

The Mining Safety Ordinance is amended by repealing Section 1. and substituting therefor the following:

Short Title

1. This Ordinance may be cited as the Mining Safety and Health Ordinance.
2. By adding thereto, immediately following subsection 3 (c) the following subsections:
  - (d) appoint any person for the purpose of this Ordinance or to investigate, advise, direct, regarding any process in and around any mine in the Northwest Territories with the view of ensuring the safety and health of all employees; and
  - (e) appoint a "Mine Safety and Health Board", whose function shall be to advise the Commissioner regarding any aspects of this Ordinance or on any matter affecting the safety and health of all employees in and around a mine, exploration or development project. The Board will consist of an equal number of representatives of mine employees and management with the Chairman to be appointed by the Commissioner. The Board will be empowered to advise the Commissioner regarding any deletion or addition to the rules and regulations pursuant to this Ordinance. The Board will be empowered to recommend from time to time changes in the Ordinance and shall hold any hearings or investigations either in its own right or as directed by the Commissioner.

3. By repealing subsection 5 (b) and substituting therefor the following:

(b) give notice in writing to the manager of the particulars of any matter, thing or practice in, about or concerning a mine or mining that, in the opinion of the inspector, is dangerous, defective or contrary to this Ordinance or the rules and regulations made thereunder, and shall require the matter, thing, or practice to be remedied within the time named in the notice;

- (1) such time not to exceed a period of one month;
  - (2) to give written notice to the inspector of the completion of any work; and
  - (3) copies shall be forwarded to the local union concerned or the employee safety committee,
- and a copy of such notice shall be posted in a conspicuous place at or near such mine;

4. By repealing subsection 5 (c) and substituting therefor the following:

(c) enter, inspect and examine at least once each month any mine or portion thereof by day or night in any manner that will not unreasonably or unnecessarily impede or obstruct the working of the mine;

5. By adding thereto, immediately following subsection 5 (f), the following subsection:

- (g) be accompanied during each mine inspection by an employee representative of the mine safety committee.

6. By repealing subsection 5 (5) and substituting therefor the following:

- (5) The owner or manager of a mine in respect of which a notice has been given or an order made pursuant to paragraph (1) (b) or (d) may, within three days from the day the order was made or the notice given, serve on the Commissioner a notice of objection to the said order or notice setting out the reasons for the objection. Copies of such notice shall be forwarded to the local union or safety committee involved.

7. By repealing subsection 5 (6) and substituting therefor the following:

- (6) Upon receipt of the notice of objection the Commissioner shall forthwith reconsider the order or notice and quash, confirm or vary the said order or notice and he shall thereupon notify the inspector, the owner or the manager, the local union or safety committee involved of his decision.

8. By repealing subsection 7 (2) and substituting therefor the following:

(2) Suspension or variation of a rule by an inspector under sub-section (1) shall cease to have effect after one month has elapsed from the date of such suspension or variation, unless sooner cancelled or confirmed by the Commissioner.

9. By repealing subsection 7 (3) and substituting therefor the following:

(3) An inspector who suspends or varies a rule under this section shall forthwith report the particulars thereof to the Commissioner and the local union or safety committee involved.

10. By repealing sub section 8 (1) and substituting therefor the following:

(1) Subject to the approval of the Commissioner, the manager of a mine may make rules, not inconsistent with this Ordinance or any rule or regulation made under it, for the safe operation of a mine under his management and for the maintenance of order and discipline in the mine, and such rules shall have the same effect as if they were a part of this Ordinance.

11. By repealing sub section 8 (2) and substituting therefor the following:

(2) Upon approval by the Commissioner of any rule made under subsection (1), the rule shall be posted in a conspicuous place in or about the mine by the manager of the mine and shall come into force seven days after it is so posted or at such earlier time as the Commissioner may direct. A copy of such rules shall be forwarded to the local union or the safety committee prior to such rules coming into force.

12. By repealing Section 9 and substituting therefor the following:

(1) The owner, operator, or manager, individually or severally as the case may be, are responsible for:

- (a) the observance, performance and enforcement of this Ordinance and regulations; and
- (b) protecting the safety and health of workers engaged or employed in or about any mine which they own, operate or manage.

(2) The manager of mine shall ensure that:

- (a) all work at the mine is done by competent workers;
- (b) all operations at the mine are adequately supervised;

## 12 (continued) Section 9:

- (2) (c) work of unusual hazard is personally supervised by a supervisor or a competent assistant, and that only persons who have been thoroughly instructed as to the hazards and proper procedures shall be assigned to do the work; and
  - (d) shall certify to the Commissioner as to the competency of his subordinate supervisors in their knowledge of the N.W.T. Mine Safety and Health Ordinance and Regulations, Mine Rescue procedures, including knowledge of ways and means of evacuating an underground mine in case of emergency, and Industrial or Advanced First Aid.
- (3) Each and every supervisor at any mine shall:
- (a) have a thorough knowledge and understanding of this Ordinance and Regulations, be proficient in his/her knowledge of mine rescue procedures, and Industrial or Advanced First Aid;
  - (b) enforce this Ordinance and regulations, and ensure the safety and health of employees during the course of their employment;
  - (c) ensure that, with respect to the work in which every worker under his/her authority is engaged, the worker
    - (1) is acquainted with the regulations that apply,

12 (continued) Section 9 (3).

- (3) (c) (2) is instructed of hazards that may be involved,
  - (3) uses the safety devices and equipment required for the protection of persons performing such work;
  - (d) any condition that has been found to be, or has been reported to be unsafe, or not in compliance with this Ordinance, and that has not been corrected by the end of the shift during which it was so reported, shall be reported to and recorded in the supervisor's daily log;
  - (e) the report in the supervisor's daily log shall be read and countersigned by the responsible person on the oncoming shift, and corrective action indicated before persons are permitted to resume work in the area specified in the report.
- (4) Every supervisor shall:
- (a) inspect each working place and all equipment he/she is responsible for as often as the nature of the work requires to ensure that safe conditions exist and equipment is in safe operative condition and in the case of underground mines at least twice each shift and at least once each shift in other types of operations;
  - (b) takes measures necessary for the correction of any condition that is unsafe;

## 12 (continued) Section 9 (4).

- (4) (c) when unsafe conditions cause or are likely to cause imminent danger to any person, withdraw all persons from the danger area except those workers required to correct the unsafe condition.
- (5) A supervisor or other designated person shall:
  - (a) be on duty whenever persons are working in a mine;
  - (b) check in and out on each shift, all persons working in a mine;
  - (c) not permit an unauthorized person to enter or remain in a mine.
- (6) Every person at or in each mine shall:
  - (a) be familiar with the regulations that apply to the work in which he/she is engaged;
  - (b) examine his/her working place and equipment to ensure that they are safe for any work required to be done and are in compliance with this Ordinance;
  - (c) take precautions to ensure his/her own safety and the safety of his/her fellow workers during the course of his/her employment; and
  - (d) at all times when the nature of his/her work requires, use all devices, and wear all articles of clothing designated for his/her protection, or required to be used and worn by him/her under this Ordinance or regulation;



## 12 (continued) Section 9. (6).

- (6) (e) where an employee or employees in or about a mine has or have reason to believe, and believe that conditions exist that are dangerous to his/her or their health or safety in the performance of work and has or have reported those conditions to and examined the site with his/her or their supervisor or person in a responsible capacity at the mine, if the conditions remain uncorrected he/she or they shall in writing report the conditions to an inspector. The employee or employees shall have the right when reporting or inspecting an unsafe condition to be accompanied by representatives of the local union or the safety committee;
- (f) where an inspector receives a report under subsection (e) he/she shall forthwith make an examination and inquiry and make such order as he/she deems necessary to achieve the remedying of the conditions;
- (g) no employer of employees in or about a mine shall dismiss, discharge, suspend, transfer, layoff, or otherwise discriminate against an employee or employees for the reason:
- (1) that the employee or employees made a report under 9 (6) (e); or
  - (2) that the employee or employees refused to work or continue to work under the condition that he/she or they reported under subsection (e) and where a report

12 (continued) Section 9. (6).

- (6) (g) (2) of an inspector made under subsection (f) indicates that the employee or employees had reasonable and probable grounds for believing that those conditions were dangerous to health and safety:
- (h) where an owner or operator or a supervisor or a person in a responsible capacity at a mine knows or ought to have known that any condition exists at the mine that is dangerous to the health and safety of the employee or employees, he/she shall not require or permit the employee or employees to engage in, carry on or continue to work at the mine under that condition;
- (i) any person mentioned in subsection (h) who violates the provisions of that subsection is guilty of an offence and in addition to any penalty to which he/she may be subject, he/she shall not work in a supervisory capacity at any mine for a period of six months from the date of his/her conviction or admission of fault;
- (j) where an employee or employees take unfair advantage of this section for frivolous reasons he/she or they may be subject to such discipline as is available to be imposed upon him/her or them by his/her or their employer subject to the contractual relationship between the employer and the employee or employees, or a bargaining agent on behalf of the employee or employees.

## Section 9 (continued):

- (7) (a) No person shall be assigned to perform work alone in any place where a recognized hazard to his/her safety may exist by virtue of his/her being without direct communication with another person.
- (b) All persons working alone who do not have access to direct communication with some other person shall be contacted at least every hour by someone so authorized.

By repealing subsection 10 (2) thereof and substituting therefor the following:

- (2) Every mine safety committee shall be composed of a minimum of four persons; half of whom shall be appointed by the manager of the mine, and half of whom shall be selected from the employees by the employees.

By repealing subsection 10 (3) (b) thereof and renumbering subsection 10 (3) (c) as subsection 10 (3) (b). By adding thereto, immediately following subsection 10 (3) (b) the following subsections:

- (3) (c) A copy of the report shall be filed with the owner, agent, or manager, in the office of the mine inspector and with the local union or safety committee involved.

Subsection 10 (3) (continued):

- (3) (d) Inspect all relevant logs and reports.

By repealing subsection 10 (4) thereof and substituting therefor the following:

- (4) The owner, agent or manager and all persons in the mine or works shall afford the persons so appointed every facility for the inspection.

By adding thereto, immediately following subsection 10 (4) the following subsection:

- (5) The company shall reimburse all monies lost to employees who lose time from work by virtue of being a member of a safety committee, while performing their duties under this Ordinance or regulations.

By repealing subsection 11 (1) thereof and substituting therefor the following:

11. No person under the age of sixteen years shall be employed in or about a mine and no person under the age of eighteen years shall be employed underground or at the working face of any open cut workings, pit or quarry.

By repealing subsections 11 (2) and 11 (3).

By amending the definition of subsection 19 (1) to now read:

Medical examinations, both preplacement and annual shall include:

By adding thereto, immediately following subsection 19 (3) the following subsections:

(4) Preplacement and annual medical examinations and medical history shall include:

- (a) a careful examination of the skin;
- (b) palpation of superficial lymph nodes;
- (c) complete blood count, including differential count;
- (d) hair and urine sampling for heavy metals and arsenic count;
- (e) electromyographic sensory and motor testing of all limbs.

By repealing subsection 20 (b) thereof and substituting therefor the following:

- (b) by the Workers' Compensation Board of the Northwest Territories.

By adding thereto, immediately following subsection 20 (c) the following subsections:

- (d) to the person to whom such x-ray photographs, particulars of occupational and medical history and medical reports and opinions relate.
- (e) each person examined by a medical officer under this Ordinance shall, on request, be entitled to a statement of his physical condition as determined by the examination.

By repealing subsection 25 (1) and subsection 25 (2): By renumbering all following sections numerically in order to replace the repealed Section 25.

By repealing the present Section 26 thereof and substituting therefor the following:

- (1) The owner of a mine shall take such measures as are required to protect the health of employees where any process concerning the mining, exploration, development, transporting, milling, concentrating, leaching, smelting or refining of any ores cause or are likely to cause a health hazard to workers by contamination of the work environment with gases, vapours, fumes, dust or other contaminants. To reduce and control the contamination at a level equal to or below the threshold limit values recommended by the American Conference of Governmental Industrial Hygienists and published as the Threshold Limit Values of Airborne Contaminants. These shall be reviewed.

## Section 26 (continued):

(3) Employees shall not be exposed to noise in excess of the Threshold Limit Values recommended by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values of Physical Agents for 1972", amended from time to time. These standards of levels shall be reviewed annually and revised according to scientific and medical experience and compared with standards recommended by any authoritative safety agency.

(a) When employees are required to work in areas in which noise levels exceed the criteria for permissible noise exposure, the employer shall first take appropriate measures to reduce the noise intensity, and if it is not practicable to reduce the noise to approved levels, or isolate the workers from the noise, the worker shall be supplied and shall wear approved personal equipment which will effectively protect his hearing.

(b) No person shall remain in any work place where the work atmosphere is not in accordance with the standards referred to in 26 (1), 26 (1) (b) and 26 (2).

By repealing Section 28 thereof and substituting therefor the following:

No person shall operate an internal combustion engine underground or in an enclosed structure unless its operation has been authorized by an inspector.

By repealing subsection 31 (b) thereof and substituting therefor the following:

- (b) plans of each underground level showing all underground workings, including shafts, tunnels, diamond drill holes, dams, bulkheads and pillars.

By adding thereto, immediately following subsection 40 (b) the following:

- (c) knowingly makes a false statement to an inspector while the inspector lawfully carries out his duties under the Ordinance or regulations; or
- (d) knowingly makes a false entry in any document, book, record, plan or section recorded or kept in compliance with the Ordinance or regulations or knowingly acquiesces in or orders the making of any such false entry; or
- (e) obstructs an inspector or officer of the department in the execution of his/her duties; or
- (f) being the owner or operator of a mine refuses or neglects to furnish to an inspector or officer of the department, the means necessary for making an entry, inspection, examination or inquiry in relation to any issue under this Ordinance or regulations;

is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand dollars.



By adding thereto, immediately following Section 41 the following Sections and subsections:

42 Notwithstanding the above any person may lay information in respect of any offence or alleged offence against this Ordinance or regulations.

43 CORONER'S INQUEST:

(1) An Inspector, any person authorized by him on his behalf, a representative of the union or mine safety committee, a representative of mine management are entitled to be present and to examine or cross examine any witness at any inquest held concerning a death caused by an accident in or about a mine.

(2) If the Inspector or someone on his behalf or if representatives of the union or safety committee, or representatives of mine management are not present at the inquest, the coroner, unless he has been notified by any of the above parties that he or they do not intend to be represented at the inquest, shall adjourn the inquest and give to the above named parties not less than one week's notice of the time and place at which the evidence is to be taken.

(3) The jury summoned to inquire into the death at the inquest, where practicable, shall be composed wholly or in part of persons familiar with the type of work the deceased was doing at the time of the accident.

- (4) No person involved in the management of the mine in or about which the accident occurred, no person injured by the accident, and no relative of such person is qualified to serve on the jury.