

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4806 HLAB HB 145 - HB 162

378

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/20/87

FURTHER REFERRALS: Judiciary
Finance

DATE: 3/5/87

The Labor & Commerce Committee has considered HB 145

"An Act relating to resident employment preferences on certain natural resource projects on state land; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Dave Donley

Al Ellis

Clyff Davidson

Steve [unclear]

John [unclear]

SIGNING OTHER RECOMMENDATIONS:

D.C. [unclear] No REC

Dave Donley
Chairman's signature

Bill No. House Bill 145

Date March 3, 1987

Title "An Act relating to resident employment preferences on certain natural resource projects on state land.

Contact: Tom Stuart
465-4870

Eileen Plate
465-2700

House Bill 145 seeks to establish resident hire preferences for employment on natural resource projects which are situated on state land in an area which has been determined to be an economically distressed or an underemployment zone.

Under this bill, the Department of Labor would be primarily responsible for

- (1) making determinations of those areas of the state which are economically distressed and those areas where underemployment exists;
- (2) determining the amount of work on a natural resource project which must be performed by eligible and qualified residents;
- (3) assisting in locating qualified and eligible workers, and verifying the eligibility of applicants when a resident preference has been determined to be in effect;
- (4) establishing and monitoring employer reporting requirements;
- (5) conducting investigations and holding hearings to determine compliance with the employment preference provisions; and
- (6) seeking monetary penalties and/or injunctive relief for noncompliance with the employment preference provisions.

Many of the provisions of this bill are tailored after the employment preference provisions in AS 36.10 which are applicable to public construction projects in the state; and the Department would, therefore, be able to implement this expansion of the employment preference provisions without additional data collection efforts.

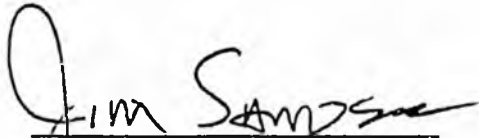
Because of the beneficial impact of resident hiring on the workforce and the economy in general, the Department strongly endorses the principle that qualified Alaska residents should be given employment preference on natural resource projects on state land. This is consistent with the view that a state is entitled to give preference to its own citizens in the development of the state's natural resources.

In addition, well over \$600 million was paid to nonresidents in both 1984 and 1985. Industries involved in natural resource projects directly, and the construction activities associated with those projects, accounted for a major portion of the earnings received by nonresident workers. The high levels of nonresident earnings were made in years when Alaska's unemployment rate averaged 10.1 percent (1984) and 9.6 percent (1985).

POSITION PAPER/Department of Labor

It is in the best interest of Alaska to remedy its high unemployment problem by working to increase the hiring of qualified residents whenever possible. The Department of Labor supports House Bill 145.

APPROVED:


Jim Sampson, Commissioner
Department of Labor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: HB 145

Publish Date: _____

REQUEST: _____

Revision Date: _____

Agency Affected: Labor

Title: "An Act relating to resident
employment preference on certain natural..."

BRU: Labor Standards and Safety

Sponsor: Donley, Boyer, et al

Components: Wage and Hour

Requestor: House Labor and Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		27.5	54.9	54.9	54.9	54.9
TRAVEL		11.5	16.0	16.5	17.0	17.5
CONTRACTUAL		3.4	7.0	7.2	7.4	7.6
SUPPLIES		.6	1.1	1.2	1.2	1.2
EQUIPMENT		3.2	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	46.2	79.0	79.8	80.5	81.2

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		46.2	79.0	79.8	80.5	81.2
FEDERAL FUNDS						
OTHER						
TOTAL	0	46.2	79.0	79.8	80.5	81.2

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Tom Stuart, Director

Phone: 465-4870

Division: Labor Standards and Safety

Date: 3/5/87

Approved by Commissioner: Jim Sampson

Date: 3/5/87

Agency: Labor

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Fiscal Note Analysis

HB 145

Under the provisions of this bill, the department would be responsible for monitoring, investigating, and enforcing resident hire on natural resource projects. The majority of the investigative/enforcement activity would not begin until after January, 1988 when the annual report on resident hire is published and the Commissioner designates those areas or regions of the state in which a hiring preference applies. The following resources would, therefore, be needed beginning in January, 1988:

	1 Wage & Hour Investigator I - 6 months (Anchorage)	1 Half-Time Clerk-Typist III 6 months (Anchorage)	Total
Personal Svcs	21.1	6.4	27.5
Travel	4.0	0	4.0
Contractual	2.3	1.1	3.4
Commodities	.4	.2	.6
Equipment	1.6	1.6	3.2
	<u>29.4</u>	<u>9.3</u>	<u>38.7</u>

The positions would work six months in FY 88 (beginning January 1, 1988) and twelve months from then on. Also, an additional \$7,500 in travel expense would be incurred by existing positions for travel to the North Slope.

Assumptions

1. The Commissioner will designate those areas or regions of the state where hiring preference applies in January of 1988.
2. Inflation on non-personal services items would be 3% per year.
3. The Prudhoe, Kuparuk and other major natural resource projects presently in operation will not be covered by this bill in the foreseeable future.

Position Title Wage and Hour Investigator I			No. of Positions 1	Range/Step 16A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 6	RP Number	Location Anchorage		Election District	Leg.		
Justification								
Type of Expenditure			Amount					
1	2	3						
Salary	16,212							
Benefits	4,864							
Premium Pay	-							
Other	-							
Total Personal Services		21,076						
Travel		4,000						
Contractual		2,300						
Commodities		350						
Equipment		1,600						
Other		-						
Total Cost		29,326						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
			29,326					
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> For B&M Use Only Key Number _____ </div>								

This position would monitor new or re-negotiated oil and gas leases and other natural resources projects on state land to ensure compliance with resident hire laws. It would also hold hearings when requested.

The position would interact with the Department of Natural Resources and industry contacts to establish an effective monitoring procedure.

Travel costs are to establish monitoring procedures and for monitoring compliance with resident hire laws.

Contractual and commodity costs are average per position costs. The equipment costs are for desks, chairs, cabinets, etc., and are one-time costs.

**Request For
New Position**

Agency Labor
 BRU Labor Standards and Safety
 Component Wage and Hour

FY 87

Page 1 of 2
 Revised Date

Position Title Clerk Typist III			No. of Positions 1	Range/Step BA	Barg. Unit GGU	Gov.	Approv.	Disapp.	
Time Status PPT (Half Time)	Staff Months 6	RP Number	Location	Election District	Leg.				
Type of Expenditure			Justification						
		Amount	<p>This position would handle the clerical functions as required in the bill. The position would process and maintain records of the certificates and the reports when received from employers. Typing of regulations and distribution of informational posters would also be duties. Contractual and commodity costs are average per-employee expenses. The equipment expense would be for a desk, chair, etc., and would be a one-time item.</p>						
1	2	3							
Salary	4,893								
Benefits	1,468								
Premium Pay									
Other									
Total Personal Services		6,361							
Travel		0							
Contractual		1,100							
Commodities		200							
Equipment		1,600							
Other		-							
Total Cost		9,261							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. F. Match	1003							
	General Funds	1004							9,261
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only Key Number _____									

**Request For
New Position**

Agency Labor
 BRU Labor Standards & Safety
 Component Wage and Hour

Page 2 of 2
 Revised Date _____

FY 87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: HB 145
Publish Date: _____

REQUEST: _____

Revision Date: 3/3/87

Agency Affected: _____
BRU: Mineral Management, Petroleum Management
Forest Management

Title: Accident Employment on Natural
Resources Projects on State Land

Sponsor: Donley, Boyer, Brown, Cato, et. al.

Components: _____

Requestor: House Labor & Commerce Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	0

POSITIONS:

FULL-TIME						
PAK-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Carol Wilson Phone: 465-2400
Division: Commissioner's Office Date: 3/3/87

Approved by Commissioner: [Signature] Date: 3/3/87
Agency: Natural Resources

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

HB

162

5-0741L ✓
Cramer
5/7/87

Original sponsors: Ulmer, Hudson,
Taylor and Pearce

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 162 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to working conditions and computa-
7 tion of working hours in underground mines and work-
8 ings; and permitting up to 10 hours of work per day
9 in certain mines and workings when consistent with
10 collective bargaining agreements and approved in
11 advance by the commissioner of labor."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 23.10.405 is amended to read:

14 Sec. 23.10.405. LEGISLATIVE DECLARATION OF HAZARD. Employment
15 in underground coal mines, underground lode mines, underground placer
16 mines, in underground coal, lode, or placer workings, or in all other
17 underground mines or workings may be [IS] injurious to health and
18 dangerous to life and limb.

19 * Sec. 2. AS 23.10.410(a) is amended to read:

20 (a) Except as provided in (d) of this section or on a day when a
21 change of shift is made, a [A] person may not be employed in an under-
22 ground coal mine, underground lode mine, underground placer mine,
23 underground coal, lode, or placer workings, or other underground mine,
24 or workings for more than eight hours in 24 hours, including [EXCEPT
25 ON A DAY WHEN A CHANGE OF SHIFT IS MADE, EXCLUDING, HOWEVER,] an
26 intermission of time for meals and traveling underground [, OR OTHER-
27 WISE GOING] to or from the place where the work is actually carried
28 on, whether in going on or off shift, or in going to or returning from
29 meals.

1 * Sec. 3. AS 23.10.410 is amended by adding new subsections to read:

2 (d) The commissioner may grant a variance permitting employment
3 in an underground mine or workings for more than eight but not more
4 than 10 hours in a 24-hour period if

5 (1) the additional working time is negotiated as part of a
6 collective bargaining agreement by a collective bargaining organiza-
7 tion that represents workers performing the additional work; and

8 (2) the commissioner determines that the extension is in
9 the best interest of resident workers of the state.

10 (e) If the commissioner finds that the extension of working
11 hours is not in the best interest of resident workers, the commission-
12 er shall deny the request for a variance under (d) of this section and
13 issue findings that support the decision. A party denied a variance
14 may appeal to the superior court.

15 * Sec. 4. AS 23.10.410(b) is repealed.

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5-0741B ✓
Cramer
4/30/87

Ulmer

Original sponsors: Ulmer, Hudson,
Taylor and Pearce

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20 or workings for more than eight hours in 24 hours, [EXCEPT ON A DAY
21 WHEN A CHANGE OF SHIFT IS MADE,] excluding, however, an intermission
22 of time for meals, or otherwise going to or from the place where the
23 work is actually carried on, whether in going on or off shift, or in
24 going to or returning from meals.

25 * Sec. 3. AS 23.10.410 is amended by adding a new subsection to read:

26 (d) The commissioner of labor may grant a variance permitting
27 employment at the face in an underground mine or workings for more
28 than eight hours but not more than 10 hours in a 24-hour period. If
29 the commissioner finds that the extension of the working hours is not

1 in the best interest of the workers, the commissioner shall deny the
2 request for a variance and issue findings supporting the denial. A
3 party denied a variance may appeal to the superior court.
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AT THE END OF HEARING

(2)

Question for

Commish: SAMPSON:

Have you been able
to determine the
of ALASKAN
Residents employed
by Greens Creek?

~~You~~ not representing that
Market forces have nothing to do
— PUBLIC INTEREST —

→ You've cited federal statistics regarding
mine safety — ~~how~~ ^{has your report} submitted any
of that ~~at~~ information to the committee.

→ Why haven't you researched the
Canadian system?

✓ Boecher
✓ Bainbridge
Menzel

letter to comm of
labor

Simpson

① Why no fiscal note?
— someone got to do this

② attached

→ What kind of co-operation have
you received from Green's creek,
— have you received all access and
info you're requested

U. S. Department of Labor

Mine Safety and Health Administration
1745 West 1700 South
Salt Lake City, UT 84104



ROCKY MOUNTAIN DISTRICT
Metal/Nonmetal Mine Safety & Health
Salt Lake City Subdistrict
Federal Building, Drawer 10042
Helena, MT 59626 0042

FEB 19 1987

February 17, 1987

MEMORANDUM FOR: Whom It May Concern

FROM: Virgil A. Cain, Supervisory Mine Safety & Health Inspector
Helena, Montana Field Office *Virgil A. Cain*

SUBJECT: Working Hours

This letter deals with the working hours of employees. About five years ago one large mine in my area changed from the eight hours a day, five days a week with two days off to a four day a week, ten hours a day. On the eight hours a day, five days a week, the company had quite a few lost time accidents. After the change to ten hour shifts, four days a week, this company went five months without any accidents and compiled one of the best mining accident records for its size of any mine I have ever had any dealings with.

Just recently this same mine under new management went back to a eight hour day, five days a week and the lost time accidents increased five to six hundred percent. This change has affected the moral of the workers, plus taking away some of their family time.

I am talking about a mine working upto three hundred employees. So what I am really saying, ten hour shifts don't hurt anyone as long as the moral and the time spent with the family plays a big part in the employees work habits and cuts down on accidents.

5-0741L ✓
Cramer
5/7/87

Original sponsors: Ulmer, Hudson,
Taylor and Pearce

BY THE LABOR AND
COMMERCE COMMITTEE

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2 CS FOR HOUSE BILL NO. 162 (L&C)

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4 FIFTEENTH LEGISLATURE - FIRST SESSION

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8 (2) the commissioner determines that the extension is in
9 the best interest of resident workers of the state.

10 (e) If the commissioner finds that the extension of working
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12 er shall deny the request for a variance under (d) of this section and
13 issue findings that support the decision. A party denied a variance
14 may appeal to the superior court.

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HB 162: An Act relating to work in underground mines and workings.

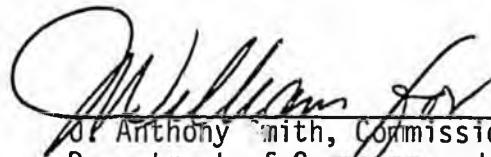
The Department of Commerce and Economic Development supports HB 162 in its current form. HB 162 proposes to extend the maximum number of hours a person may work in an underground mine from eight hours to ten hours per day. This legislation, if enacted, would, for example, allow a company to run four ten-hour shifts instead of five eight-hour shifts per week. This would save operating costs for the company and allow workers to spend more time with their families.

The present law was passed in 1917 when extended work at the face was more hazardous. Safety is the major factor for consideration; however, we have seen compelling evidence that the extended workday will not adversely affect safety. The attached letter from the U.S. Department of Labor illustrates a case where time loss injuries were actually decreased when the company went from five eight-hour shifts per week to four ten-hour shifts.

Alaska is at a stage in its economic growth when a more diversified economic base is strongly encouraged from all quarters. The state is working to see that Alaska is a good place to work and conduct business. It is important that the mining industry in Alaska be comparable to other competitors. We are aware of three northern underground mines in Canada and Greenland that have workdays exceeding eight hours: Lupin, Greenex and Polaris.

There are three properties in southeast Alaska that appear very promising for underground mining operations in the next decade: Chichagoff, the AJ, and Greens Creek.* Operators for all three properties are supportive of passage of House Bill 168 to increase the maximum hours of work permitted at the face to ten hours.

Our department feels extension of the workday in underground mines to ten hours is a desirable change that can be beneficial to all interested parties.


William Fox, Commissioner
Department of Commerce and Economic
Development

Date: 3/26/87

* Chichagof joint ventures (Exvenco, Queenstake and Vector) has reopened the Chichagof and Hirst-Chichagof properties near Sitka. Exploration has had excellent results. They are now raising funds on the Vancouver Exchange to develop the property.

Echo Bay Mines and WGM have promising exploration results from the AJ Mine in Juneau and plan to take a 6,000-ton sample this summer.

U. S. Department of Labor

Mine Safety and Health Administration
117 107th Avenue, N E, Room 100
Bellevue, Washington 98004



February 26, 1987

Representative Fran Ulmer
P. O. Box V
Juneau, Alaska 99811
Attn: Judy Knight

Dear Ms. Knight:

Attached is the information you requested. If I can be of any further assistance to you, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin Rosta".

Martin Rosta
Subdistrict Manager

*Attached: Regulations and Standards
30 CFR, Parts 40, 41, 43, 44, 48, 54, 55, 56, 57*

Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164*

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

FINDINGS AND PURPOSE

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource—the miner;

(b) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal or other mines cause grief and suffering to the miners and to their families;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal or other mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in the Nation's coal or other mines is a serious impediment to the future growth of the coal or other mining industry and cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of coal or other mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(g) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Secretary of Health, Education, and Welfare and the Secretary of Labor to develop and promulgate improved mandatory health or safety standards to protect the health and safety of the Nation's coal or other miners; (2) to require that each operator of a coal or other mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to, the States in the development and enforcement of effective State coal

* This document was prepared within the Office of the Solicitor, Division of Mine Health and Safety, Department of the Interior, and reflects changes to the Federal Coal Mine Health and Safety Act of 1969 [Pub. L. 91-173]. The Changes are based upon the Federal Mine Safety and Health Amendments Act of 1977 [Pub. L. 95-164]. Do not use this document as a legal citation to authority.

or other mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal or other mining industry, research and development and training programs aimed at preventing coal or other mine accidents and occupationally caused diseases in the industry.

DEFINITIONS

SEC. 3. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of Labor or his delegate;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(d) "operator" means any owner, lessee, or other person who operates, controls, or supervises a coal or other mine or any independent contractor performing services or construction at such mine;

(e) "agent" means any person charged with responsibility for the operation of all or a part of a coal or other mine or the supervision of the miners in a coal or other mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal or other mine;

(h) (1) "coal or other mine" means (A) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this Act, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment;

(2) For purposes of titles II, III, and IV, "coal mine" means an area of land and all structures, facilities, ma-

chinery, tools, ex-
tions, and other
under, or above
used in, or to be
extracting in su
thracite from it
means or metho
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(k) "accident" i
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any person;

(l) "mandatory
interim mandato
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gated pursuant to

(m) "Panel" me
lished by this Act

(n) "Administra
Administration in

(o) "Commission
Health Review C'

SEC. 4. Each coal or
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such mine shall be su

INTI

SEC. 5. (a) There is
ance Panel, which sh
lows:

(1) Assistant Se
Department of La

(2) Director of t
Commerce, or his

(3) Administrat
mental Health Se
and Welfare, or hi

(4) Director of t
Interior, or his del

(5) Director of t
delegate.

(b) Members of the
in addition to that re
shall be entitled to rei

ALASKA STATE CHAMBER OF COMMERCE

RESOLUTION

WHEREAS, Alaska State Law provides that underground mining is a dangerous occupation and that no one should be allowed to work underground more than eight hours in a twenty-four hour period, and

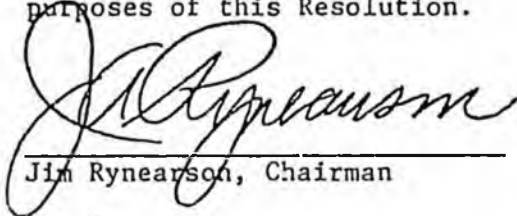
WHEREAS, this Law has been on the books in Alaska since 1917 unchanged, and

WHEREAS, present safety and health laws and work standards have made this requirement obsolete, and

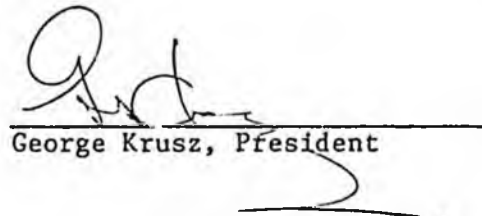
WHEREAS, the Greens Creek Mining Company is evaluating the possibility of commencing production from its underground mine on Admiralty Island within the next several months, but could be severely handicapped in maintaining an efficient economic underground operation if it were not able to operate two ten-hour shifts per day;

NOW, THEREFORE, BE IT RESOLVED BY THE ALASKA STATE CHAMBER OF COMMERCE:

1. That the Legislature of the State of Alaska be and hereby is requested to amend or repeal Article 6 of Title 23 of the Alaska Statutes to remove the prohibition against a ten-hour underground shift.
2. That the lobbyist for the Alaska State Chamber of Commerce be directed to facilitate the introduction and passage of legislation which will accomplish the purposes of this Resolution.



Jim Rynearson, Chairman



George Krusz, President

Approved February 20, 1987
Juneau, Alaska

U. S. Department of Labor

Mine Safety and Health Administration
1745 West 1700 South
Salt Lake City, UT 84104



ROCKY MOUNTAIN DISTRICT
Metal/Nonmetal Mine Safety & Health
Salt Lake City Subdistrict
Federal Building, Drawer 10042
Helena, MT 59626 0042

FEB 19 1987

February 17, 1987

MEMORANDUM FOR: Whom It May Concern

FROM: Virgil A. Cain, Supervisory Mine Safety & Health Inspector
Helena, Montana Field Office *Virgil A. Cain*

SUBJECT: Working Hours

This letter deals with the working hours of employees. About five years ago one large mine in my area changed from the eight hours a day, five days a week with two days off to a four day a week, ten hours a day. On the eight hours a day, five days a week, the company had quite a few lost time accidents. After the change to ten hour shifts, four days a week, this company went five months without any accidents and compiled one of the best mining accident records for its size of any mine I have ever had any dealings with.

Just recently this same mine under new management went back to a eight hour day, five days a week and the lost time accidents increased five to six hundred percent. This change has affected the moral of the workers, plus taking away some of their family time.

I am talking about a mine working upto three hundred employees. So what I am really saying, ten hour shifts don't hurt anyone as long as the moral and the time spent with the family plays a big part in the employees work habits and cuts down on accidents.



Alaska State Legislature

House

Official Business

M E M O R A N D U M

March 4, 1987

TO: All House Members
FROM: Representative Fran Ulmer
SUBJECT: House Bill 162

Today, I introduced House Bill 162, "An Act relating to work in underground mines." This bill modifies the existing statute by increasing the hours in a day that a person can work in underground mining operations. This law has been on the books for many years prior to Statehood, before the many advances in technology, equipment and safety.

I am confident that this change will not affect the safety and health of workers in mining. The mining industry is heavily regulated by the U.S. Department of Labor's Mine, Safety, and Health Administration. There are literally hundreds of pages of regulations and standards which have been developed to protect workers in mining. Several studies have shown that the actual number of injuries is less when miners work longer shifts and fewer days per week.

This legislation will assist the Greens Creek mining project in Juneau. By allowing miners to work a maximum of 10 hours a day instead of the current limit of 8 hours, an employee's regular work-week would consist of four days rather than five. This schedule, which allows the worker three full days off, reduces transportation costs and increases production for the mine. Other mining projects in Alaska which are in the development stage will also benefit from this change.

Many House members have indicated that economic development and diversification are among their top priorities. Alaska must encourage new businesses to provide jobs for the many unemployed and discouraged new workers. This bill is consistent with that objective because it will send a clear signal that Alaska is willing to work with industry to provide a supportive and cooperative environment.

/Od

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 1149
JUNEAU, ALASKA 99802
PHONE: (907) 465-2700

March 23, 1987

The Honorable Dave Donley, Chairman
Labor and Commerce Committee
House of Representatives
Pouch V
Juneau, AK 99811

Dear Representative Donley:

As you know, in my March 11, 1987 position paper, I recommended two amendments to House Bill No. 162. After further review of the bill, I find that the current law could be construed to exclude from the eight-hour maximum that time which is spent traveling underground to the place where the work is to be performed. Additional amendments are, therefore, needed to clarify the intent of the law, which is that no more than eight hours is to be spent underground.

Enclosed is a revised listing of recommended amendments to House Bill No. 162 for your consideration. This revised listing includes the amendments originally requested in the Department's position paper, as well as the additional amendments I am requesting at this time.

Thank you.

Sincerely,


Jim Sampson
Commissioner

JS:kmc
08202

Enclosure

cc: Representative Fran Ulmer

Department of Labor
Proposed Amendments to
House Bill No. 162

1. Amend Sec. 2, lines 18-23 to read:

or placer workings, or other underground mine [, OR WORKINGS] for more than eight hours in 24 hours, except on a day when a change of shift is made, excluding, however, an intermission of time for meals, and the time [OR OTHERWISE GOING TO OR FROM THE PLACE WHERE THE WORK IS ACTUALLY CARRIED ON, WHETHER IN GOING ON OR OFF SHIFT, OR IN] going to or returning from meals.

2. Amend Sec. 3, lines 26-28 to read:

employment in 24 hours to eight hours [OF ACTUAL LABOR] in an underground mine. For the purpose of this section, time shall start at the portal and end at the portal.

3. Add a new section to House Bill No. 162 to read:

*Sec. 4. AS 23.10.410 is amended by adding a new subsection to read:

(d) The commissioner of labor may grant a variance to this section, allowing hours underground to be extended to a

maximum of ten hours, if the commissioner determines such action is in the best interest of the employer and the resident workers of this state.

Bill No. House Bill 162
Title "An Act relating to work in
underground mines and workings."

Date March 11, 1987

Contact: Tom Stuart
465-4870

Eileen Plate
465-2700

House Bill 162 proposes to extend the maximum number of hours a person may be employed in an underground mine to ten hours per day. Current law restricts such work to eight hours per day.

Recognizing that the eight hour limitation was mandated many years ago, and that technological advances since that time may have diminished some of the hazards associated with working underground, the Department of Labor is not opposed to some relaxation of the limitation if a review of the work environment indicates it will not detract from the overall well-being of workers. The Department feels, however, that any expansion of underground work hours should be evaluated on a case-by-case basis and only permitted if it is determined that the employment practices and work conditions of a particular mining operation are conducive to such an expansion and that the well-being of the workers is assured.

1984 injury and illness statistics for the mining industry as a whole reflect that nearly 35% of Alaska's time loss injuries and illnesses occurred after eight hours of work; and that over 22% of the time loss injuries in non oil and gas related mining occurred after eight hours of work. Although these statistics are not reflective of underground mining activities per se, they are indicative of the hazards inherent in mining operations and, therefore, underscore the need to very carefully approach expanded work hours for underground mining.

Accordingly, while the Department does not support the across-the-board relaxation of the eight-hour limitation provided in House Bill 162, it would endorse a variance provision to permit underground work for up to ten hours if it is determined that it is in the best interest of the employer and Alaska's mine workers.

The following amendments to House Bill 162 would accomplish this as well as clarify the existing law:

1. Amend Sec. 2, lines 19-23, to read:

than eight hours in 24 hours, except on a day when a change of shift is made, excluding, however, an intermission of time for meals, and the time [OR OTHERWISE GOING TO OR FROM THE PLACE WHERE THE WORK IS ACTUALLY CARRIED ON, WHETHER IN GOING ON OR OFF SHIFT, OR IN] going to or returning from meals.

This amendment would merely clarify the existing law which is designed to regulate only time spent underground.

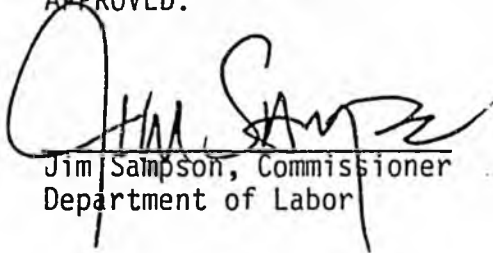
POSITION PAPER/Department of Labor

2. Delete Section 3 of House Bill 162 and replace it with the following:

*Sec. 3. AS 23.10.410 is amended by adding a new subsection to read:

(d) The commissioner of labor may grant a variance to this section, allowing hours underground to be extended to a maximum of ten hours, if the commissioner determines such action is in the best interest of the employer and the resident workers of this state.

APPROVED:



Jim Sampson, Commissioner
Department of Labor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HB 162
Publish Date: _____

Revision Date: _____
Title: "An Act relating to work in
underground mines and workings."
Sponsor: Ulmer, Hudson, etal
Requestor: House Labor & Commerce

Agency Affected: Labor
BRU: Labor Standards & Safety
Components: Wage & Hour

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

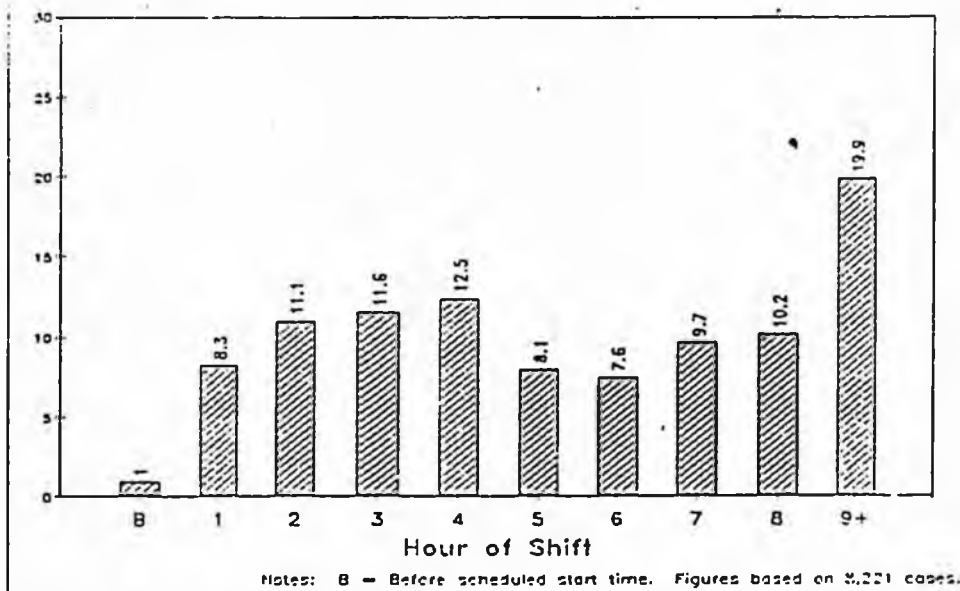
Prepared by: MS Tom Stuart, Director *Stuart* Phone: 465-4870
Division: Labor Standards & Safety Date: 3/9/87

Approved by Commissioner: MS Jim Sampson *Jim Sampson* Date: 3/9/87
Agency: Labor

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

FIGURE 2-14
Time Loss Injuries Percent Distribution
by Shift Hour Accident Occurred
Alaska 1984



distribution points out that fatigue plays a significant role in the occurrence of time loss accidents. A historical summary of the portion of cases after the eighth hour of work is given in Text Table 2.9. For industries which characteristically have long working hours, the percentage of accidents occurring after eight work hours is greater than the average.

Methodology

Claims for work injuries and illnesses are reported to the Alaska Division of Workers' Compensation using the Report of Occupational or Illness Form 6101 (Rev. 12/83). See Section 6 for a sample form. The information from the form is analyzed and coded for nature and source of injury or illness, part of body affected, and type of accident or exposure. The classification of these characteristics is defined by the American National Standards Institute's "Method of Recording Basic Facts Relating to the Nature of Occurrence of Work Injuries." ANSI 216.2-1962 (R1979). The coding scheme for the supplementary data system is provided by the U.S. Bureau of Labor Statistics.

The occupation of the worker is classified according to the 1970 Census Classification of Industries and Occupations. Employer firms are classified into industries according to the 1972 *Standard Industrial Classification (SIC) Manual*. The industry code for every employer is available from an existing data base in the Department of Labor.

The data from the Workers' Compensation report forms is continuously coded and entered into a computer data base. When all data for the reference year have been entered, a magnetic tape is made which the U.S. Bureau of Labor Statistics uses to generate the SDS tabulations. Only those cases which occurred during the year and involved fatalities or one or more lost workdays beyond the day of injury were coded into the SDS system.

Text Table 2-9
Percent of Injuries after the 8th Work Hour
by Industry Division
Alaska 1980-1984

	1980	1981	1982	1983	1984
Private Sector	23.6	23.6	23.6	19.5	20.4
Mining	34.7	34.8	36.5	31.9	34.7
Oil & Gas	36.0	35.8	39.5	32.4	36.0
Construction	27.8	25.9	26.5	22.0	21.3
Manufacturing	27.0	25.1	24.0	19.8	24.9
Seafood	38.6	35.8	32.6	28.9	37.1
Lumber & Wood	17.8	16.5	15.2	11.1	16.1
Transportation	20.7	24.1	22.7	19.2	20.3
Trade	16.8	17.1	17.3	14.9	16.9
Finance	12.9	15.0	27.2	19.5	18.7
Services	19.1	20.2	20.5	16.3	16.2
St. & Local Govt.	13.4	14.9	18.1	15.4	17.0

BLS DROPPED
THIS DATA FROM
THE TABULATIONS
IN 1985

TABLE 2-16
Time Loss Injuries
Hour of Shift During Which Injury Occurred
Alaska 1984

	SIC	TOTAL	BEFORE SHIFT BEGAN	1st HOUR	2nd HOUR	3rd HOUR	4th HOUR	5th HOUR	6th HOUR	7th HOUR	8th HOUR	9th or LATER HOUR	SHIFT HOUR UNKNOWN
TOTAL PUBLIC AND PRIVATE SECTOR		10,777	85	686	913	956	1,029	666	619	795	835	1,637	2,556
TOTAL PRIVATE SECTOR		9,267	66	568	787	814	864	579	520	665	702	1,429	2,273
AGRICULTURE, FORESTRY & FISHING		54	-	8	2	4	4	3	2	3	7	4	17
MINING		515	4	21	34	33	36	31	14	29	39	128	146
Metal Mining	10	37	1	-	3	6	2	1	-	3	5	6	10
Oil & Gas Extraction	13	460	3	20	29	27	33	30	13	24	31	118	132
CONSTRUCTION		2,537	8	121	205	236	255	184	121	189	208	414	594
General Building Contractors	15	796	3	39	65	81	72	68	41	67	64	122	174
Heavy Construction Contractors	16	689	1	30	47	62	53	58	21	50	63	146	158
Special Trade Contractors	17	1,052	4	52	93	95	130	58	59	72	81	146	262
MANUFACTURING		1,253	5	72	110	91	122	73	72	76	69	225	338
DURABLE GOODS		516	-	29	51	40	64	35	33	36	29	66	133
Lumber & Wood Products	24	434	-	22	41	35	60	29	28	30	26	54	109
Stone, Clay, and Glass Products	32	40	-	5	5	1	1	5	2	2	1	6	12
Fabricated Metal Products	34	17	-	-	2	1	-	-	1	3	1	3	6
NON-DURABLE GOODS		737	5	43	59	51	58	38	39	40	17	159	205
Food, Kindred Products	20	570	5	24	31	31	39	24	21	34	3	142	187
Paper, Allied Products	26	54	-	7	7	8	9	4	5	3	4	4	3
Printing and Publishing	27	87	-	7	17	10	7	10	10	3	2	8	13
TRANSPORTATION & PUBLIC UTILITIES		1,225	13	97	113	113	107	69	67	81	93	192	280
Local & Interurban Passenger Transit	41	46	1	7	7	2	4	1	1	1	3	13	6
Trucking & Warehousing	42	326	1	14	24	35	33	23	14	22	26	46	88
Water Transportation	44	28	-	2	4	1	3	2	2	2	4	7	1
Transportation by Air	45	492	6	50	52	37	37	29	28	28	27	75	123
Pipelines, Except Nat. Gas	46	19	-	1	-	1	2	2	-	-	3	6	4
Transportation Services	47	19	-	1	1	2	2	2	2	1	3	2	3
Communication	48	173	5	16	10	16	15	5	11	18	10	30	35
Electrical, Gas & Sanitary Svcs.	49	122	-	6	15	19	11	5	9	9	15	13	20
WHOLESALE TRADE		509	1	28	50	50	51	25	36	39	43	68	118
Durable Goods	50	291	1	17	29	31	34	10	22	17	27	37	66
Non-Durable Goods	51	218	-	11	21	19	17	15	14	22	16	31	52
RETAIL TRADE		1,689	16	110	147	152	141	97	125	144	120	211	426
Building Mat'ls. & Garden Supplies	52	189	-	10	14	18	7	12	11	25	21	34	37
General Merchandising Stores	53	144	-	8	15	14	13	6	10	12	12	23	31
Food Stores	54	347	1	28	29	25	34	13	27	31	21	38	100
Auto Dealers & Service Stations	55	198	2	9	16	28	16	7	13	18	23	26	40
Apparel and Accessory Stores	56	19	1	1	1	3	1	1	-	-	1	1	9
Furniture and Home Furnishings	57	55	2	2	6	7	2	3	6	3	3	6	15
Eating & Drinking Places	58	583	9	45	49	37	54	47	50	43	28	66	155
Misc. Retail	59	154	1	7	17	20	14	8	8	12	11	17	39
FINANCE, INSURANCE & REAL ESTATE		168	2	16	17	11	17	16	11	8	11	25	34
Banking	60	36	-	5	3	3	2	2	7	1	2	5	6
Real Estate	65	59	-	5	5	3	5	5	3	-	6	13	14
Holding and Other Investment Offices	67	33	-	1	5	3	5	2	-	4	2	4	7
SERVICES		1,223	16	91	101	118	127	77	66	90	107	153	277
Hotels & Other Lodging Places	70	232	3	29	21	23	15	15	18	16	26	19	47
Personal Services	72	43	-	4	3	2	6	4	2	4	5	4	9
Business Services	73	260	5	16	18	15	29	10	12	21	11	48	75
Auto Repair, Svcs. & Garages	75	108	1	4	8	11	17	5	5	10	17	12	18
Misc. Repair Services	76	54	1	3	9	3	2	2	1	6	6	7	14
Amusement & Recreation Services	79	29	1	-	1	3	3	1	-	1	3	2	14
Health Services	80	143	2	11	10	14	15	16	8	7	8	11	41
Legal Services	81	8	-	2	1	1	1	-	-	-	1	1	1
Educational Services	82	6	-	-	-	2	-	-	-	2	1	1	-
Social Services	83	177	1	13	20	26	23	14	13	14	15	16	22
Membership Organizations	86	54	-	6	3	10	9	4	1	2	3	5	11
Misc. Services	89	107	2	3	7	8	7	5	6	7	11	27	24
NOT AVAILABLE		94	1	4	8	4	4	4	6	6	5	9	43
TOTAL PUBLIC SECTOR		1,510	19	118	126	142	165	87	99	130	133	208	283
State Government		568	3	42	37	57	63	28	35	51	52	84	116
Local Government		942	16	76	89	85	102	59	64	79	81	124	167

- = Zero Cases.

SIC = Standard Industrial Classification Code.

NOTE: Figures for SIC groups will not necessarily add up to the industry division total figure because some industries have been omitted.

NOTE: Data includes only those reported cases which occurred during the year involving death of one or more lost workdays beyond the day of injury.

SOURCE: Alaska SOS Table 222.

ALASKA, 1984.

SIC CODE 1/	INDUSTRY	TOTAL	HOUR OF THE SHIFT DURING WHICH INJURY OCCURRED 2/										
			BEFORE WORKDAY BEGAN	1ST HOUR	2ND HOUR	3RD HOUR	4TH HOUR	5TH HOUR	6TH HOUR	7TH HOUR	8TH HOUR	9TH HOUR (OR MORE)	UNKNOW N
TOTAL ALL INDUSTRIES- PUBLIC AND PRIVATE SECTORS.	10,777	85	686	913	956	1,029	666	619	795	835	1,637	2,556	
PERCENT.....	100.0	.3	6.4	8.5	8.9	9.5	6.2	5.7	7.4	7.7	15.2	23.7	
TOTAL PRIVATE SECTOR-ALL INDUSTRIES.	9,267	65	568	787	814	864	579	520	665	792	1,429	2,273	
PERCENT.....	100.0	.7	6.1	8.5	8.8	9.3	6.2	5.6	7.2	7.3	15.4	24.5	
AGRICULTURE, FORESTRY, AND FISHING.....	54	-	8	2	4	4	3	2	3	7	4	17	
PERCENT.....	100.0	-	14.8	3.7	7.4	7.4	5.6	3.7	5.6	13.0	7.4	31.5	
01 AGRICULTURAL PRODUCTION-CROPS..	4	-	-	-	1	-	-	-	-	-	2	1	
PERCENT.....	100.0	-	-	-	25.0	-	-	-	-	-	50.0	25.0	
02 AGRICULTURAL PRODUCTION- LIVESTOCK.....	6	-	-	-	-	-	-	-	-	2	1	3	
PERCENT.....	100.0	-	-	-	-	-	-	-	-	33.3	16.7	50.0	
07 AGRICULTURAL SERVICES.....	21	-	4	1	1	2	2	1	2	2	1	5	
PERCENT.....	100.0	-	19.0	4.8	4.8	9.5	9.5	4.8	9.5	9.5	4.8	23.3	
08 FORESTRY.....	18	-	3	1	2	1	1	1	1	2	-	6	
PERCENT.....	100.0	-	16.7	5.6	11.1	5.6	5.6	5.6	5.6	11.1	-	33.3	
09 FISHING, HUNTING, AND TRAPPING.	5	-	1	-	-	1	-	-	-	1	-	2	
PERCENT.....	100.0	-	20.0	-	-	20.0	-	-	-	20.0	-	40.0	
MINING.....	515	4	21	34	33	36	31	14	29	39	128	146	
PERCENT.....	100.0	.8	4.1	6.6	6.4	7.0	6.0	2.7	5.6	7.6	24.9	28.3	
10 METAL MINING.....	37	1	-	3	6	2	1	-	3	5	6	19	
PERCENT.....	100.0	2.7	-	8.1	16.2	5.4	2.7	-	8.1	13.5	16.2	27.0	

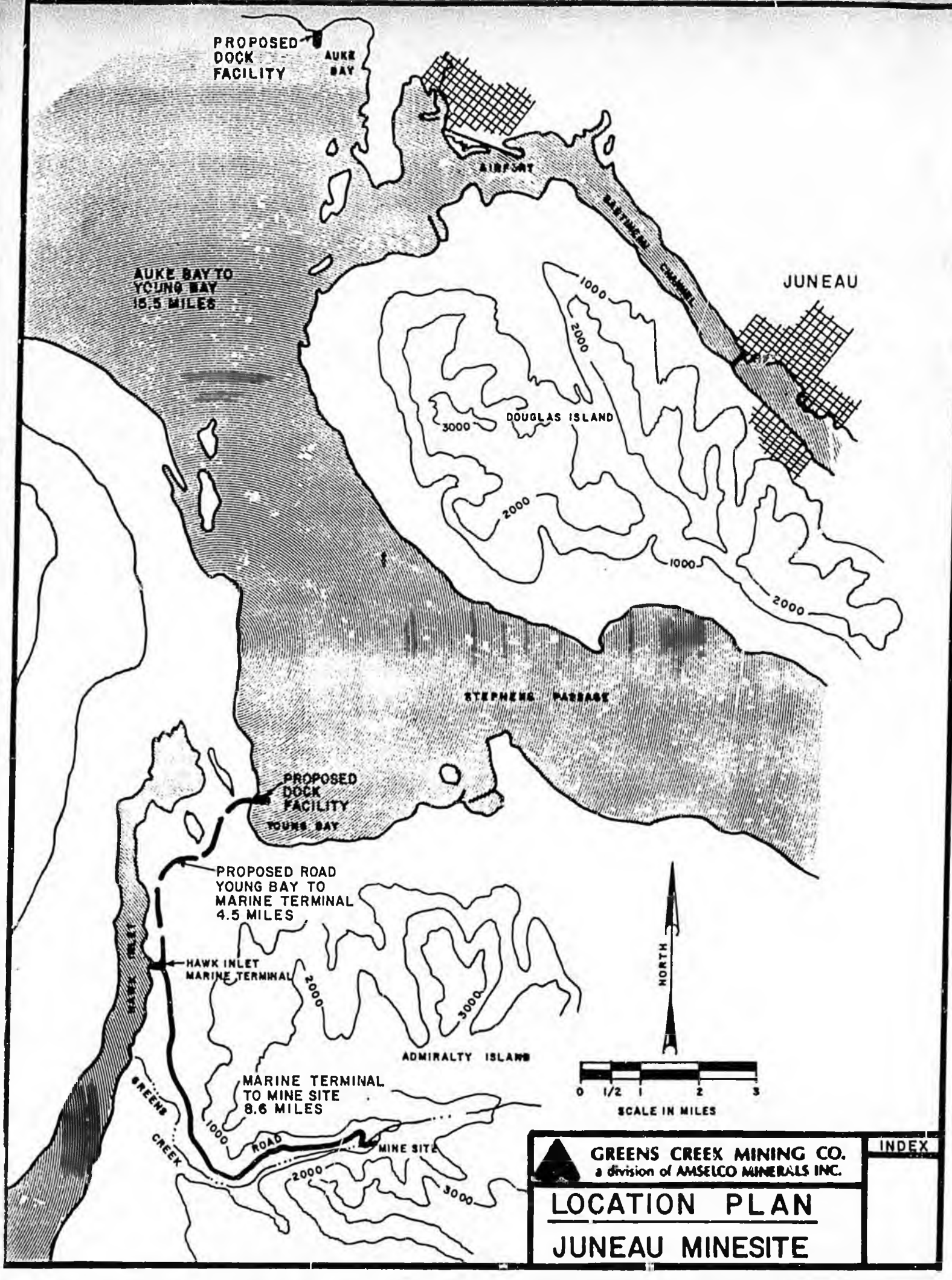
SEE FOOTNOTES AT END OF TABLE.

REPORTED CASES WHICH OCCURRED DURING THE YEAR.
-CONTINUED

ALASKA, 1984.

SIC CODE 1/	INDUSTRY	TOTAL	HOUR OF THE SHIFT DURING WHICH INJURY OCCURRED 2/											
			BEFORE WORKDAY BEGAN	1ST HOUR	2ND HOUR	3RD HOUR	4TH HOUR	5TH HOUR	6TH HOUR	7TH HOUR	8TH HOUR	9TH HOUR OR MORE	UNKNOWN	
12	BITUMINOUS COAL AND LIGNITE MINING.....	15	-	1	1	-	-	-	-	1	2	2	3	5
	PERCENT.....	100.0	-	7.7	7.7	-	-	-	-	7.7	15.4	15.4	23.1	23.1
13	OIL AND GAS EXTRACTION.....	450	3	20	29	27	33	30	13	24	31	118	152	
	PERCENT.....	100.0	.7	4.3	6.3	5.9	7.2	6.5	2.8	5.2	6.7	25.7	23.7	
14	NONMETALLIC MINERALS, EXCEPT FUELS.....	5	-	-	1	-	1	-	-	-	1	1	1	
	PERCENT.....	100.0	-	-	20.0	-	20.0	-	-	-	20.0	20.0	20.0	
	CONSTRUCTION.....	2,537	3	121	205	238	255	184	121	129	200	416	594	
	PERCENT.....	100.0	.3	4.8	8.1	9.4	10.1	7.3	4.8	7.4	8.0	16.3	23.4	
15	GENERAL BUILDING CONTRACTORS...	756	3	39	65	81	72	68	41	67	69	122	174	
	PERCENT.....	100.0	.4	4.9	8.2	10.2	9.0	8.5	5.2	8.4	8.0	15.3	21.9	
16	HEAVY CONSTRUCTION CONTRACTORS...	699	1	30	47	62	53	58	21	50	63	143	183	
	PERCENT.....	100.0	.1	4.4	6.8	9.0	7.7	8.4	3.0	7.3	9.1	21.2	22.9	
17	SPECIAL TRADE CONTRACTORS.....	1,052	4	52	93	95	130	58	59	72	81	146	262	
	PERCENT.....	100.0	.4	4.9	8.8	9.0	12.4	5.5	5.6	6.8	7.7	13.9	24.9	
	MANUFACTURING.....	1,253	5	72	110	91	122	73	72	76	69	225	338	
	PERCENT.....	100.0	.4	5.7	8.8	7.3	9.7	5.8	5.7	6.1	5.5	18.0	27.0	
	MANUFACTURING DURABLE GOODS....	516	-	29	51	40	64	35	33	36	29	66	153	
	PERCENT.....	100.0	-	5.6	9.9	7.8	12.4	6.8	6.4	7.0	5.6	12.8	25.3	
24	LUMBER AND WOOD PRODUCT.....	434	-	22	41	35	60	29	28	30	26	54	109	
	PERCENT.....	100.0	-	5.1	9.4	8.1	13.8	6.7	6.5	6.9	6.0	12.4	25.1	
25	FURNITURE AND FIXTURES.....	5	-	-	-	1	-	-	1	-	-	1	2	
	PERCENT.....	100.0	-	-	-	20.0	-	-	20.0	-	-	20.0	40.0	

SEE FOOTNOTES AT END OF TABLE.



PROPOSED DOCK FACILITY

AUKE BAY

AIRPORT

SANTHEM CHANNEL

AUKE BAY TO YOUNG BAY
16.5 MILES

JUNEAU

3000

DOUGLAS ISLAND

1000

2000

2000

1000

2000

STEPHENS PASSAGE

PROPOSED DOCK FACILITY

YOUNG BAY

PROPOSED ROAD
YOUNG BAY TO
MARINE TERMINAL
4.5 MILES

HAWK INLET
MARINE TERMINAL

2000

3000

ADMIRALTY ISLANDS

MARINE TERMINAL
TO MINE SITE
8.6 MILES

GREENS CREEK

ROAD

MINE SITE

2000

3000



SCALE IN MILES



GREENS CREEK MINING CO.
a division of AMCELCO MINERALS INC.

LOCATION PLAN

JUNEAU MINESITE

INDEX

Investment puts Greens Creek mine closer to go-ahead

By CHUCK KLEESCHULTE
THE JUNEAU EMPIRE

An Idaho mining company on Monday agreed to purchase a share of the Greens Creek mining project outwest of Juneau, furthering chances that it will soon move toward full development this summer and operation by next summer.

Officials of Amselco Minerals Co. of Denver this morning announced that Hecla Mining Co., of Coeur d'Alene, Idaho, has agreed to buy in Amselco's 81 percent interest in the mine, located eight miles up

Greens Creek on the western side of Admiralty Island.

Jack Bingham, local project manager for Amselco, said this morning the agreement was a good sign for final development approval.

"We are guardedly optimistic that we'll get the go-ahead. We presented our final feasibility plan to the board of British Petroleum last week and it was well-received," said Bingham.

He said British Petroleum Mill, the mineral subsidiary of BP that is Amselco Mineral's parent firm, has

authorized full funding for the mine for the next three months, enough to keep it on track for a July 1988 opening. Bingham said a final decision on funding by all the owners of the mine likely will be coming within the next several months, but possibly far sooner after a meeting of all joint venture owners.

He said the owners will need to spend about another \$80 million to open the mine.

Hecla Mining Co. in its announcement said it was paying \$45 million for its share of the Greens Creek pro-

ject, which will continue to be run by Greens Creek Mining, a subsidiary of Amselco. The company said it made the purchase to tie its future more tightly to the silver industry.

Hecla on April 11, 1986, closed its Lucky Friday silver mine in northern Idaho because of low prices and high production costs.

Hecla spokesman Elmer Bierly, in a prepared statement, said his firm bought into Greens Creek because it believes the mine will produce 24 ounces of silver per ton of ore - a high yield - at low costs.

"At this rate, the Greens Creek Mine will be the largest domestic silver producer. It's going to be a low-cost producer, according to all the studies we have," said Bierly.

Bingham said by his company's official estimates the Greens Creek project should produce an average of 5.67 million ounces of silver a year, nearly 54,000 ounces of gold, 25,900 tons of zinc and 9,800 tons of lead a year from the 85 tons of ore concentrate that will come out of the 1,000-ton-of-ore-a-day mine. Bingham said in early years silver production

likely will be even higher, around 7 million ounces.

He said the mine has Ideserves of 3.5 million tons for 20 years of operations - ly will double those reserves claims where patents are That does not take into account ore reserves that might be available should the Alaska Act be changed to permit a mineral development around mine on Admiralty Island. Besides Amselco, which Please turn to

line...

Continued from Page 1
53 percent of the mine, and
which will own 28 percent,
owners include:

Exalas Resources Corp., a subsidiary of the conglomerate Mitsubishi Japan, which owns about 8 percent.
SX Oil and Gas, a subsidiary of
Corp., a transportation firm, owns about 12 percent.

Bingham said work crews have

restarted work on building the two roads involved in the project. One road leads to the mine, from the Hawk Inlet cannery site, and a second leads from the cannery to the eastern side of Admiralty to carry work crews, who will arrive by boat from Juneau. Crews also have drilled about 800 feet of a second 2,000-foot adit tunnel needed before mine development can start.

He said if full development approval is given the company will be-

gin construction of a shipping dock at Hawk Inlet. He said the company already has a U.S. Army Corps of Engineers permit to install the dock, necessary to unload mining equipment.

Bingham said current estimates are that the mine would employ 265 workers once open. He said under the feasibility report, presented to British Petroleum in London, the company would build its ore concentrating plant on site.

HB 162

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

P.O. BOX D
JUNEAU, ALASKA 99811
PHONE: 465-2094

DIVISION OF MINERALS AND FOREST PRODUCTS

February 27, 1987

ALL LEGISLATORS:

The enclosed mining industry report gives a thumbnail sketch of how the industry is faring in Alaska. Basically the report is not good news, but there are some promising events on the horizon that should turn the industry around. This preliminary release of data was prepared in response to numerous inquiries from the private sector and government agencies about the activities in the industry in the year just concluded.

This summary and the full report (ALASKA'S MINERAL INDUSTRY - 1987) due out in May represent a cooperative effort between our Division of Minerals and Forest Products and the Division of Mining and Geological Surveys within the Department of Natural Resources.

Sincerely,



Thyes Shaub
Director

TS/cw4917c
22787b
Enclosure

RECEIVED MAR 3 1987

**ALASKA DIVISION OF MINING AND GEOLOGICAL AND GEOPHYSICAL SURVEYS
PUBLIC-DATA FILE REPORT 87-2**

ALASKA'S MINERAL INDUSTRY 1986: EXECUTIVE SUMMARY

by
T.K. Bundtzen¹ and C.B. Green²

Alaskan-mineral industry activity during 1986 substantially declined from previous years. Expenditures for exploration, development, and production totaled \$231.7 million, down from \$269.8 million in 1985, a reduction of about 14 percent (table 1). The number of people employed in various aspects of the industry dropped from 3,680 in 1985 to 2,930 in 1986. Principal mineral commodities produced during 1986 were 20.9 million tons of sand and gravel valued at \$75.8 million, 160,000 oz of gold valued at \$60.8 million, and 1.49 million tons of coal valued at \$40.1 million. Sand and gravel, gold, and coal account for 89 percent of the 1986 total production value of \$198.5 million (table 2). Building stone, tin, silver, antimony, mercury, jade, soapstone, and peat make up the remaining 11 percent. Sand-and-gravel production dropped 26 percent from the previous year because of greatly reduced oil-and-gas infrastructure developments on Alaska's North Slope and reduced construction in urban areas of southcentral and southeastern Alaska. Both declines were caused by the plunge in oil prices during 1986.

Table 1. Total value of mineral industry in Alaska, 1984-86.

	1984	1985	1986
Exploration	\$ 22,283,650	\$ 9,150,000	\$ 8,914,744
Development	53,348,055	34,120,775	24,331,972
Production	199,437,167	226,539,250	198,461,007
TOTAL	\$275,068,872	\$269,870,025	\$231,707,723

Loss of total value, 1985-1986, is \$38,162,302.
Percentage loss, 1985-1986, is 14.1 percent.

Table 2. Reported mineral production in Alaska, 1984-86.

Metals	Volume			Value		
	1984	1985	1986	1984	1985	1986
Gold (oz)	175,000	190,000	160,000	\$ 63,000,000	\$ 61,175,000	\$ 60,800,000
Mercury (lb)	380	2,094	912	1,500	10,000	2,800
Antimony (lb)	135,000	65,000	45,000	225,792	98,000	67,500
Platinum (oz)	W	-	W	W	-	W
Silver (oz)	20,000	28,500	24,000	159,000	171,000	134,400
Tin (lb)	225,000	300,000	340,000	400,000	650,000	890,000
Tungsten (stu)	NR	NR	120	NR	NR	22,800
Subtotal				\$ 63,786,292	\$ 62,104,000	\$ 61,917,500
Industrial minerals, coal, peat						
Jade, soapstone (ton)	5.5	W	2.0	\$ 16,500	W	\$ 12,000
Sand & gravel (mt)	27.0	28.2	20.9	95,000,000	112,062,750	75,761,507
Building stone (mt)	2.7	2.5	4.2	16,000,000	12,150,000	20,320,000
Subtotal				\$111,016,500	\$124,212,750	\$ 96,093,507
Coal (ton)	849,161	1,370,000	1,492,707	\$ 23,775,000	\$ 39,730,000	\$ 40,100,000
Peat (yd ³)	125,000	85,000	50,000	859,375	552,500	350,000
Subtotal				\$ 24,634,375	\$ 40,282,500	\$ 40,450,000
TOTAL				\$199,437,167	\$226,599,250	\$198,461,007

^aProduction data from 217 returned DMGGS questionnaires, U.S. Bureau of Mines statistics, precious-metal outlet data, interviews with mine operators, and other confidential sources.

^bAverage price of minerals in 1986 assumed to be gold = \$380/oz; silver = \$6.06/oz; antimony = \$1.50/lb; mercury = \$300/oz; tungsten = \$190/stu; coal (FOB Healy) = \$20.86/ton; peat = \$7/yd³; and building stone = \$4.80/ton. Statewide sand and gravel averages \$3.75/ton, but prices vary according to region.

NR = Not reported; W = withheld.

¹Alaska Division of Mining and Geological and Geophysical Surveys, 794 University Ave. (Basement), Fairbanks, Alaska 99709.

²Alaska Division of Minerals and Forest Products, 1001 Noble St. (Ste. 420), Fairbanks, Alaska 99701.

The volume of gold production decreased 16 percent, and the number of mechanized placer mines—the principal producers of gold bullion—decreased 27 percent (table 3). Reasons for this decline are complex. Two federal lawsuits related to mining on federal lands in Alaska, along with continued uncertainties about state water-quality regulations, contributed to the decreased production. The Sierra Club vs. National Park Service (NPS) lawsuit was settled in 1985. With narrow exceptions, it prohibits mining in three national conservation units until the NPS completes comprehensive environmental assessments, which could take several years. Thirty mining companies were operating in Denali National Park and Preserve, Wrangell/St. Elias National Park and Preserve, and Yukon-Charley Rivers National Preserve in 1985. Only one small mine operated in 1986, which resulted in the loss of over 22,000 oz of gold production and 175 jobs. The 'BLM' lawsuit (Sierra Club vs. Penfold) that was filed in federal district court in Alaska in February challenged how BLM administers mining on federal lands. As a result of the lawsuit, BLM was required to make individual environmental assessments for every placer mine in Alaska and to enforce retroactive land reclamation. This lawsuit may be resolved in 1987.

Table 3. Reported refined gold production, number of operators, and industry employment in Alaska by region and mining district, 1985-86.^a

Region and mining district	Mechanized units	1985 Production (oz)	Employment	Mechanized units	1986 Production (oz)	Employment
Northern Chandalar Shungnak Koyukuk-Nolan	18	14,400	70	4	4,500	15
Western Nome Kougarok Koyukuk-Hughes Port Clarence Fairhaven Ruby Solomon Koyuk Council	40	40,000	340	42	53,000	363
Eastern Interior Circle Livengood-Tolovana Fairbanks Fortymile Manley-Eureka Richardson Bonnifield Kantiahna Rampart	135	66,000	740	83	45,350	375
Southcentral Cache Creek Nizina Chistochina Valdez Creek Kenai Peninsula Nelchina	38	52,500	263	30	39,000	268
Southwestern Innoko-Tolstoi Iditarod-George River Moore Creek Nyc Crooked Creek Lake Clark-Mulchatna	32	17,000	125	33	18,000	128
Southeastern and Alaska Peninsula	3	100	7	3	150	6
TOTAL	266	190,000	1,545	195	160,000	1,155

^aThis survey reports production from 192 mechanized placer and three small lode operations statewide. Many small 'recreational-assessment' projects that recover gold bullion from small-scale pick-and-shovel panning, long-tom, and suction-dredge activities are not included. We estimate that 95 operations employed 275 people in 1985, and that 80 operations employed 230 people in 1986.

Alaska's turbidity requirement for mine discharge water continued to be a source of concern for Alaska's miners. Although few miners have been prosecuted, most are not in compliance with state law and may face court action. The cumulative effect of these and other issues contributed to a loss of 390 jobs in Alaska's placer-mining industry between 1985 and 1986. The most telling decline in mining activity took place in the eastern interior region, which saw a 49-percent drop in employment from the previous year. In marked contrast is the placer-gold industry in Canada's Yukon Territory, which saw a 5-percent increase in activity from the previous year. This increase is attributed to the nearly 23 percent rise in the average price of gold from 1985 to 1986.

Exploration expenditures in 1986 (\$8.9 million) were comparable to those of 1985 (\$9.1 million), but development expenditures dropped 29 percent (\$24.3 million in 1986 vs. \$34.1 million in 1985). In contrast, exploration in British Columbia increased from \$79 million in 1985 to \$100 million in 1986; exploration in the Yukon Territory increased to \$34 million in 1986 from \$26 million in 1985.

Despite significant declines in mineral activity, several encouraging developments occurred in 1986, and there are several indications that 1987 may be a significantly better year. Important steps were taken to put the giant Red Dog zinc deposit in northwest Alaska into production. The initial construction phase of the port facility near Kivalina was completed, and contracts for design and construction were awarded to various contractors. On November 26, 1986, the Cominco Board of Directors approved the full development of the zinc-lead-silver mine, which will result in approximately \$400 million in project-related construction expenditures over the next 4 yr. Initial production is scheduled for 1991.

A change in project ownership and the construction of the mine road highlighted 1986 developments at the Greens Creek gold-silver-base metals project on northern Admiralty Island in southeastern Alaska. After purchasing interests held by Noranda Mining, Inc., and Anaconda, Amselco Minerals, Inc. (a subsidiary of British Petroleum North America), owns 79 percent of the property. CSX Oil and Gas and Exalas Resources Corporation own the remaining 21 percent. Amselco, the project operator, constructed nearly 7 mi of road and prepared the site for a 6,000-ft-long adit that will be the main haulage way for the mine. Construction of the adit is scheduled to begin in the spring of 1987. This action is seen as an indication that full mine development will soon be approved by Amselco's board of directors. The company plans to spend \$80 million during a 2-yr development phase and expects to ship concentrates in late 1988. The operation will be designed to produce 1,000 tons of ore per day and may create up to 225 jobs in the Juneau area.

In 1986, Inspiration Gold, Inc. (formerly Inspiration Mines, Inc.), initiated offshore mining operations in Norton Sound. Production tests were conducted using the world's largest gold dredge, the 'BIMA,' from mid-August to October; 86 people, including 44 Nome residents, were employed. Full-scale production may commence in 1987 when the 'BIMA' returns from Seattle, where it is currently undergoing technical modifications. The dredge, which is capable of processing 40,000 yd³ of material per day, was formerly used to mine placer tin in Malaysia.

Valdez Creek Mining Company (formerly Denali Mines, Inc.) continued production and development of their properties in the Valdez Creek Mining District east of Cantwell. An estimated 136 employees contributed to the production of 30,000 oz of placer gold. Valdez Creek Mining Company was Alaska's largest gold producer for the third consecutive year.

Usibelli Mines produced 1.49 million tons of coal, over 700,000 tons of which were exported to the Korean Electric Power Company power plant in Honam, Korea. The export contract was successfully renegotiated in the fall, and increased production is planned.

Lost River Mining continued placer-tin mining on the western Seward Peninsula. Tin production from their operation was the largest in the state in nearly 40 yr.

Other continuing significant mineral developments include the Chichagof Joint Venture gold project north of Sitka, the Echo Bay Mines, Ltd. evaluation of the Alaska Juneau Gold Mine, the Quartz Hill molybdenum project near Ketchikan, the Fairbanks Exploration Company efforts in the Fairbanks Mining District, and several coal developments in the southcentral and eastern interior regions of the state.

Federal and state agencies conducted mineral-resource studies in Alaska under several cooperative programs. A 4-yr contract between the Alaska Department of Natural Resources Division of Mining and Geological and Geophysical Surveys (DMGGS) and the U.S. Bureau of Mines (USBM) calls for geologic and mineral studies in the Skagway area of southeastern Alaska. Under the agreement, DMGGS conducts geologic mapping, and the USBM conducts detailed examinations of mineral prospects and mines. Several reports related to the studies were released in 1986.

In 1986, the U.S. Congress appropriated funds to the U.S. Geological Survey (USGS) for geologic mapping and minerals evaluations of the Steese-White Mountains National Recreation area. DMGGS, under contract to the USGS, completed detailed geologic mapping, collected geochemical samples, and examined mines and prospects in the study area. A final report will be available in September 1987.

The USGS and DMGGS completed field work for a cooperative geologic and mineral-resource investigation in the Iditarod Quadrangle, which includes the historic Innoko and Iditarod Mining Districts. The USGS also issued a bibliography that summarizes data releases and folio reports for the Alaska Mineral Resource Assessment Program (AMRAP). This program spans more than a decade of Alaskan mineral research by that agency.

Several studies on Alaska's strategic-mineral resources were released by the USBM. Reports include the first documentation of an Alaskan niobium (columbium) resource near Manley Hot Springs and additional information on promising platinum resources north of Paxson and at Goodnews Bay.

In June 1986, the Board of Regents of the University of Alaska approved a one-year certificate program in Mining Technology at Tanana Valley Community College in Fairbanks. The objectives of the program are to provide entry-level training for technical and supervisory positions in exploration, mining, environmental, and consulting firms and to provide career development for those already active within the minerals community.

The Alaska Minerals Commission, which was created by the State Legislature in 1986, presented their findings to the Governor and Legislature in January 1987. The Commission is charged with making recommendations to mitigate the constraints on mineral development in Alaska.

HB 162

Niilo Koponen Reports

Northwest Territories Legislators Visit Legislative Halls of Juneau

By Rep. Niilo Koponen

Recently members of the Northwest Territories Legislative Assembly including Bruce McLaughlin, the Minister of Health, spent a week in Juneau attending our legislative meetings and meeting their counterparts in the administration.

Although Northwest Territories has a non-party government, most of the people who came were members of the Conservative party. They were very proud of the health and social services provided by their government to all of the citizens of the Northwest Territories.

Every one of the 50 communities throughout the Northwest Territories has a nursing station and the Territorial government is building a modern hospital in Yellowknife. They have lowered infant mortality rates from the highest to the lowest in Canada by following a policy that the first and fifth child born to any woman should be born in a hospital setting.

Of course, with a clinic staffed by a trained nurse in every community prenatal care is easy to provide and rather thorough.

Hardrock mining is the principal industrial and economic activity in the Territory, although for some years offshore oil exploration in the Beaufort Sea area outranked it.

They require all mines to operate on an eight hour schedule, portal to portal, except

those in isolated areas where workers must be flown in. In such a locality they allow alternative arrangements made through the process of collective bargaining. This is of interest, of course, because the 1917 Alaska law limiting underground mining to eight hours at the face is being discussed.



The Green, Creek Mining Company on Admiralty Island has requested that the work day be extended to 10 hours since workers will be commuting by boat from Juneau.

The Northwest Territories are three times the size of the State of Alaska geographically. There are some 50 communities containing some 55,000 people.

Looking at the NWT budget may clarify some of the questions raised about our Alaska budget.

The Northwest Territories spend in excess of \$14,563 Canadian dollars for every citizen of the Territory.

But, each of the 50 communities has to be reached by air, so there are high costs associated with operation of facilities in that broad area.

There are many shallow thinkers, mostly located in Anchorage, who say that Alaska spends too much per capita. Perhaps this is true of Anchorage, where the economy of scale due to large population in a crowded space might permit a smaller per capital expenditure on such things as performing arts centers with three theatres and the like.

But, Alaska's land mass is one-fifth the size of the continental United States.

Perhaps our budget should be one-fifth the size of the United States budget! I think that would be just as foolish as saying we should base our budget on the average amount per capita spent by other states.

Actually, there are many expenditures we have that other states void.

What other state has more than 250 communities that can only be reached by air, and where the state must maintain airports?

What other state provides

education and health services over such a large area?

What other state has such long highways through permafrost country with very few people living along them, and such a low gasoline tax to pay for the cost of those highways?

We have responsibility for more miles of coastline than all the other states, Hawaii included, put together.

Yes, if we were the size of Rhode Island and if we also forgot about fisheries, timber, and mineral resources and didn't bother plowing the snow off our highways so often, we could really trim our budget. But would that be common sense??

On another matter, we've been hearing from senior citizens eligible for the longevity bonus that limiting it to those with monthly incomes under \$2,000 would make it a "welfare program."

On the other hand, real welfare programs are restricted to those whose incomes are under \$633 per month (AFDC for one adult and one child).

Rep. Terry Martin of Anchorage has handed out a document listing what one of his constituents apparently considers welfare programs.

Included as welfare are the current longevity bonus, senior citizen property tax abatement and other programs for seniors. I guess welfare must be what the other fellow gets.

105 Municipal Way
Suite 303
Juneau, Alaska 99801

J. P. TANGEN
ATTORNEY AT LAW

Phone (907) 586-2286
Telecopy (907) 586-2317

April 9, 1987

APR 10 1987

The Honorable Dave Donley, Chairman
Labor and Commerce Committee
House of Representatives
Pouch V
Juneau, Alaska 99811

Re: HB 162

Dear Representative Donley:

In accordance with testimony given before the House Labor and Commerce Committee on Thursday, March 26, 1987 concerning local hire at the Greens Creek Project, the company has taken a poll of its employees to ascertain whether they are domiciled in Alaska. It is our understanding that at least 16 of the 33 employees now on staff hold an Alaska drivers license and have qualified for receiving an Alaska Permanent Fund Dividend.

Although the criteria mentioned are not totally dispositive of the question of local hire, they are some indicia of residency consistent with the standard specified in AS 01.10.055. Possibly more significant, is the fact that fifteen of these people have been residents of Alaska for more than three years, and twelve were residents before they were employed by the project.

The Greens Creek Mining Company is very sensitive about its obligation to hire locally. Recently, it has promulgated a policy statement in this regard setting forth, among other things, its intention to limit its job advertisements, where possible, to Alaska and to maintain its only hiring office in the Juneau area.

Enclosed with this letter is a detailed breakout by position type indicating the number of Alaska residents now employed by the company. It is envisioned that as the project approaches production, the percentage of Alaska residents will increase significantly.

Sincerely,



J. P. Tangen

JPT:lyn
cc: Members of the Committee
Enclosure



POSITION PAPER

Greens Creek Mining Company

DATE: April 6, 1987

SUBJECT: Local Hire Statistics

As of today's date there are 33 people employed by the Greens Creek Mining Company. The following lists those positions which have been filled by Alaskan residents.

<u>Job Title</u>	<u>Number Employed</u>
Technician I	3
Technician II	1
Technician III	2
Secretary I	1
Secretary III	1
Draftsman	1
Accountant	1
Mine Engineer	1
Geologist	2
Engineer	1
Manager Project Administration	1
Project Manager	1
TOTAL	<u>16</u>

An Alaskan resident for this evaluation is defined as an individual holding a valid Alaskan drivers license and who can qualify for the Permanent Fund Dividend.

PWR/rkb

May 1, 1987.

Representative Niilo Koponen
c/o P.O. Box V
Juneau, AK
USA 99811

Dear Sir,

Please find enclosed the information you requested regarding hours of work for miners in the NWT. The package includes:

1. Letter from Dale Vitone, Chief Mining Engineer, describing the process involved in administering the Hours of Work section of the NWT Mining Safety Act.
2. References from NWT Hansard (debates).
3. Mining Safety Act (see section 16 for hours of work)
4. Existing regulations made pursuant to section 16(5) (exemptions from standard hours of work).

I hope this information provides you with a good understanding of how the issue is dealt with in the legislation of the Northwest Territories.

If there is anything else I can do for you, please do not hesitate to contact me.



Kevin O'Keefe
Research Officer



①

April 29, 1987

MR. KEVIN O'KEEFE
LEGISLATIVE ASSEMBLY

PROCEDURES/LEGISLATION FOR EXTENDED HOURS OF WORK AT N.W.T. MINES

Per your request of April 14, 1987, I submit the following summary.

According to the Mining Safety Act and Regulations for the Northwest Territories, Section 16 defines the legislated hours of work in underground mines, see attached. It is noted that only eight hours in any consecutive twenty-four hour period may be worked, with two exceptions: 1) In special emergency cases, as defined in the Act, and 2) where the Commissioner, on the recommendation of the Executive Member, may allow variances.

There have been several variances to the hours of work over the past two years. Allowances are made after a technical evaluation by Mining Inspection Services on a mine by mine basis. The technical evaluation will consider factors such as air quantity and quality, prevalence of airborne contaminants such as silica dust, and generally the factors which could affect the health and safety of the mine workers. Continual monitoring by the mine to ensure these conditions are equal or better than the legislated requirements is essential and results are followed by the Mining Inspection Division to ensure compliance.

As you know, most N.W.T. mining is in remote locations, utilizing campsite accommodation and accessible only by aircraft for a large part of the year. Thus, workers in these locations are faced with a great deal of hardship, the least of which is long periods up to ten weeks separation from their home and family. This separation period is partially offset by work schedules which allow extended periods at home and away from the work place. The work schedules vary in the Territories, ie: 2 weeks on, 2 weeks off; 4 weeks on, 4 weeks off; 10 weeks on, 3 weeks off, etc. Extended hours for these mines have been approved in the range of 9 to 12 hours, where we estimate the actual time underground to be in the range of 8 to 10 hours. The rest periods estimated during these extended shift hours range from 1 to 2 hours, either underground or on surface, depending on the mine preference. Nanisivik, Polaris, Salmita and Lupin mines are included in this group.

...2/

The second group of mines, which are serviced by regular townsites, where the workers work a "normal" work schedule, have not been granted exemptions for underground mine workers, other than a limited number of mine supervisors. Nerco Con Mine and Giant Yellowknife mines are included in this group. Please note that an exemption has never been allowed for Hoistmen at any mine, mainly because this is the accepted practice in most jurisdictions. To my knowledge, there has not been a definitive study on this specific issue.

Mine variances are assessed on a mine by mine basis, and generally receive unanimous support from the mine workers. There is insufficient data to compare safety statistics, however, it would appear there is no significant change in accident frequencies.

The formal procedure for approvals is as follows:

1. Application for extended hours from the Mine Manager, including substantive data.
2. Mining Inspection Services' in-house assessment regarding health and safety issues and compliance.
3. Mining Inspection Services drafts a proposal with recommendations for approvals to the Assistant Deputy Minister. If not endorsed by Mining Inspection staff, it is rejected prior to proceeding any further and the Mine Manager is notified with reasons for rejection.
4. If approved by the Assistant Deputy Minister, the draft proceeds to the Legislative Division for legal drafting and is returned to the Assistant Deputy Minister for final approvals before submission to the Minister.
5. The draft is resubmitted to the Legislative Division for inclusion of legal documentation, then is forwarded to the Minister for consideration. It can be rejected or approved by the Minister.
6. If the Minister approves the application for extended hours, he will forward the draft to the Commissioner with his recommendations for approval.
7. The Commissioner can reject or approve the draft. If he approves the draft, he signs and dates the draft and it becomes a Registered Instrument, which will take effect at the time of signing.
8. The registered instrument is then returned to the Legislative Division for recording, then to the Assistant Deputy Minister and the Chief, Mining Inspection Services. The Chief then notifies the Mine Manager, by phone, and follows up with a letter and a copy of the Registered Instrument, allowing extended hours at the Mine. A copy of a Registered Instrument is attached.

I trust the above has addressed your query. If you require further assistance, feel free to contact the undersigned.

Yours truly,

A handwritten signature in dark ink, appearing to be 'D. Vitone', written in a cursive style.

Dale A. Vitone, P. Eng.
Chief Mining Engineer
Mining Inspection Services

cc: M. J. Hewitt
Assistant Deputy Minister
Justice (Public Services)

- sample -

see attachments (3) + (4)

Hours of Work

16.(1) Except as otherwise provided in this section, no person shall

- (a) remain or be permitted to remain underground in any mine; or
- (b) operate or be permitted to operate, either on the surface or underground, any hoisting engine in a shaft,

for more than eight hours in any consecutive twenty-four hours, and the eight hours shall be computed from the time he arrives at and returns to the shaft collar or portal, or surface hoist room, as the case may be.

Exemptions in Cases of Emergency, etc.

(2) Subsection (1) does not apply

- (a) to a foreman, pumpman, cagetender or any person engaged solely in surveying or measuring.
- (b) in cases of emergency where life or property is in danger; or
- (c) in cases where urgent repair work is necessary.

12

Exemption for Hoist Operators Where One is Absent

(3) Where one of the regular hoist operators is absent from duty and no other hoist operator is available, the remaining hoist operators may work extra time not exceeding

- (a) four hours each in any consecutive twenty-four hours; or
- (b) with the approval of an inspector, eight hours each in any consecutive forty-eight hours,

for a period not exceeding ten consecutive days.

Exemption for Hoist Operators Where Non-continuous Shifts

(4) Where work at a mine or in any particular shaft is not carried out continuously on a three shift daily basis, a hoist operator may work the extra time necessary for hoisting or lowering, at the beginning and end of each shift, the workers employed on a shift.

Extending Hours

(5) Notwithstanding the *Labour Standards Act*, the Commissioner may, upon the recommendation of the Executive Member, make rules or regulations to extend the hours of works referred to in subsection (1) in respect of any mine for such time and under such terms and conditions as he may prescribe.

- sample - see attachments (3) + (4)

REGULATIONS REGISTER



Northwest Territories Canada Filed

I certify that the within instrument was registered in the Regulations Register on the 20th day of January, 1987 under registration number R-CC2-87

By: [Signature] Registrar of Regulations, Northwest Territories.

MINING SAFETY ACT

The Commissioner of the Northwest Territories, pursuant to subsections 6(1) and 16(5) of the Mining Safety Act, and every enabling power, orders as follows:

1. The Salmita Mine Exemption Regulations, established by instrument numbered R-065-86, are amended by adding immediately after section 3 the following section:

"4.(1) In this section, "worker" means only a diamond driller employed by Germac Enterprises Ltd.

(2) Notwithstanding subsection 16(1) of the Act, a worker may remain or be permitted to remain underground in the mine for more than eight but not more than twelve hours in any consecutive twenty-four hours and for seven days a week, if no more than two workers are underground in the mine at any one time.

(3) The twelve hours referred to in subsection (2) must be computed from the time the worker arrives at and returns to the shaft collar or portal.

(4) This section shall cease to have effect on the 31st day of March, 1987."

Dated at Yellowknife this 20th day of January, 1987.

[Signature] John H. Parker, Commissioner of the Northwest Territories.

(2)

Question 46-82(1)

- Hours of Work -

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MR. SPEAKER: Mr. Minister.

Further Return To Question 44-82(1): Resident Dentist For Keewatin Region

HON. ARNOLD McCALLUM: Mr. Speaker, I indicated to him that I would pursue this even further. I recognize that there have been questions about the provision of medical practitioners in the North but up until the present time the recruitment and the contracting of these services -- that is the medical practitioners themselves, including dentists -- has been the prerogative of the federal government through National Health and Welfare and/or the Department of Indian Affairs and Northern Development and not the Government of the Northwest Territories.

Over the past six to seven months, we have been working to try to come to an arrangement with both federal departments and the federal government in general so that this government will go out and recruit and attract medical practitioners. What I am saying is that we have now finally made that arrangement. This government is in the process now of recruiting and attracting medical practitioners, including dentists, not only for the Keewatin but in other areas. More specifically, I have indicated as well that the territorial government is prepared to help people get into private practice. I have indicated that to other areas, and particularly to the Delta, so I will attempt to see that in our recruitment of these medical practitioners that a dentist is found for the Keewatin and together with the paraprofessional people, to make up a travelling team that would be able to travel throughout the Keewatin and other areas to provide that kind of service. So I would make that commitment to the Member now that in our recruitment of medical practitioners we would include that service for the Keewatin, that is in the area of dental/medical services.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Ms Cournoyea.

Question 45-82(1): Request For Reply To Question 36-82(1)

MS COURNOYEA: Mr. Speaker, the question is to the Minister of Health and Social Services. I asked the question previously for a report on a task force from Indian Affairs which came to Yellowknife to discuss medical facilities in the Northwest Territories. Could he indicate when he intends to give that report?

MR. SPEAKER: Mr. Minister.

Return To Question 45-82(1): Request For Reply To Question 36-82(1)

HON. ARNOLD McCALLUM: Mr. Speaker, the question was asked of me while I was absent from the House. When we come to the item questions and returns on the orders of the day I have a return to make to the question at that time.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. The last time, oral questions.

Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Are there any written questions today? Mr. McLaughlin.

Question 46-82(1): Underground Mining Problem

MR. McLAUGHLIN: Thank you, Mr. Speaker. My question is directed to the Minister of Justice and Public Services and addresses underground mining problems. As some Members are aware, the present Mining Safety Insurance does not allow underground mining shafts to exceed eight hours. I realize the

purpose behind this, but at mining operation, such as Polaris, where miners leave their families to work, this creates a difficult problem. The underground miners cannot work overtime, so they cannot make as much money as the employees in the mill or on surface. This creates a difficult situation for the miners, who do not want to sit around camp doing nothing while they are away from their families. It also makes it difficult for the companies to attract workers to the underground mine, which is the whole reason for the operation existing. Apparently something is being done to solve this problem at Polaris and I would like to know what this temporary solution is and what type of permanent remedies will be taken to solve this problem?

MR. SPEAKER: Thank you, Mr. McLaughlin. Written questions. Are there any returns for today? Mr. McCallum.

Return To Question 36-82(1): Report Of Special Health Task Force

HON. ARNOLD McCALLUM: Mr. Speaker, I have a return to an oral question asked by the Member for the Western Arctic, concerning the federal task force on health services planning and policy co-ordination. I have the following reply.

The task force met February 8 through 11 in Yellowknife. The results of this meeting were:

- 1) The development and final draft of the terms of reference to be recommended to the steering committee, that is, assistant deputy minister of DIAND; assistant deputy minister of medical services branch, Health and Welfare; assistant deputy minister of Department of Health, Government of the Northwest Territories. Once the terms of reference are approved by the steering committee they will be made available to me.
 - 2) Introductory and explanatory meetings with the two government organizations involved, namely the Government of the Northwest Territories Department of Health; and medical services, Health and Welfare Canada.
 - 3) A meeting with the Dene Nation, in the form of a courtesy call, to inform them that a task force was struck to conduct an internal, administrative type review of health services planning and policy co-ordination between the two organizations.
 - 4) A work plan for the next six months outlining travel plans and deadlines. Trips will be made to the regional and zone centres.
 - 5) Organization of the documents to be researched and assimilated. Examples are: major health studies; cost-sharing agreements; Indian health policy; programs of each organization; standards for health service delivery.
- The task force will meet again in Yellowknife the week of March 8, 1982.

I met very informally with the members and discussed generally with that group what they planned to do. I offered certain comments to them. I look forward to them coming back again when they would be able to report to me on behalf of this government just exactly what they propose to do and what their more definitive schedule would be.

MR. SPEAKER: Thank you, Mr. Minister. Are there any other returns?

Item 5, petitions.

ITEM NO. 5: PETITIONS

Ms Cournoyea.

MS. COURNOYEA: Mr. Speaker, I wish to table a petition to the House, Petition 3-82(1), Petition for Public Inquiry into Aboriginal Land Claims. I wish to read the contents of this petition. The petition comes from the Inuvialuit Settlement Council. In January, 1981, the settlement council of the Inuvialuit Settlement Council held a public meeting. At that meeting they made a motion, Motion 21-81.

Reply to Question 46-82(i)

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of a municipality to hire their own by-law officers to administer certain municipal laws or by-laws, then that is clearly a matter for my colleague, Mr. Wah-Shee, the Minister responsible for Local Government, to work out with the municipality concerned. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Noah.

Question 62-82(1): Transfer Of RCMP To Keewatin

MR. NOAH: (Translation) Thank you, Mr. Speaker. A supplementary to my question. The Minister knows that a lot of people in the Mackenzie Valley do not like the RCMP. I wonder why they do not move these police officers into the Keewatin area or the areas where they do not have by-law officers, since the people in the Mackenzie Valley do not like those people.

MR. SPEAKER: The question, I think, would belong to Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I will take that as advice from my colleague from the Keewatin, and I am certain that some arrangements can be worked out. Thank you.

MR. SPEAKER: Oral questions. Oral questions.

Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Are there any written questions today? Are there any returns? Mr. Braden.

Return To Question 46-82(1): Underground Mining Problem

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I have a return to written Question 46-82(1), asked by my colleague, Mr. McLaughlin, on February 24th. It concerns hours of work in underground mines.

The honourable Member for Pine Point has expressed concerns over the limitations on hours of work permitted underground in mines such as Polaris. The Mining Safety Ordinance establishes limits which are common throughout Canada. That is, no person may remain underground for more than eight hours in any consecutive 24 hour period. The reasons for this limitation pertain to occupational health and safety protection. In recognition of the recruiting and other problems faced by mines such as Nanisivik and Polaris, we are considering legislative changes which will permit exemptions to be made. It must be recognized, however, that we must ensure that the workers' health and safety are protected, and our approach to resolving this matter will consider that along with other factors. In our current review of the Mining Safety Ordinance, we intend to address this issue. At this point in time, no temporary arrangement for the extension of underground hours of work exists with Polaris or any other Northwest Territories mine. Thank you.

MR. SPEAKER: Returns. Are there any further returns for today?

Item 5, petitions.

Item 6, tabling of documents.

ITEM NO. 6: TABLING OF DOCUMENTS

Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, I wish to table Tabled Document 23-82(1), Analysis of Freshwater Fish Marketing Options, Department of Economic Development and Tourism, February 1982. It contains a summary in Inuktitut.

Comments from Standing Committee
on Legislation

- Mining Safety Ordinance, Hours
of Work -

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With respect to subclause 14(2), which Mr. Butters just referred to recently, in fact, subclause 14(2) was a matter of contention in the committee meetings. Management felt that the visits that were required there, or the contact with workers working alone that is required in subclause 14(2) was too onerous. On the other hand, representatives of the workers made a case to us that persuaded us that that kind of contact or visiting is possible. The committee decided not only is it possible but that it is desirable, and so even though that subclause was contentious, the committee recommended to the government that it remain as they had originally written it, and that is the way it is now in the bill that is before Members. So all of clause 14 is now written in a way that is satisfactory to the committee, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 14, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 15, restrictions as to age. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 16, hours of work. Mr. MacQuarrie.

Comments From The Standing Committee On Legislation

MR. MACQUARRIE: Clause 16, Mr. Chairman, refers to the number of hours that might be worked underground in any one day, and the existing ordinance limits the amount of time that may be worked by workers underground. As Members may recall, this issue arose in this Assembly at an earlier date because there are those who contend that in some of the mines that are in very remote areas -- such as the Polaris mine -- workers sometimes go to a site like that hoping to be able to work longer hours, for example, 12 hours a day. It was management's contention, for instance, that because of the level of technology in mines today that it is entirely possible to work longer shifts without significant danger to workers, who might become overtired, and so on. So management was asking that the limitation on work hours be removed, or increased at least. Having been aware of that issue, the government had, in the bill that they brought to us in August, retained the old subclause 16(1) that placed limitations on the number of hours to be worked, but added subclause 16(5), that states: "Notwithstanding the Labour Standards Ordinance, the Commissioner may, upon the recommendation of the Executive Member, make rules or regulations to extend the hours of work referred to in subsection (1) in respect of any mine for such time and under such terms and conditions as he may prescribe."

The government felt that that was the best solution to the problem. At the standing committee on legislation meetings, the representatives of workers objected to that provision. They felt that the ordinance should remain as it was before -- that there should be no exceptions -- and argued quite eloquently in favour of that. On the other hand, management provided some statistics that seemed to indicate that in fact, at mines in other countries, where longer shifts are worked, there is no significant increase in accidents resulting in serious injury or death as a result of longer work hours. After having listened to all of the discussion and argumentation on both sides, the standing committee on legislation agreed that the government probably had taken the best course, keeping subclause 16(1) in, but making provision for certain exceptions in subclause 16(5). So despite the fact that that was a very contentious issue in the committee, the committee finally decided to recommend to the government that it leave those provisions as they had been drafted. That is the way they appear now, and the standing committee is satisfied with clause 16 as it is written now, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 16, hours of work. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 17, right to refuse to work. I believe there is an amendment, Mr. Brader.

CHAIRMAN (Mr. Pudluk): Thank you. Now we are going to go back to clause 16. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman and Members. I very much appreciate the opportunity, because I feel that in one particular aspect I did not do justice when I made my comments earlier and that is with respect to subclause 16(5), which will allow the Commissioner, upon recommendation of the Executive Member, to make rules or regulations to extend hours of work referred to in subsection (1). I should have pointed out that at the standing committee meetings the representatives of workers made a very eloquent case with respect to not making a change. They reminded the committee that working people around the world have struggled over many, many decades in order to win an eight hour working day and that it has been a struggle that was characterized by a great deal of difficulty. Therefore, I ought to have made the comment, particularly for the Minister's attention, that certainly myself, and I believe I would speak for the committee, ask the Commissioner and the Minister to think long and hard in these cases where exceptions might be made and that certainly they should be situations where it is evident that the workers themselves are making that request for change. Thank you for that opportunity.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Braden.

HON. GEORGE BRADEN: I would like to thank the Member for his reminder and rest assured that this particular provision in the ordinance is one which will be exercised with due consideration and caution. I wonder if the Member would agree that perhaps Members of this Legislature should be given the same option of only having to work an eight hour day? Would he agree to that?

MR. MacQUARRIE: Well, Mr. Chairman, here even in an eight hour day, there are considerable hazards at times, but none of them death-defying, ultimately, I think, so we can manage it all right.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 19, certificate required. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, with clause 19 we begin what is called the dust exposure section of the ordinance and there are no significant changes in this section. There had been one significant change recommended by the government, but we were also told during the standing committee meetings that the government intended to revise this section thoroughly and would be proceeding to do so in the very near future and would undertake to get input from all people concerned; workers, management and medical authorities who have a great deal of knowledge about the dangers of dust exposure. Certainly the committee feels that there should be as thorough a review of that section when the changes are made as there was to the rest of the body of the ordinance. There are, from time to time, word changes within the dust exposure section, but I do look forward to the time, very soon, when we will have an important and effective update of the dust exposure section.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 19, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 20, application. Mr. MacQuarrie.

MR. MacQUARRIE: There was a point of contention in subclause 20.31, with respect to the length of term of initial medical certificates and certainly that is an area that may and should be reviewed when the dust exposure section is reviewed, but the committee recommended that there be no change at the present time, that it be considered in the context of the whole section.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 20, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 21, notification of expiry. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Note: came into force as of Jan. 1/85

3

Mining Safety

L12(3rd)1982

CHAPTER 12

AN ORDINANCE RESPECTING MINING SAFETY

(Assented to November 25, 1982)

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

SHORT TITLE

1. This Ordinance may be cited as the *Mining Safety Ordinance*. Short title

INTERPRETATION

2. In this Ordinance
- | | |
|--|--|
| (a) "Board" means the Mine Occupational Health and Safety Board established by section 10; | "Board" |
| (b) "Chief Inspector" means the Chief of the Mining Inspection Services Division of the Department of Justice and Public Services; | "Chief Inspector" |
| (c) "Committee" means a Mine Occupational Health and Safety Committee established by section 9; | "Committee" |
| (d) "dust exposure occupation" means | "dust exposure occupation" |
| (i) any employment underground in a mine; | |
| (ii) any employment at the surface of a mine in ore or rock crushing operations in which the ore or rock being crushed is not constantly kept in a moistened or wet condition by the use of water or chemical solutions; | |
| (iii) any employment at the surface of a mine that is designated by an inspector as a dust exposure occupation; or | |
| (iv) any employment in assay grinding rooms or in wet concentrating plants not isolated from dry crushing plants; | |
| (e) "hoist operator's certificate" means a certificate issued by the Executive Member under section 18; | "hoist operator's certificate" |
| (f) "hoist operator's medical certificate" means a certificate issued by a medical officer under section 18 to a person respecting employment as a hoist operator; | "hoist operator's medical certificate" |
| (g) "initial medical certificate" means a certificate issued by a medical officer under section 20 to a person who is not qualified to receive a miner's medical certificate; | "initial medical certificate" |
| (h) "inspector" means a person appointed or authorized to act as such by the Executive Member pursuant to section 3; | "inspector" |

- "machinery" (i) "machinery" includes steam and other engines, boilers, furnaces, milling and crushing apparatus, hoisting equipment, pumping equipment, chains, ore trucks, tramways, tackle, blocks, ropes, tools and all other appliances used in about or in connection with a mine;
- "manager" (j) "manager" means the person in immediate charge of a mine;
- "medical officer" (k) "medical officer" means a person who is entitled to be or is registered pursuant to the *Canada Medical Act* (Canada) or who is the holder of a subsisting permit issued pursuant to sections 9 or 10 of the *Medical Profession Ordinance*;
- "mine" (l) "mine" includes a surface opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and any roast-yard, smelting furnace, mill, work or place used for in connection with crushing, reducing, smelting, refining or treating any mineral-bearing or other substances described in this paragraph, and any concentrate storage and loading facility under the control of the manager;
- "mine rescue superintendent" (m) "mine rescue superintendent" means a person appointed as such by the Executive Member pursuant to section 3;
- "miner's medical certificate" (n) "miner's medical certificate" means a certificate issued by a medical officer under section 21 to a person respecting employment in a dust exposure occupation;
- "mining" (o) "mining" includes diamond drilling and any mode or method of working whereby any soil, earth, rock, stone, quartz, clay, sand or gravel may be disturbed, removed, carted, carried, washed, sifted, crushed, roasted, smelted, refined or dealt with for the purpose of obtaining any minerals or metal therefrom, whether the same may have been previously disturbed or not, and all operations and workings in a mine;
- "open pit" (p) "open pit" means a surface opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of or proving any mineral-bearing substance;

- (q) "owner" means a person, mining partnership or corporation, being the immediate proprietor, lessee or occupier of a mine or any part thereof or any land located or leased as mining lands, and includes his or its agent, but does not include a person, mining partnership or corporation merely receiving a royalty, rent or fine from a mine or mining lands; "owner"
- (r) "Registrar of miner's medical certificates" or "Registrar" means the person designated as Registrar of miner's medical certificates pursuant to section 3; "Registrar of miner's medical certificates"
- (s) "shaft" means a long vertical or slanting passage providing access to a mine and includes a winze; "shaft"
- (t) "shift" means a number of workers whose hours for beginning or terminating work in a mine are the same or approximately the same; "shift"
- (u) "shift boss certificate" means a certificate issued by the Executive Member under section 13; "shift boss certificate"
- (v) "unusual danger" means, in relation to any occupation,
 - (a) a danger that does not normally exist in that occupation; or
 - (b) a danger under which a person engaged in that occupation would not normally carry out his work; and
 "unusual danger"
- (w) "worker" means a person employed in or about a mine. "worker"

ADMINISTRATION

- 3. The Executive Member may
 - (a) appoint persons as inspectors or authorize other persons to act as such for the purposes of this Ordinance; Appointment of inspectors, etc.
 - (b) designate any person as Registrar of miner's medical certificates for the purposes of this Ordinance; and
 - (c) appoint persons as mine rescue superintendents for the purposes of this Ordinance;

4.(1) The duties and powers of the Chief Inspector, inspectors, mine rescue superintendents and medical officers are those hereinafter described in this Ordinance. Duties and powers of inspectors, etc.

(2) The Chief Inspector may exercise all and any of the powers and duties of an inspector under this Ordinance. Chief Inspector

- 5.(1) An inspector
 - (a) shall make such examinations and inquiries as he deems necessary to ascertain whether this Ordinance and any rules and regulations made thereunder are being complied with; Powers and duties of inspectors

- (b) shall 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 require the matter, thing or practice to be remedied within the time named in this notice;
- (c) shall provide the manager with five copies of the notice referred to in paragraph (b), who shall
 - (i) post one copy in a conspicuous location, in or about the mine, which is readily accessible to all workers; and
 - (ii) provide one copy to each member of the Committee;
- (d) may, upon notifying the manager of a mine, supervisor, shift boss or similar person of his presence at the mine, enter, inspect and examine 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;
- (e) shall order the immediate cessation of work in and removal of persons from a mine or portion thereof that he considers unsafe or require such precautions as he deems necessary to be taken before persons are allowed to return to or continue working therein;
- (f) shall exercise such other powers as he may deem necessary for ensuring the health and safety of persons employed in or about a mine;
- (g) shall do all other acts or things that may be otherwise prescribed for him in the Ordinance or in any rules or regulations made thereunder or that are requested of him by the Executive Member; and
- (h) shall meet with the Committee of a mine, within one week of any fatal or serious accident at the mine, to discuss the occupational health and safety aspects of the accident.

Power to
summon
witnesses, etc.

(2) An inspector has power to compel the attendance of witnesses, require the production of any document, book, paper, article or thing relevant to an examination or inquiry, administer oaths and examine any person upon oath, affirmation or otherwise and do all other necessary acts or things for the purposes of conducting an examination or inquiry under this Ordinance.

Reports to the
Chief Inspector

- (3) An inspector shall
 - (a) immediately upon the completion of an examination or inquiry made by him, submit a report thereof to the Chief Inspector who shall submit a copy of the report to the Executive Member; and
 - (b) make such other reports of his activities as the Executive Member may require.

(4) The Executive Member may direct the Chief Inspector to make a special report concerning

- (a) an accident that resulted in the death or injury of any person; or
- (b) the condition of a mine.

Special reports

(5) The owner or manager of a mine in respect of which a notice has been given or an order made pursuant to paragraphs (1)(b) or (e) may, within seven days from the day the order was made or the notice given, give oral notification to the Executive Member of his intention to object to the said order or notice and, within fourteen days from the day the order was made or the notice given, serve on the Executive Member, in writing, a notice of objection to the said order or notice setting out the reasons for the objection, and where such notice is served upon the Executive Member, the owner or manager shall forthwith send a copy thereof to the inspector and to each member of the Committee.

Objection to notice or order

(6) Upon receipt of the written notice of objection the Executive Member shall, within seven days or as soon as is practicable thereafter, 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 of the mine and each member of the Committee, of his decision.

Executive Member shall reconsider

6.(1) The Commissioner, upon the recommendation of the Executive Member, may

Powers of Commissioner

- (a) prescribe such forms and notices as he deems necessary for the carrying out of this Ordinance;
- (b) make rules or regulations prescribing the nature of examinations to be made by medical officers in connection with the issuance of initial medical certificates, miner's medical certificates and hoist operator's medical certificates including the scope of the examinations and the information to be contained and recorded as a result of the examinations and, subject to the Ordinance, the matters that are certified by such certificates;
- (c) make rules or regulations for the purpose of ensuring the safe operation of mines by all persons employed in or about a mine;
- (d) make rules or regulations respecting the occupational health and safety of all persons working in or about a mine and may make such rules in respect of any particular mine;
- (e) make rules or regulations respecting any particular mine therein named;

- (f) suspend the operation of any rule or regulation either with respect to any period of time or with respect to any particular mine;
- (g) approve, alter, suspend or cancel any rule made by a manager or a suspension or a variation of a rule or regulation by the Chief Inspector;
- (h) make rules or regulations respecting shift boss certificates, provisional shift boss certificates and hoist operator's certificates including the requisite qualifications for and issue of such certificates, the suspension and cancellation of certificates, including the circumstances and procedures therefor, and the certification of persons working in or about a mine at the coming into force of this Ordinance; and
- (i) make rules or regulations for the carrying out of this Ordinance.

Adoption of codes and standards

(2) Where a code of rules or standards concerning the subject matter of this Ordinance has been promulgated by any association, person or body of persons and is available in printed form, the Commissioner may, upon the recommendation of the Executive Member, by rule or regulation, adopt such code and upon adoption, the code shall be in force in the Territories either in whole or in part or with such variations as may be specified in the rule or regulation.

Suspension by Chief Inspector

7.(1) The Chief Inspector may suspend or vary the operation of any rule or regulation made under paragraphs 6(1)(c), (d) or (e) upon being satisfied that it is advisable to do so, where he has received an application, in writing, from the owner or manager of a mine for that purpose giving reasons therefor.

Lapse of suspension

(2) Suspension or variation of a rule or regulation by the Chief Inspector under subsection (1) shall cease to have effect after two months have elapsed from the date of such suspension of variation, unless sooner cancelled or confirmed by the Commissioner, on the recommendation of the Executive Member.

Report

(3) Where the Chief Inspector suspends or varies a rule or regulation under this section he shall forthwith report the particulars thereof to the Commissioner and to each member of the Committee.

Powers of manager

8.(1) 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.

(2) Upon the making of any rule under subsection (1), the manager of the mine shall forthwith

Coming into force of rules

- (a) post the rule in a conspicuous location, in or about the mine, which is readily accessible to all workers; and
- (b) send a copy of the rule to each member of the Committee, and the rule shall come into force seven days after the rule has been posted or copies sent, whichever last occurs.

9.(1) There shall be formed in any mine where more than twenty-five persons are employed, a committee which shall be known as the Mine Occupational Health and Safety Committee.

Mine Occupational Health and Safety Committee Composition of Committee

(2) Every Committee shall be composed of four persons, two of whom shall be elected by the workers at the mine as the labour representatives and two appointed by the manager of the mine as the management representatives.

(3) One alternate member shall be elected by the workers at the mine and one alternate member shall be appointed by the manager of the mine, and such alternate members shall act as members of the Committee in the absence of a member elected or appointed under subsection (2), as the case may be, and shall have all the powers and duties of a member.

Alternate members

(4) Every Committee shall

Duties of Committee

- (a) once a month, inspect as many of the working places in its mine as is practicable but shall not unnecessarily obstruct the working of the mine during such inspection;
- (b) conduct an inspection of any conditions that could result in serious injury or loss of life;
- (c) as a result of an inspection under paragraphs (a) or (b), make and sign a report of the conditions found in the mine during the inspection; and
- (d) perform such other duties as may be prescribed for the Committee under the Ordinance, or the rules or regulations made thereunder.

(5) The owner or his agent, the manager and all persons present or working in the mine during an inspection shall afford the Committee every reasonable facility for the inspection including access to all records respecting the subject matter of the inspection.

Co-operation during inspection

(6) A copy of the report referred to in paragraph (4)(c) shall be filed forthwith with the manager of the mine and the Chief Inspector.

Filing of reports

(7) The owner shall reimburse members of the Committee for any time spent in the performance of the duties of the Committee under this Ordinance at the same rate of pay as they receive while at work.

Reimbursement for members of Committee

Mine
Occupational
Health and
Safety Board

10.(1) There shall be a board called the Mine Occupational Health and Safety Board which shall consist of the following persons appointed by the Executive Member:

- (a) the Chief Inspector, who shall be the Chairperson;
- (b) one labour representative who has been selected by the Executive Member from the nominees of the workers at each mine;
- (c) one management representative who has been selected by the Executive Member from the nominees of the manager of each mine; and
- (d) two persons who, in the opinion of the Executive Member, are knowledgeable of mining.

Term

(2) The term of a member of the Board, other than the Chief Inspector, shall not exceed three years.

Reappointment

(3) A member of the Board may be reappointed.

Remuneration
for services

- (4) The members of the Board shall be paid
 - (a) such remuneration as the Commissioner may prescribe by rule or regulation; and
 - (b) their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Board.

Meetings

(5) The Board shall meet at least twice a year and shall conduct its meetings in accordance with the procedure prescribed by rule or regulation.

Duties of the
Board

(6) The Board shall advise and make recommendations to the Executive Member on

- (a) matters concerning this Ordinance and the rules and regulations made thereunder;
- (b) matters concerning the occupational health and safety of persons working in or about a mine; and
- (c) any matter concerning the occupational health and safety of persons working in a mine that is referred to it by the Executive Member from time to time.

EMPLOYMENT IN AND ABOUT MINES

Duties of
managers,
foremen, etc.

11. The manager of a mine and every foreman, shift boss, mine captain and department head thereof shall take all reasonable measures to enforce this Ordinance and the rules and regulations made thereunder, and to ensure their observance by all persons working in or about the mine or those under his charge, as the case may be, and all persons working in or about a mine shall take all necessary and reasonable measures to carry out their duties in accordance with those provisions of this Ordinance, and the rules and regulations made thereunder, that are applicable to the work in which they are engaged.

12.(1) Prior to the commencement of on-site work, the owner of a mine shall appoint a manager and shall forthwith notify the Chief Inspector of the name of the manager and of any subsequent managers.

Appointment of manager

(2) The manager of a mine shall recommend to the owner, a person to act as manager in his absence and the person appointed by the owner to act as manager shall have all of the powers and duties of the manager under this Ordinance and the rules and the regulations made thereunder, while he is acting as manager.

Acting manager

(3) The owner shall ensure that the manager is provided with the necessary means to conduct the operation of the mine in full compliance with this Ordinance, and the rules and regulations made thereunder.

Owner to provide means to comply

13.(1) Except as is herein provided, every person working underground in a mine or in an open pit shall be under the daily supervision of a shift boss or other official of the mine who is the holder of a shift boss certificate.

Supervision by shift boss

(2) For the purposes of this section, a shift boss means a person who is the holder of a valid and subsisting shift boss certificate issued by the Executive Member in accordance with the rules or regulations, and who is employed as a shift boss.

Interpretation

(3) Where no shift boss or person holding a shift boss certificate is available to supervise a shift, the manager of a mine may, in accordance with the rules or regulations, issue a provisional shift boss certificate for a term not to exceed forty-five days.

Provisional shift boss certificate

14.(1) No person shall be employed in a mine unless

Workers to be trained

- (a) he is a trainee and is being trained in the job he is to perform under a training program of the mine that is approved by an inspector, and performs his work under the close supervision of a supervisor; or
- (b) the supervisor is satisfied that he is trained to at least the level of training of a successful candidate of the training program under paragraph (a), in the job he is to perform; and
- (c) he has been instructed by his supervisor on the Ordinance and the rules and regulations made thereunder that are applicable to the work in which he is engaged, and on the hazards associated with his work.

Contact with workers

(2) Where a person working in a mine is not in frequent communication with or within sight or sound of another person, the manager shall ensure that such person is visited or contacted at the work location by a person appointed for that purpose, at intervals of not less than two hours between visits, or more frequently as the nature and place of the person's employment dictates, provided that he is visited or contacted at least three times during his shift.

Supervision of dangerous work

(3) The manager, or a competent person authorized by the manager, shall personally and continually supervise work involving unusual danger in an emergency situation.

Persons to be on duty

(4) Except where workers are on regular patrol duty, a supervisor or a person designated by him shall be on duty whenever persons are working in or about a mine.

Restrictions as to age

15. 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.

Hours of work

16.(1) Except as otherwise provided in this section, no person shall

(a) remain or be permitted to remain underground in any mine; or

(b) operate or be permitted to operate, either on the surface or underground, any hoisting engine in a shaft,

for more than eight hours in any consecutive twenty-four hours, and the eight hours shall be computed from the time he arrives at and returns to the shaft collar or portal, or surface hoist room, as the case may be.

Exemptions in cases of emergency, etc.

(2) Subsection (1) does not apply

(a) to a foreman, pumpman, cagetender or any person engaged solely in surveying or measuring;

(b) in cases of emergency where life or property is in danger; or

(c) in cases where urgent repair work is necessary.

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(3) Where one of the regular hoist operators is absent from duty and no other hoist operator is available, the remaining hoist operators may work extra time not exceeding

Exemption for hoist operators where one is absent

- (a) four hours each in any consecutive twenty-four hours; or
- (b) with the approval of an inspector, eight hours each in any consecutive forty-eight hours,

for a period not exceeding ten consecutive days.

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living

(4) Where work at a mine or in any particular shaft is not carried out continuously on a three shift daily basis, a hoist operator may work the extra time necessary for hoisting or lowering, at the beginning and end of each shift, the workers employed on a shift.

Exemption for hoist operators where non-continuous shifts

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never

(5) Notwithstanding the *Labour Standards Ordinance*, the Commissioner may, upon the recommendation of the Executive Member, make rules or regulations to extend the hours of works referred to in subsection (1) in respect of any mine for such time and under such terms and conditions as he may prescribe.

Extending hours

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17.(1) A worker may refuse to do any work where he has reason to believe that

Right to refuse to work

- (a) there exists an unusual danger to his health or safety;
- (b) the carrying out of the work is likely to cause to exist an unusual danger to his health or safety or that of any other person; or
- (c) the operation of any tool, appliance, machinery, device or thing is likely to cause to exist an unusual danger to his health or safety or that of any other person.

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(2) Upon refusing to work, the worker shall promptly report the circumstances of his refusal to the owner or supervisor, who shall forthwith investigate the report and take steps to eliminate the unusual danger in the presence of the worker and, if practicable, another worker selected by the worker who shall be made available and who shall attend without delay.

Report refusal to work

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nger;

(3) Following the investigation and any steps taken to eliminate the unusual danger, the owner or supervisor, as the case may be, shall notify the worker thereof, and where the worker has reasonable grounds to believe that

Refusal to work following investigation

- (a) there exists an unusual danger to his health or safety;
- (b) the carrying out of the work is likely to cause to exist an unusual danger to his health or safety or that of any other person; or
- (c) the operation of any tool, appliance, machinery, device or thing is likely to cause to exist an unusual danger to his health or safety or that of any other person.

the worker may refuse to work and the owner, supervisor or worker shall forthwith notify thereof

- (d) the mine manager; and
- (e) the Committee or, where there is no Committee, an inspector.

Committee or
inspector to
render decision

(4) The Committee or an inspector, as the case may be, shall, within twenty-four hours of receiving notification, investigate the circumstances that caused the refusal to work in the presence of the owner, or a person representing the owner, and the worker, or a person representing the owner, and the worker, and decide whether or not an unusual danger exists or is likely to exist, as the case may be.

No person to
perform work if
unusual danger
exists

(5) Where it is decided under subsection (4) that an unusual danger exists or is likely to exist, as the case may be, no person shall perform the work until

- (a) the owner has taken steps to eliminate the unusual danger; and
- (b) the Committee or the inspector, as the case may be, is satisfied that the unusual danger no longer exists or is no longer likely to exist,

and the Committee or the inspector, upon being satisfied thereof, shall forthwith notify the worker that the unusual danger no longer exists or is no longer likely to exist, as the case may be.

Worker to
remain pending
decision

(6) Pending the investigation and decision by the Committee or an inspector under subsections (4) and (5) or pending an appeal under subsection (8), the worker shall remain in a safe place at or near the place of the investigation during his normal working hours unless the owner, subject to the provisions of a collective agreement, if any, assigns the worker to temporary alternative work which the worker is competent to perform.

Idem

(7) The worker shall be paid at his regular rate of pay during the normal working hours he spends at the place of the investigation or in the performance of alternative work.

Appeal

(8) The worker or the owner may appeal a decision of the Committee to an inspector who shall, as soon as is practicable, investigate and decide upon the matter and his decision thereon shall be final.

No discipline,
dismissal, etc.
against worker

- (9) No owner or person acting on behalf of the owner shall
 - (a) discharge or threaten to discharge a worker;
 - (b) discipline or suspend or threaten to discipline or suspend a worker;
 - (c) impose any penalty on a worker; or
 - (d) intimidate or coerce a worker.

or take any other disciplinary or discriminatory action against a worker because the worker has acted in compliance with this section.

HOIST OPERATORS

- 18.(1) No person who
 (a) is less than the age of majority as defined in the *Age of Majority Ordinance*; or
 (b) does not hold a valid and subsisting hoist operator's certificate issued by the Executive Member in accordance with the rules or regulations,

Age and certificate required

shall operate or be permitted to operate any hoisting engine at a mine shaft in which persons are carried.

(2) Notwithstanding paragraph (1)(b), a trainee may operate any hoisting engine at a mine shaft in which persons are carried provided that he is at all times under the direct and personal supervision of a person qualified to operate and instruct the operation of the hoisting engine and such person shall be responsible for the safe operation of the hoist.

Exception for trainee

(3) No person shall operate or be permitted to operate any hoisting engine in a mine during any time that his ability is impaired by an intoxicant or drug.

Impairment by alcohol, etc.

(4) Where a hoisting engine is operated at a shaft in which persons are carried or for a purpose designated by an inspector to be within this section, no person shall operate or be permitted to operate it unless he is the holder of a valid and subsisting hoist operator's medical certificate issued by a medical officer in accordance with the rules or regulations.

To hold medical certificate

(5) A hoist operator's medical certificate is valid for a period of twelve months from the date of its issue, unless sooner cancelled by a medical officer.

Duration of certificate

(6) The manager shall notify every hoist operator, in writing, of the expiry date of his hoist operator's medical certificate, at least thirty days prior to the date of expiry of the certificate.

Notification of expiry

(7) Every hoist operators' medical certificate shall be kept on file by the manager of the mine in which the hoist operator is employed and it shall be made available to the hoist operator or an inspector, upon request, and a record of the medical certificates of hoist operators operating in a hoist room shall be kept posted up therein showing the name of each hoist operator and the date of his certificate.

Custody and records

Hoist operator
may receive copy
of medical
certificate

(8) Upon termination of a hoist operator's employment at a mine, the manager shall make available to the hoist operator his hoist operator's medical certificate that is on file pursuant to subsection (7).

DUST EXPOSURE OCCUPATIONS

Certificate
required

19.(1) No person shall engage in or be permitted to engage in a dust exposure occupation unless he is the holder of a valid and subsisting initial medical certificate or miner's medical certificate.

Exception to
requirement of
certificate

(2) Notwithstanding subsection (1), a person who has undergone a medical examination in accordance with this Ordinance and who has not, as a result of that examination, been refused an initial medical certificate or a miner's medical certificate, as the case may be, or renewal thereof may engage in a dust exposure occupation for a period of not more than thirty days.

Application

20.(1) Every person who does not hold an initial medical certificate or a miner's medical certificate and who intends to engage in a dust exposure occupation shall undergo a medical examination that shall be conducted by a medical officer.

Initial medical
certificate

(2) A medical officer who conducts an examination in accordance with subsection (1) shall issue, in accordance with the rules or regulations, an initial medical certificate to the person examined if he is satisfied that the person examined is free from disease of the respiratory organs and is otherwise fit for employment in a dust exposure occupation.

Duration of
initial medical
certificate

(3) Subject to subsection 21(2), an initial medical certificate is valid for a period of twelve months from the date of its issue unless sooner cancelled by the Registrar.

Notification of
expiry

21.(1) The manager shall notify every holder of an initial medical certificate engaged in a dust exposure occupation at his mine, in writing, of the expiry date of that person's initial medical certificate at least forty-five days prior to the date of expiry of the certificate.

Renewal of initial
medical
certificate and
issuance of
miner's medical
certificate

(2) A holder of an initial medical certificate who intends to continue or resume work in a dust exposure occupation shall, within thirty days prior to the date of expiry of the certificate, apply to a medical officer for renewal of the certificate or issuance of a miner's medical certificate, and the medical officer shall,

(a) where the applicant

(i) has been employed in a dust exposure occupation for less than twenty-three months in the four years preceding the day of the application; and

- (ii) is found by medical examination to be free from disease of the respiratory organs and to be otherwise fit for employment in a dust exposure occupation, renew, in accordance with the rules or regulations, the certificate; and
- (b) where the applicant
 - (i) has been employed in a dust exposure occupation for at least twenty-three months in the four years preceding the day of the application; and
 - (ii) is found by medical examination to be free from disease of the respiratory organs and to be otherwise fit for employment in a dust exposure occupation, issue, in accordance with the rules or regulations, a miner's medical certificate to the applicant.

(3) A miner's medical certificate is valid for a period of twelve months from the date of its issue, unless sooner cancelled by the Registrar.

Duration of miner's medical certificate

22.(1) The manager shall notify every holder of a miner's medical certificate engaged in a dust exposure occupation at his mine, in writing, of the expiry date of that person's miner's medical certificate at least forty-five days prior to the date of expiry of the certificate.

Notification of expiry

(2) A holder of a miner's medical certificate who intends to continue to resume work in a dust exposure occupation shall, within the thirty days prior to the date of expiry of the certificate, undergo a medical examination that shall be conducted by a medical officer.

Application for renewal of miner's medical certificate

(3) A medical officer who conducts an examination in accordance with subsection (2) shall renew, in accordance with the rules or regulations, the certificate where the applicant is free from tuberculosis of the respiratory organs.

Renewal of miner's medical certificate

23.(1) Where the holder of a miner's medical certificate has allowed the certificate to expire, he shall, before resuming work in a dust exposure occupation, undergo a medical examination that shall be conducted by a medical officer.

Medical examination where miner's medical certificate expires

(2) A medical officer who conducts an examination in accordance with subsection (1) shall, if such certificate expired less than three years before the date of such medical examination, renew, in accordance with the rules or regulations, the certificate where the applicant is free from tuberculosis of the respiratory organs.

Renewal of certificate after expiry

No renewal after three years

(3) Where the miner's medical certificate of a person examined in accordance with subsection (1) expired three years or more before the date of the medical examination, the miner's medical certificate shall not be renewed and the provisions of subsection 20(2) apply.

Medical examination

24.(1) A medical examination conducted by a medical officer pursuant to this Ordinance shall include both a physical examination and a chest x-ray plate, and the chest x-ray plate shall be required every other year, or more often where

- (a) the medical officer has reason to believe that the worker may be suffering from a respiratory disease; or
- (b) the worker is a participant in a tuberculosis control program.

Chest x-ray plate

(2) The chest x-ray plate referred to in subsection (1) may be submitted by the medical officer for such review as the medical officer thinks fit.

Occupational and medical history

(3) Every person who undergoes a medical examination pursuant to this Ordinance shall provide the medical officer conducting the examination with such particulars of his occupational and medical history as the medical officer may require.

Filing with Registrar

(4) A medical officer shall, within thirty days after conducting a medical examination pursuant to this Ordinance, send to the Registrar the chest x-ray plate, particulars of occupational and medical history and medical reports and opinions relating to the examination.

Production of medical records by Registrar

25. The Registrar may produce chest x-ray plates, particulars of occupational and medical history and medical reports and opinions filed with him pursuant to this Ordinance for inspection by

- (a) a medical officer for use in connection with a medical examination pursuant to this Ordinance of the person to whom such chest x-ray plates, particulars of occupational and medical history and medical reports and opinions relate;
- (b) the person to whom such chest x-ray plates, particulars of occupational and medical history and medical reports and opinions relate, his employer or former employer, and insurer of such person or the insurer of that person's employer or former employer or to the Referee appointed under the *Workers' Compensation Ordinance* or a Referee or Workers' Compensation Board appointed or established under similar legislation of any province for use in the adjustment or settlement of any claim by such person under that Ordinance or legislation; or

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(c) any other person where the written consent of the person to whom such chest x-ray plates, particulars of occupational and medical history and medical reports and opinions relate is filed with the Registrar.

Officer
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26. Where the medical officer has complied with subsection 24 (4) and the Registrar has not received the chest x-ray plate, particulars of occupational and medical history or medical reports and opinions relating to the examination of a person by such medical officer, the Registrar shall notify the person so examined thereof and that person shall, within twenty days from receipt of the notice, undergo another medical examination.

Further chest
x-ray plates,
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27. The Registrar may at any time require any person who is employed in a dust exposure occupation to be examined by a medical officer, and the medical officer shall endorse the results of such examination on the certificate issued to that person.

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28.(1) The Registrar may cancel an initial medical certificate or a miner's medical certificate where

Registrar may
cancel certificate

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- (a) the chest x-ray plates, particulars of occupational and medical history or medical reports and opinions relating to the holder of the certificate have not been received by the Registrar;
- (b) the holder of a certificate fails or refuses to be examined by a medical officer when so required by the Registrar; or
- (c) he is satisfied that the holder of the certificate has tuberculosis of the respiratory organs or, in the case of a holder of an initial medical certificate, that he is otherwise medically unfit for employment in a dust exposure occupation.

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ection

(2) The Registrar shall not cancel a certificate pursuant to paragraph (1)(c) until a notice of intention to cancel the certificate within thirty days from receipt thereof has been given to the holder and the holder has been given an opportunity of being heard.

Notice of
intention to
cancel certificate

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(3) A notice of intention to cancel a certificate shall be in writing and shall be sent to the holder of the certificate by registered mail addressed to him at the address shown on his certificate.

Service of notice

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29.(1) Subject to subsection 19(2), no person shall work or be employed in a dust exposure occupation unless the manager of the mine at which he is so employed is in possession of the initial medical certificate or miner's medical certificate issued to that person, and the manager shall retain such certificate, except when required by that person for renewal, during the period that he is so employed at the mine.

Delivery and
custody

Certificates
available to
worker

(2) The manager of a mine shall make available to a worker, upon request, the certificate of the worker held by the mine manager in accordance with this section.

Worker may
receive copy of
certificate

(3) Upon termination of a worker's employment at a mine, the manager shall make available to the worker the certificate of the worker held by the manager pursuant to subsection-(1) and shall retain possession of a copy of such certificate for a period of one year thereafter whereupon he shall transfer such copy to the Registrar.

Exemption where
brief periods of
exposure

30. Sections 19 to 29 do not apply to a person employed in a dust exposure occupation for less than fifty hours in each calendar month.

OTHER HEALTH MEASURES

Radioactive
materials

31. An owner of a mine at which radioactive materials are mined, concentrated, treated or known to occur shall supply and install such equipment and ensure that such medical tests are carried out as the Chief Inspector, with the approval of the Executive Member, may from time to time direct for the protection of the health of workers at the mine and shall otherwise take suitable precautions to protect the workers engaged in mining, milling or treating such materials.

Further medical
examinations

32.(1) In addition to any other medical examination required under this Ordinance, the Chief Inspector may order further medical examinations of any worker or person intending to work in or about a mine as he deems necessary.

Monitoring of
environment

(2) The environment of a mine shall, at the direction of the Chief Inspector, be monitored in accordance with the rules or regulations.

Periodic health
examinations

(3) A person employed in or about a mine shall, at the direction of the Chief Inspector, undergo periodic health examinations, in accordance with the rules or regulations.

Disposal of
harmful products

33. The owner or manager of a mine shall dispose of arsenic sludge or any by-product of that mine that is dangerous to persons, domestic animals, wild animals, fish or property at a location approved by an inspector and in such a manner that it will not cause injury to any person, animal, fish or property.

Underground
operation of
diesel-powered
machinery

34. No person shall operate or be permitted to operate any diesel-powered machinery underground unless its operation has been authorized by an inspector.

FENCING

35.(1) Where a mine has been abandoned or work therein has been discontinued, the owner or manager shall cause the top of the shaft and all surface entrances, pits, and openings to be securely fenced or otherwise protected to the satisfaction of an inspector and within the time specified by the inspector.

Fencing of abandoned mines

(2) Notwithstanding subsection (1), where an inspector is of the opinion that the openings referred to in subsection (1), or any of them, present no greater hazard than the natural topographic features of the district, he may, in writing, exempt the application of subsection (1) to such openings.

Exemption

(3) The Chief Inspector shall, where he is of the opinion that a fence should be erected around a mine or part thereof or any tailings or arsenic sludge, to prevent injury to people, domestic animals, wild animals, fish or property, whether the mine is in operation or not, order the owner to erect a suitable fence for that purpose.

Fencing of tailings, etc.

(4) Where an owner or manager who is required by this section to do so fails to erect suitable fencing or other protective means within such time as an inspector or the Chief Inspector may order, the inspector or the Chief Inspector, as the case may be, may cause suitable fences or other protective means to be erected and all costs arising therefrom constitute a debt due to Her Majesty and are recoverable in any court of competent jurisdiction.

Where owner fails to comply

NOTICES OF INSTALLATION, OPENING AND CLOSING

36.(1) At least fourteen days prior to

- (a) the installation of a mine hoisting plant or power plant;
- (b) the connection or reconnection of any electrical mining equipment with any source of electrical energy controlled by a person other than the owner;
- (c) the commencement of mining operations or the resumption of mining operations after an interruption of one month or more; or
- (d) the closing down of a mine,

the owner of a mine shall give or cause the manager to give written notice thereof to an inspector and the Committee, where a Committee exists, including,

- (e) in the case of an installation under paragraph (a), the name and address of the person in charge of the operation, the lot and group numbers or grant numbers of the land involved and the specifications and layout of the head frame, buildings, hoist, power plant and equipment; and

Notices

(f) in the case of a closing under paragraph (d), information as to compliance with the provisions of this Ordinance and any rules or regulations, made thereunder in that connection.

Interpretation (2) Paragraphs (1)(c) and (d) shall be interpreted to refer to a whole mine or an open pit.

Other information (3) The owner or manager of a mine shall, in addition to the notice referred to in subsection (1), furnish the inspector with any other information respecting the mine that he may require, and the Committee with any other information of an occupational health and safety nature that they may require.

Joint inspection (4) An inspector and the Committee, prior to the commencement of any of the matters listed in paragraphs (1)(a) to (d), shall jointly inspect the matters of which they have been given notice under subsection (1).

PLANS

Plans 37.(1) The owner of a mine shall cause plans, on a scale acceptable to an inspector, to be kept up-to-date not more than six months last past, as follows, namely,

- (a) a surface plan showing the boundaries of mining property and all lakes, streams, roads, railways, power transmission lines, buildings, shaft opening adits, open surface workings, diamond-drill holes, outcroppings or rock, dumps and tailings disposal sites therein;
- (b) plans of each underground level showing all underground workings, including shafts, tunnels, diamond-drill holes, dams, bulkheads and pillars;
- (c) vertical mine sections at suitable intervals and suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface including the location of the top of the bedrock, surface of the overburden and bottom and surface of any known body of water or watercourse; and
- (d) adequate ventilation plans showing the direction and velocity of the main air currents and the location of permanent fans, ventilation doors, stoppings and connections with adjacent mines.

Electrical power (2) The owner of a mine in which electricity is used underground shall cause to be kept up-to-date not more than six months last past an adequate plan or diagram, on a suitable scale, showing

- (a) the position of all fixed electrical apparatus in the mine;

- (b) the routes of all fixed power feeders and fixed branch feeders, properly noted and referenced; and
- (c) the rating of all electrical feeder control apparatus and equipment.

(3) The owner or manager of a mine shall produce all plans, sections and diagrams to an inspector at an examination of a mine and shall render them available to him at any time and supply him with copies upon request.

Copies to be furnished

(4) The owner or manager of a mine shall submit each year to an inspector, before the first day of April in the year, copies of all plans referred to in paragraphs (1)(b) and (c), brought up-to-date as of a day, not earlier than the thirty-first day of December of the immediately preceding year, together with a statement signed by the owner or manager of the mine, stating that the plans, as of the day they are brought up-to-date, are true.

Annual submission to inspector

(5) Upon the closing down of a mine, the owner of the mine shall cause the plans referred to in paragraphs (1)(a), (b) and (c) to be brought up-to-date as of the day of the closing of the mine and shall submit the plans to an inspector within one month from that day.

Submitted on closing of mine

(6) No person, other than the owner of a mine, shall publish any plans kept pursuant to this section or disclose any information in respect thereto without

Publication prohibited

- (a) the consent in writing of the owner of the mine; or
- (b) an order of the court.

(7) Unless exempted by an inspector, a plan of the underground workings of the mine shall be provided on which the main routes of progress from the active workings are clearly shown and a copy of the plan shall be

Distribution of plans

- (a) posted in a conspicuous location, in or about the mine, which is readily accessible to all workers;
- (b) filed with an inspector; and
- (c) sent to each member of the Committee.

(8) If the owner or manager fails to provide a mine plan or section as required by subsections (3),(4) or (5) of this section, the Chief Inspector shall cause the plan or section to be prepared and for that purpose may cause a survey of the mine to be made and all costs arising therefrom, constitute a debt to Her Majesty and are recoverable in any court of competent jurisdiction.

Origination of plans by Chief Inspector

PARTY WALLS

Width	38.(1) Except as otherwise provided in this Ordinance or unless the owners of adjoining mines, with the approval of an inspector, dispense therewith, a party wall at least five metres thick, two and one-half metres on each side of the boundary line, shall be left between adjoining mines.
Use of surface	(2) Adjoining owners of two mines are entitled to use the party wall in common on the surface as a roadway and no person shall obstruct the surface of the party wall in any manner.
Application where suspected breach	39.(1) Where the owner of a mine or mining property has reason to believe that a breach has been made in the party wall between his own and an adjoining property or that a trespass has been committed thereto, he may apply to the Executive Member for an investigation.
Investigation	(2) The Executive Member may, upon an application therefor, authorize a competent and disinterested person to investigate the complaint and for such purpose to enter the mine or mining property with such assistants as the investigator deems necessary, use any workings and appliances thereof and examine the party wall and otherwise conduct a full investigation.
Report and costs	(3) The person appointed under subsection (2) to investigate shall report, in writing, his findings to the Executive Member as soon as possible after completing the investigation and the costs of the examination and report shall be borne as directed by the Executive Member.
Powers of Executive Member	(4) The Executive Member may, following an investigation under this section or upon application of an owner without such an investigation, <ul style="list-style-type: none"> (a) direct the owner of an adjoining mine to permanently close a breach made in a party wall or correct any trespass committed in connection therewith; (b) direct the owner of an adjoining property to do such things as the Executive Member deems necessary to prevent or stop the flow of water from his property to another property; or (c) authorize an applicant to enter an adjoining mine and erect bulkheads or do such other things as the Executive Member deems necessary to protect the applicant's mine and employees from damage or danger from accumulations of water in the adjoining mine.
Recommendations to Chief Inspector	40.(1) Where an inspector deems it necessary or advisable for the protection of workers employed underground, he may recommend, in writing, to the Chief Inspector that a connection between adjoining mines be established at such place as he deems advisable and that, if necessary, the connection be made and equipped as a refuge station.

(2) A copy of the recommendations shall be mailed by registered mail or served personally upon the owner or his agent and each member of the Committees of each of the mines affected. Service of copies

(3) The Chief Inspector shall submit the recommendations of the inspector to the Executive Member and upon receipt of such recommendations, the Executive Member may, upon the recommendation of the Chief Inspector, by order appoint a committee of three persons to determine Committee

- (a) the design, specifications and locations of the connecting passage, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of that work and of future maintenance shall be borne by the owners of the mines affected;
- (c) the time at which the work referred to in paragraph (b) shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions and requirements as the committee may deem necessary.

(4) The committee shall submit a report in writing to the Executive Member of its findings and a report of the majority of the committee shall be deemed to be its findings. Report

(5) The Executive Member may order the findings of the committee to be carried out upon such terms and conditions as he deems advisable. Carrying into effect

ACCIDENTS, SPECIAL OCCURRENCES AND RESCUE WORK

41.(1) Where an accident occurs in a mine, the manager of the mine shall forthwith notify Notification of accident

- (a) if the accident has caused serious injury to a person, an inspector and each member of the Committee of the mine in which the accident occurred; and
- (b) if the accident has caused loss of life, an inspector, the Royal Canadian Mounted Police, a coroner and each member of the Committee of the mine in which the accident occurred.

(2) Subject to subsection (3), no person shall, except for the purpose of saving life or relieving suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with an accident until an inspector or a member of the Royal Canadian Mounted Police has completed an investigation of all circumstances surrounding the accident. Scene not to be disturbed

Permission to
alter scene

(3) Where it is not possible to make an immediate investigation under subsection (2), an inspector may permit the wreckage, articles or things at the scene of or connected with an accident to be removed to such an extent as may be necessary to permit the work of the mine to be continued, but photographs and drawings showing the details of the scene of the accident shall be made prior to such removal and such photographs and drawings shall be made available by the inspector for inspection by the Committee.

Investigation by
inspector

(4) An inspector shall carry out an investigation of the circumstances surrounding the accident and his investigation shall be conducted by this Ordinance, except for an investigation under subsection (5), or the *Coroners Ordinance* and he shall submit a report of his investigation to the Chief Inspector.

Investigation by
Committee

(5) The Committee may carry out an investigation relating to the occupational health and safety circumstances surrounding the accident and its investigation shall be subject to any other investigation authorized by this Ordinance or the *Coroners Ordinance*, and it may submit a report of its investigation to the manager of the mine and the Chief Inspector containing recommendations respecting occupational health and safety in the mine.

Notice of special
occurrences

42.(1) Where in or about any mine

- (a) an accident involving the hoist, sheaves, hoisting rope, shaft conveyance or shaft timbering;
- (b) an inrush of water from old workings or otherwise;
- (c) a failure of an underground dam or bulkhead;
- (d) any outbreak of fire below ground or an outbreak of fire above ground that endangers any structure;
- (e) a structure or unexpected explosion or ignition of explosives;
- (f) asphyxiation effecting a partial or total loss of physical control;
- (g) inflammable gas in the mine workings;
- (h) unexpected and non-controlled extensive subsidence or caving of mine workings;
- (i) any explosion or outbreak of fire in any way related to the operation of an air compressor, air receiver, compressed air line or steam boiler;
- (j) a breakdown in the main ventilation system; or
- (k) major damage to any vehicle,

occurs, whether or not loss of life or injury is caused thereby, the owner, manager or agent of a mine shall, within twenty-four hours after such occurrence, give oral notification to an inspector and the Committee of such occurrence and within seventy-two hours after such occurrence, send notice of such occurrence in writing and in duplicate, to an inspector and each member of the Committee and shall furnish them with such particulars as they may require.

(2) Where in or about any mine an outbreak of fire occurs that endangers the health or safety of any person and the services of the mine rescue station are required, the owner or manager shall immediately notify the mine rescue superintendent and an inspector.

Notice of fire

(3) Where a rockburst, whether or not personal injury or death is caused thereby, is determined to have occurred within the workings of any mine, the owner or manager shall, within twenty-four hours after such determination, send a written notice to an inspector notifying him thereof and shall furnish such particulars as he may require.

Rockburst

(4) Records of rockbursts shall be kept at every mine showing as far as possible their times, locations and extent, the injuries caused to persons and any other relevant information and such records shall be made available to an inspector whenever he so requests.

Records of rockbursts

43.(1) This section applies only to

Application

- (a) a mine in which a shaft has been sunk to a depth of thirty metres and stoping operations have been commenced; and
- (b) any other mine that, in the opinion of an inspector, conducts operations that may require the use of mine rescue apparatus.

(2) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Chief Inspector may direct.

Mine rescue stations

(3) A mine rescue superintendent is responsible for the maintenance of mine rescue equipment in good and serviceable condition at all times and for the operation of mine rescue stations.

Mine rescue superintendent

(4) An inspector shall assess mines to which this section applies with the cost of maintenance of mine rescue equipment and with the cost of operation of mine rescue stations including the salaries of mine rescue superintendents.

Assessment of costs

(5) The assesment referred to in subsection (4) shall be made quarterly and shall be apportioned among the mines to which this section applies in the same proportion that

Idem

- (a) the total number of person shifts worked underground and in the operation of the crusher, roaster, refinery, assay office and mills at the mine so assessed
- (b) the total number of person shifts worked underground and in the operation of the crushers, roasters, refineries, assay offices and mills of all mines to which this section applies.

- Refuge stations (6) An inspector shall order the owner to provide refuge stations at such places in a mine as he directs where he considers the stations necessary for the protection of persons working underground in a mine.
- Provisions at refuge stations and design (7) The owner shall supply and maintain at every refuge station
 (a) sufficient water and air for the number of persons the refuge station is designed to hold; and
 (b) telephone communication to the surface of the mine, and each refuge station shall be designed so that it is separate from the adjoining workings by openings that, when closed, will prevent gases from entering the refuge station.
- Mine rescue training 44.(1) The manager of a mine shall cause sufficient personnel at the mine, including such proportion of the supervisory personnel as an inspector may direct, to be trained as mine rescue crews in the use and maintenance of mine rescue apparatus.
- Hoist operator training (2) The manager of a mine shall cause every hoist operator to be trained in the use and operation of the respiratory equipment to be used in mine rescue work.
- Idem (3) Mine rescue crews shall be trained by a mine rescue superintendent in accordance with any direction given by an inspector.
- Supervision of crews (4) The manager of a mine shall supervise mine rescue crews in all mine rescue work and recovery operations conducted at the mine.
- Returns (5) The owner or manager of a mine shall submit to an inspector such returns or other information respecting safety at a mine or mine rescue training or operations as the Executive Member may require.

OFFENCES AND PENALTIES

- Commencement of prosecution 45.(1) No prosecution shall be commenced for an offence against this Ordinance, unless it is commenced by
 (a) an inspector;
 (b) a member of the Royal Canadian Mounted Police; or
 (c) any other person authorized in writing by the Commissioner to do so.
- Exception (2) Subsection (1) does not apply to a prosecution for an offence under subsection 17(9).

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(3) No prosecution for an offence against this Ordinance shall be commenced after the expiration of one year from the date of the commission of the offence.

Limitation

46.(1) Every person who
(a) violates a provision of this Ordinance or of any rule or regulation made thereunder; or
(b) fails to obey an order or direction given thereunder by the Commissioner, the Executive Member, the Chief Inspector or an inspector,
is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars.

Offence and penalty

(2) Where there is a conviction for an offence under subsection 17(9), the court may, in addition to any other penalty, order the owner

Reinstatement and compensation

- (a) to cease the disciplinary or discriminatory action;
- (b) to pay compensation for loss of employment to the worker that, in the opinion of the court, would have accrued to the worker up to the date of conviction but for the discharge, suspension or disciplinary or discriminatory action;
- (c) to reinstate the worker to his former position on such date as in the opinion of the court is just and proper in the circumstance and under the same terms and conditions under which the worker was formerly employed; and
- (d) to remove any reference to the discharge, suspension, disciplinary or discriminatory action from the worker's record.

(3) A person who fails to obey an order or direction given by the Commissioner, the Executive Member, the Chief Inspector or an inspector is, in addition to the fine prescribed in subsection (1), liable on summary conviction to a fine not exceeding one thousand dollars for each day on which he fails to obey that order or direction.

Where offence continues

(4) Where an offence is one that might have endangered the safety of persons working in or about a mine or caused serious personal injury or a dangerous accident and was wilfully committed by the act, default or negligence of the person guilty thereof, that person is, upon summary conviction for the offence, liable, either in substitution for or in addition to any pecuniary penalty that may be imposed, to imprisonment for a term not exceeding three months.

Additional penalty where offence dangerous

47. Where a corporation is guilty of an offence against this Ordinance, an officer, director or agent of the corporation who directed, authorized, consented to, acquiesced in, or participated in the commission of the offence is a party to and guilty of the offence and liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Offence by a corporation

c.12(3rd)1982

Mining Safety

Repeal

48. The *Mining Safety Ordinance*, R.O.N.W.T. 1974, chapter M-13 is repealed.

Commencement

49. This Ordinance or any provisions thereof shall come into force on a day or days to be proclaimed by order of the Commissioner.

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