinance. The transfer of existing staff in Mine Safety Services should be completed as well. If the incoming Senior Mining Engineer has an opportunity to study the Ordinance and the proposed changes, there will be less likelihood of errors being made.

7.02 An essential factor in the successful development of a safe and efficient mining industry is the latitude that is extended to the Senior Mining Engineer in interpreting the rules under the Ordinance as they apply to specific situations. Each problem has certain peculiarities and it is reliance on the Engineer's experience and good judgement that offers the best chance for finding the proper solution. We believe the discretionary powers of the Engineer should not be eroded through the writing of rigid legislation that would restrict this flexibility.

7.03 One important component most necessary for the safe operation of any mine is the Mine Safety Committee. Amendments to the Ordinance should not dilute in any way the powers and responsibilities of these committees.

THE CHAMBER RECOMMENDS

1. *The position of Senior Mining Engineer be staffed and that Mine Safety Services be fully operational within the Territorial Public Service prior to commencement of the drafting of amendments to the Ordinance.*
2. *A committee be struck comprising representatives from Mine Safety Services, Labour, both organized and unorganized and Management to review all proposed amendments to the Ordinance.*
3. *Proposed amendments be carefully scrutinized to assure that they are necessary, practical and clearly intended to improve safety.*
4. *Regulations dealing with non-safety items such as hours of work, age and sex must be removed from the Ordinance and if necessary included under more appropriate legislation.*
5. *The powers of the Commissioner and Senior Mining Engineer under the Ordinance be retained and that access by the Senior Mining Engineer to the Executive Committee made responsible for Justice and Public Service, the Commissioner or to Industry personnel not be unnecessarily restricted.*
6. *Matters of an administrative nature should be left in the Ordinance and those items now defined as regulations or rules should remain as regulations or rules.*
7. *Changes in legislation should not impinge on areas that are properly the responsibility of management or in any way impede the ability of management to deal directly with workers safety committees or union managements.*