

October 8, 2010

Chief Inspector's Directive

The Minimum Age of Mine Workers in the Province of BC

Objective:

Section 3.2.1 of the Health, Safety and Reclamation Code for Mines in BC (the Code) states:

The manager shall not employ any person under the age of 18 years at a mine except for the purpose of training that person.

Background:

Recently, there has been increasing interest in having high school students participate in apprenticeship or "work experience" programs at mine sites. The Ministry is very supportive of these programs but we all must ensure that young workers at mine sites are not placed at undue risk of injury or occupational disease. WorkSafe BC statistics clearly indicate that younger workers have a greater number of accidents.

A duty of care is placed on the mine manager not to employ any person under the age of 18 (under-aged), with an exception for those workers involved in training. Section 3.2.1 of the Code applies to all forms of surface mining including open pit, quarrying, exploration, placer and aggregate.

The regulation makes the distinction that an under-aged worker may be employed at a mine for the purpose of his/her training, not that an under-aged worker may be employed *if trained*.

Persons in the employ of contractors are considered to be employed at the mine, and therefore are compelled by this regulation. Mine managers are reminded that they are ultimately responsible for the safety of all workers on a mine site, including contract workers.

Requirements:

The employment of workers underground, under the age of 18 years, is strictly prohibited.

The under-age worker on surface will not be considered competent to work independently until they have reached their 18th birthday. This includes working on the surface at an underground mine and subject to the following conditions:

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1. The mine manager must prepare a risk assessment of the workplace environment to which the under-aged worker will be exposed during the course of his/her training. This risk assessment must be reviewed by the occupational health and safety committee (OHSC).
2. The mine manager must prepare a training plan for the under-aged worker, (reviewed by the OHSC), including, but not limited to the duration of training, location, objectives and performance evaluation. This training program must include a general orientation for the under-age worker prior to the commencement of any work.
3. The mine manager must delegate in writing, a mentor, whose duty it is to ensure the under-aged worker complies with the conditions of the training plan and is directly supervised by a competent person at all times. The mentor will keep a training record, signed by the mentor and the worker upon completion of each part of the training program.
4. The mine manager must require that any sponsors (such as the Ministry of Education), the worker, OHSC, Union (if applicable), mentor and parent/guardian, together sign a training agreement, which includes the risk assessment and training plan. This establishes that all parties understand and agree to the limitations placed on the under-age worker. This will be signed prior to the commencement of work and a copy submitted to the Chief Inspector.
5. The mine manager must review the suitability and progress of the under-age worker and provide feedback to the worker, at regular intervals.
6. The under-aged worker will be prohibited from the operation of any machinery or equipment that may present a risk to themselves or other workers, except for the purposes of training under the direct supervision of a competent person.
7. The mine manager and sponsor will ensure liability insurance and WorkSafeBC coverage is in place for all workers at the mine.



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