

## **Forests for Tomorrow**

### **Clarification of Recipient Responsibilities for Silviculture Workers under WorkSafe BC Legislation**

## 1. INTRODUCTION

The Forests for Tomorrow silviculture program subscribes to the Health and Safety Accord of the British Columbia Forest Industry, which states that all fatalities and injuries are preventable.

The FFT program is committed to working with the B.C. Forest Safety Council and WorkSafe BC to reduce the number of deaths and serious injuries in the silviculture industry and that the safety of silviculture workers has over-riding priority.

In addition, the Forests for Tomorrow program supports the SAFE Companies initiative to be piloted by the BC Forest Safety Council in April 2006 and will ensure participation in the pilot and subsequent implementation.

In the future, when the SAFE Company Program is fully implemented, it will be a requirement of the Recipient to only allow those companies registered under the SAFE Company Program to bid on Forests for Tomorrow silviculture contracts.

These guidelines supplement existing responsibilities of employers for worker health and safety as required under the Workers' Compensation Act and Regulations when completing silviculture activities under the Forests for Tomorrow program and apply to all Recipients involved in supervising, checking or monitoring Forests for Tomorrow silviculture activities.

## 2. DEFINITION

### **Recipient as Prime Contractor**

For the purposes of the Workers' Compensation Act, the **Recipient** will be the **Prime Contractor** for the Work, as described in the Regulations to the Act, and will carry out the duties described therein, or will cause its Sub-contractors to be the Prime Contractor for the scope of their respective sub-contracts.

**Prime Contractors** have responsibilities under Section 118 of the Act to coordinate activities of workplace parties and to do everything practicable to establish a system to ensure compliance with the Act and OHS Regulation.

The Recipient will be the **Prime Contractor** unless there is a specific agreement designating another person or contractor as prime contractor. Recipients are expected to engage in high-level coordination of safety activities of sub-contractors over a potentially large geographic region, such as an entire cutting permit or tenure area. Coordination will also extend to logistical matters such as performing risk assessments, determining measures to address hazards, and establishing systems to ensure health and safety.

### **3. ACTIVITIES COVERED UNDER THE SILVICULTURE PROGRAM**

- Site preparation
- Planting
- Brushing
- Pesticide application
- Fertilization

### **4. PRIME CONTRACTOR RESPONSIBILITIES**

#### **A. Legislation governing employment relationships.**

##### **1. Health and Safety.** The Recipient will:

- Be responsible for ensuring the health and safety of all workers, including Sub-contractors and other individuals employed or engaged in carrying out Work, in accordance with all legislation governing any aspects of the employment relationship.
- Ensure that the required Workers Compensation Board of British Columbia (WorkSafe BC) coverage is provided for itself and all workers and other individuals employed by it in carrying out the work and ensure that all sub-contracts pertaining to the work contain similar obligations of the Sub-contractor.
- Comply in all respects with the requirements of the Workers' Compensation Act (WC Act) and Regulations, pay for all assessments and levies associated with the Work and, upon request, provide the Administrator with proof of such compliance.

##### **2. Registration.** The Recipient acknowledges that it must register and remain registered and in good standing with WorkSafe BC for the term of this Agreement and that the Administrator may request verification from WorkSafe BC that the Recipient is registered and in good standing with WorkSafe BC or that the Recipient is not required by the WC Act to have coverage for the work.

##### **3. Employment Standards.** The Recipient will make sure that sub-contractors are following the requirements of the Employment Standards Act particularly in reference to the requirement for regular pay periods (Section 17)<sup>1</sup> and Employment Standards Regulations (Part 7, Section 37.9) with respect to silviculture workers shift schedules.<sup>2</sup> Report any violations to Employment Standards Branch. The Recipient will also ensure that a Letter of Commencement for each contract is sent to the Employment Standards Branch of the Ministry of

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<sup>1</sup> Workers who have not been paid may be reluctant to complain about unsafe work practices.

<sup>2</sup> Adherence to regular shift schedules reduces fatigue and reduces accidents.

Labour and Citizens' Services and a Notice of Project is sent to WorkSafe BC, with copies retained by the Recipient.

4. **Viewing of Work Sites.** For all work sites, the Recipient will identify all known or reasonably foreseeable hazardous situations with which the Sub-contractor must be aware and which may require taking steps to rectify or train workers as to these hazards. Potential hazards may include: Danger trees, road washouts, unstable surfaces, wildlife conflicts e.g. bears. It is recommended that the Recipient encourage that potential sub-contractors view all work sites prior to submitting a bid on the proposed Work.
5. **Training.** The Recipient must confirm that the Sub-contractor has carried out appropriate training for the crew and that a Worker Health and Safety Committee is in place.<sup>3</sup> The Recipient will attach a Check-list (Appendix 1) for the project being undertaken. This Check-list will form an integral part of the contract and the Sub-contractor must provide documentation to the Recipient to show that the necessary work or training has been carried out to meet worker safety requirements.
6. **Wildfire Act and Regulations.** The Recipient will make sure that all Sub-contractors involved with silviculture activities are familiar with requirements under the Wildfire Act and that the contractor's crews have been trained for fire fighting responsibilities to a standard acceptable to WorkSafe BC.<sup>4</sup>

## **B. Other Related Safety Requirements**

The Recipient will make certain that all Sub-contractors under this Agreement are aware of the following activities and the Recipient and/or Sub-contractor take the appropriate steps to ensure compliance with these activities.

1. **Wildlife/Danger Trees.** Requirements for assessing Wildlife/Danger Trees varies by activity. Some activities have a low impact on standing trees whereas others may create a hazard through on-going operations.

Very low risk activities result in negligible levels of ground or tree disturbance, workers have low exposure time to potential tree hazards and risk of injury is low.

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<sup>3</sup> *Workers Compensation Act s 115, 139*

<sup>4</sup> *OHS Regulation Part 26.19 MoFR Forest Protection Branch S100 Course, or equivalent, is acceptable*

Very low risk activities include:

- Forest surveys
- Stand reconnaissance
- Site preparation or brushing using sheep or cattle
- Tree marking
- Light vehicle travel (pickups, ATV's)

Obvious overhead tree hazards should be avoided but, for the most part, workers should keep a “heads-up” awareness of their surroundings.

**No pre-work site inspection is required for very low risk activities listed above.**

Hazard increases above a wind speed of 40km/hour.

Other activities requiring an assessment by a qualified person<sup>5</sup> are:

- Planting
- Brushing (e.g. use of light duty machinery such as weed whips, brush saws)
- Pesticide or fertilizer application using ground based backpack operations.

If a visual inspection is inconclusive as to the safety of a tree it may be wise to leave the tree in a no-work zone. Most planting and brushing activities under the Forest for Tomorrow program will be in fire-killed or beetle-killed areas. It is recommended that work should cease when the wind speed is greater than 20km/hour or that the area should be reassessed at a Level of Disturbance 3 (see Table 1).

Mechanical Site Preparation using heavy machinery is a level 3 activity. Any tree that has defects within the work area or likely to fall into the work area needs to be assessed by a certified Wildlife/Danger Tree assessor.

**1.1 Falling of Danger Trees.** If a Danger Tree exists a safe work zone must be established around the tree or the tree must be felled. Falling of Wildlife/Danger Trees must be done by an experienced faller (Certified Faller).

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<sup>5</sup> A qualified person is someone who, through extensive experience, is familiar with tree characteristics that may be dangerous under particular site conditions.

Table 1. Levels of disturbance for unprotected workers in various work activities

Wind Speed Equivalency (km/hr)	Level of Disturbance	Example Types of Work Activities
<40	1	<ul style="list-style-type: none"> <li>• Tree planting</li> <li>• Brushing</li> <li>• Tree pruning (stems &lt; 20 cm dbh)</li> <li>• Use of light duty machinery (e.g. weed whips, brush saws)</li> <li>• Road travel with heavy vehicles (&gt;5500kg GVWR) on ballasted and compacted roads</li> <li>• Fire control with hand tools and/or water hoses</li> </ul>
	2	<ul style="list-style-type: none"> <li>• Road travel with heavy vehicles (&gt;5500kg GVWR) on non-ballasted, non-compacted roads</li> <li>• Maintenance or construction activities without heavy equipment (e.g. small machines such as “bobcats”)</li> <li>• Tree pruning (stems &gt;20 cm dbh)</li> <li>• Juvenile spacing or slashing (stems &lt; 5cm dbh)</li> <li>• Tree bucking</li> </ul>
40-65	3**	<ul style="list-style-type: none"> <li>• Tree falling (any tree &gt;15 cm dbh)</li> <li>• Cable yarding</li> <li>• Ground skidding</li> <li>• Mechanical harvesting and forwarding</li> <li>• Helicopter logging (lift &gt;2200kg) with workers exposed to rotor wash</li> <li>• Use of light and intermediate helicopters where workers are exposed to rotor wash</li> <li>• Mechanical site preparation with heavy machinery</li> <li>• Maintenance or construction activities with heavy equipment</li> </ul>
+65	4	<ul style="list-style-type: none"> <li>• Trees adjacent to corridors in partial-cut cable logging operations</li> <li>• Harvesting operations in structurally damaged stands (e.g. wildfire burns)</li> <li>• Blasting</li> <li>• Helicopter logging (lift &gt;2200kg) with workers exposed to rotor wash</li> <li>• Use of medium and heavy helicopters where workers are exposed to rotor wash</li> </ul>

\* A dangerous tree assessment is only valid for the lowest level of disturbance at which the assessment has been done.

\*\* If trees CANNOT be safely felled and yarded away from adjacent standing timber (i.e. there is a chance that felled or yarded timber will strike adjacent standing “leave timber”), then default to Level 4 disturbance.

- Source: Wildlife/Danger Tree Assessor’s Course: Forest Harvesting and Silviculture Module

2. **ATV Operators.** ATV operators must be trained in the operation of the vehicle. No three-wheeled ATV's are permitted. Sub-contractors should provide information on the type of training. Training should include:

- pre-trip inspection
- personal protective apparel (which includes safety helmet, eye protection, gloves, boots and clothing covering the arms and legs)
- operating skills
- basic mechanical requirements
- loading and off-loading the vehicle
- terrain or other operating restrictions.<sup>6</sup>

BC Safe Silviculture is developing a recommended ATV Operators training course. In the interim contractors will train their own operators.

3. **Crew Vehicle Operators.** Drivers operating crew transport vehicles with a seating capacity over 10 persons, including the driver, and up to a maximum seating capacity of 25 persons, including the driver, must have a Class 4 (Unrestricted) Licence. Vehicles over 25 seats require a minimum Class 2 licence.<sup>7</sup>

When carrying crews to work a Vehicle Safety Check must be completed before passengers board. See Appendix 2 for an example of this form. Driving on gravel roads is not the same as driving on paved roads and operators must be especially vigilant about road conditions. BC Safe Silviculture is developing a "bush driver's" course. In the meantime, drivers should receive instruction on driving on forest industrial roads.

4. **Bear Awareness Training.** Bears can be a significant problem for silviculture crews working in remote areas and workers must be given training in bear avoidance. Training must include all manner of non-lethal bear management techniques and products, including handling and transportation of bear spray. Training videos or DVD's are available from the Get Bear Smart Society, as well as recommended training professionals.<sup>8</sup>

Where bears have become a significant nuisance, such as to cause a real danger of attack, the Ministry of Environment must be informed. If it is necessary to utilize firearms use only someone who has been properly trained (see section 5 below).

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<sup>6</sup> Source: Minimum Safety Requirements for Tree Planters, Forest Practices Branch.

<sup>7</sup> OHS Reg. Part 17, Motor Vehicle Act Part 1, Sec. 23 and ICBC Driver Licensing requirements.

<sup>8</sup> <http://www.bearsmart.com/>

**5. Firearm Users.<sup>9</sup> Only trained, certified and authorized persons are permitted to handle firearms.**

Approved firearms training programs will consist of a Rifle Qualification Course or a Shotgun Qualification Course. Recertification is required on an annual basis. Courses are available through:

- Ministry of Attorney General, Police Services Branch
- Justice Institute of B.C.
- private training contractors or agencies (e.g., police or conservation officers) proficient in firearms training

**Note:** Conservation, Outdoor Recreation Education (CORE) Program is not an acceptable training program, as there is no demonstrated firing of firearms included in this program.

**5.1 Storage.** Firearms will be stored out of sight in a locked container. Ammunition, when not being used, will be safely and securely stored in a locked metal container separate from the firearm container. Both firearms and ammunition will be accounted for at least once a month, with records maintained for audit purposes.

**5.2 Firearm Safety.** Firearms will be made safe and inoperable by complete removal of the bolt, firing pin, or by installation of trigger locks or other means of making firearms inoperable when:

- in storage
- not in use
- authorized for transportation by vehicle, vessel, aircraft, or by other authorized forms of transport

Firearms will be maintained in clean, serviceable condition. If found to be incapable of safe and accurate use, a firearm will be:

- made inoperable as described above
- tagged as unserviceable
- transferred for repair or replacement to an employee, or shop, qualified in firearms repair and disposal<sup>10</sup>

**6. Pesticide Application.** Only those persons in possession of a valid Pesticide Applicators Certificate may apply pesticides or supervise those applying pesticides.<sup>11</sup>

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<sup>9</sup> *Criminal Code of Canada - Firearms Acquisition Certificate (FAC) exemption and definitions; Firearm Act and associated BC Regulations; Wildlife Act and associated BC Regulations*

<sup>10</sup> Source: Ministry Policy Manual, Policy 6.3 Firearms – Forestry Use.

<sup>11</sup> Integrated Pest Management Act, BC Ministry of Environment, Environmental Protection Division.

7. **Silviculture Camps.** All projects requiring temporary camps must have the Silviculture Camp Standards Schedule “D” attached.<sup>12</sup>

## **5. FAILURE TO COMPLY**

Should the Recipient or any Sub-contractors fail to comply with Section A, above, or any of the activities in Section B, above, which have been identified at the Pre-Work Viewing as a potential hazard, the Agreement will be subject to the Remedies as outlined in Section 11 of the Recipient Agreement.

## **6. ADDENDUM TO THE AGREEMENT**

These guidelines form an Addendum to the Recipient Agreement and are subject to all requirements under that Agreement.

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<sup>12</sup> <http://www.for.gov.bc.ca/isb/forms/lib/FS776.DOC>

## REFERENCES

### Publications

- *Workers Compensation Act*
- *Occupational Health and Safety Regulation*
- *Wildfire Act*
- *Employment Standards Act*
- *Employment Standards Regulations*
- *Wildlife Act*
- *Firearm Act*
- *The Criminal Code of Canada*
- *Preventing Tree Planting Injuries*
- *Minimum Safety Guidelines for Tree Planters*
- *Wildlife Danger Tree Assessor's Course, Forest Harvesting and Silviculture Module*
- *Bear Safe, World Society for the Protection of Animals*
- *Ministry of Forests and Range Policy Manual*

### Videos

- *Staying Safe in Bear Country, available from The Get Bear Smart Society.*
- *Working in Bear Country, available from The Get Bear Smart Society.*

### Web Sites

- <http://www.bcforestsafe.org/index.asp>
- <http://www.worksafebc.com/default.asp>
- <http://www.for.gov.bc.ca/hfp/index.htm>
- <http://www.bearsmart.com/>
- [http://www.labour.gov.bc.ca/esb/facshts/statutory\\_holidays.htm](http://www.labour.gov.bc.ca/esb/facshts/statutory_holidays.htm)
- <http://www.env.gov.bc.ca/>
- [http://www.icbc.com/licensing/lic\\_utility\\_resman\\_commercial.asp](http://www.icbc.com/licensing/lic_utility_resman_commercial.asp)
- <http://www.for.gov.bc.ca/protect/firefighter/safety/>

**APPENDIX 1**  
**Check-List for Contractors for Silviculture Projects**

**Check-List for Contractors for Silviculture Projects**

**Contractors must be familiar with their responsibilities under the Workers Compensation Act, Employment Standards Act, and the Operational Health and Safety (OHS) Guidelines, particularly Parts 3 and 17.**

**Activity:** \_\_\_\_\_

(surveys; site preparation; planting; brushing; pesticide application; fertilization)

(Check all boxes that apply)

Danger Tree Assessment: Conducted by \_\_\_\_\_ Date \_\_\_\_\_

Danger Tree Falling: Conducted by \_\_\_\_\_ Date \_\_\_\_\_

Trained ATV Operator(s) Names: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Crew Vehicle Operators<sup>1</sup> (seating capacity over 10 persons) Class 4  
Name \_\_\_\_\_ Licence No. \_\_\_\_\_  
Name \_\_\_\_\_ Licence No. \_\_\_\_\_  
Name \_\_\_\_\_ Licence No. \_\_\_\_\_

Crew Vehicle Operators<sup>1</sup> (seating capacity over 25 persons) Class 1 or 2  
Name \_\_\_\_\_ Licence No. \_\_\_\_\_  
Name \_\_\_\_\_ Licence No. \_\_\_\_\_

Crew Bear Awareness Training:  
Conducted by \_\_\_\_\_ Date \_\_\_\_\_

Certified Firearm Users: Certificate No. \_\_\_\_\_ Date \_\_\_\_\_  
Certificate No. \_\_\_\_\_ Date \_\_\_\_\_  
Certificate No. \_\_\_\_\_ Date \_\_\_\_\_

Pesticide Applicators Certificate<sup>1</sup>: Name \_\_\_\_\_ Date \_\_\_\_\_

Assessment of Hazard and Risk for wildfires:  
Conducted by \_\_\_\_\_ Date \_\_\_\_\_

Wildfire abatement crew training: Conducted by \_\_\_\_\_ Date \_\_\_\_\_

Contractors Signature: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
<sup>1</sup> Add additional names as required

**APPENDIX 2**  
**Example**  
**Trip Inspection Report**

**TRIP INSPECTION REPORT**

Date \_\_\_\_\_ Vehicle Licence No. \_\_\_\_\_ Odometer Reading \_\_\_\_\_

Defects found (as marked)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Engine oil level         | <input type="checkbox"/> Brakes         | <input type="checkbox"/> Horn                |
| <input type="checkbox"/> Water level              | <input type="checkbox"/> Lights         | <input type="checkbox"/> Seat Belts          |
| <input type="checkbox"/> Transmission fluid level | <input type="checkbox"/> Turn signals   | <input type="checkbox"/> Mirrors             |
| <input type="checkbox"/> Battery                  | <input type="checkbox"/> Tires          | <input type="checkbox"/> Windshield wipers   |
| <input type="checkbox"/> Belts                    | <input type="checkbox"/> Exhaust system | <input type="checkbox"/> Steering            |
| <input type="checkbox"/> Front axle               | <input type="checkbox"/> Rear axle      | <input type="checkbox"/> Emergency equipment |
| <input type="checkbox"/> Fuel level (gas/diesel)  | <input type="checkbox"/> Oil pressure   | <input type="checkbox"/> Charge system       |
| <input type="checkbox"/> Other                    |   |  |

In pre-trip inspection I have found no defects or deficiency in this vehicle as would be likely to affect the safety of its operation or result in its mechanical breakdown.

TIME \_\_\_\_\_ AM \_\_\_\_\_ PM \_\_\_\_\_  
Signature of driver

In post-trip inspection I have found no defects or deficiency in this vehicle as would be likely to affect the safety of its operation or result in its mechanical breakdown.

TIME \_\_\_\_\_ AM \_\_\_\_\_ PM \_\_\_\_\_  
Signature of driver

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MECHANICS REPORT:**

- Above defects corrected  
 Above defects need not be corrected for safe operation of the vehicle

Mechanics Signature \_\_\_\_\_ Date \_\_\_\_\_