



BCTS

BC Timber Sales

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Advisory Bulletin No. 2011-03-22 (External) – Industrial Camp Standards Updated May 12, 2011

Purpose:

This Advisory Bulletin provides guidance to BCTS staff and contractors on industrial camp standards for work performed under contract to BC Timber Sales.

Background:

BC Timber Sales manages a large amount of contracts to conduct various forestry activities. Some of these activities (primarily silviculture) result in the contractor establishing temporary camps for their workers. This bulletin provides guidance on the roles and responsibilities of BCTS staff and the contractor related to industrial camps.

Legal Context:

A person must not establish or maintain an industrial camp except in accordance with all laws affecting the work including the *Public Health Act* and its *Food Premises Regulation*, *Health Act Communicable Disease Regulation*, *Sewerage System Regulation*, *Industrial Camps Health Regulation*; and the *Water Act* and the *Drinking Water Protection Act* and its Regulations; and the *Tobacco Control Act* and its Regulations.

The Industrial Camps Health Regulation, Food Premises Regulation, Sewerage System Regulation and the *Drinking Water Protection Act* and Drinking Water Protection Regulation are the principle legislation regarding industrial camps. This legislation applies to all industrial camp activities including timber harvesting, road building and silviculture operations.

A person establishing an industrial camp and employing workers must also comply with other related legislation. The Workers Compensation Act and its Occupational Health and Safety Regulation applies to camps to the extent they are workplaces in which workers such as cooks, maintenance people and others work. The Employment Standards Act sets out the minimum standards that apply to most workplaces in British Columbia.

This bulletin is an information guideline only and is not intended to provide legal advice or official interpretation of the above Acts and Regulations.

FS776 Camp Standards Schedule

Many BC Timber Sales silviculture contracts and other Ministry contracts include a “FS776 Camp Standards Schedule” which identifies camp standard requirements that become a contractual requirement in addition to the applicable legislation.

The FS776 Camp Standards Schedule should be included in all BCTS silviculture contracts. The FS776 may be included in other BCTS contracts at the discretion of the contract officer where the use of a camp is likely.

Regardless of whether the FS776 Camp Standards Schedule is included in a BCTS contract, the Industrial Camps Health Regulation and all other health legislation is still in effect.

BCTS staff must formally inspect and enforce the FS776 Camp Standards as part of normal contract management where it is included in the contract. BCTS staff must use the “FS776a Inspection Form – Compliance with Camp Standards” for all camp inspections. If the FS776 Camp Standards is not included in the BCTS contract, BCTS staff would inspect the Camp Standards using a risk based approach in consideration of the experience and track record of the contractor, conformance to EMS and Safety requirements, and other factors.

Enforcement of the Industrial Camps Health Regulation and other Health legislation is the responsibility of the local Health Authority. BCTS staff can only enforce Camp Standards as part of their contract management responsibilities.

In all situations, BCTS staff should immediately report all suspected public health concerns to the local Health Authority, all suspected worker safety concerns to WorkSafe BC and all suspected employment standards concerns to Employment Standards Branch of the Ministry of Labour.

Recent changes to the “FS776 Camp Standards Schedule” include specifications regarding sleeping accommodation (where provided by the contractor) as well as a requirement for contractors to notify BC Timber Sales staff, the local Health Authority representative (<http://www.health.gov.bc.ca/socsec/contacts.html>) and WorkSafe BC representative (http://www.worksafebc.com/contact_us/default.asp) a minimum of 72 hours in advance of setting up of an industrial camp.

BCTS staff should ensure they use the most current FS776 Camp Standards Schedule and FS776a Inspection Form (available on the Ministry forms website) when creating or renewing contracts and conducting camp inspections.

Questions and Answers

When and where does the Industrial Camps Health Regulation and FS776 Camp Standards Schedule apply?

The Industrial Camps Health Regulation and FS776 Camp Standards Schedule apply wherever an industrial camp is setup or operated. It applies to both Crown land and private land. The regulation applies to camps where “labour is employed” and where a person “operates or manages a camp or permits any premises, building, structure, equipment, utensil, or other thing used in or as part of a camp to be so used.” The regulation applies to private and commercial campgrounds, logging camps, provincial parks and other venues where an employer provides a camp for their workers.

Does the Industrial Camps Health Regulation apply to logging and road building camps and other similar industrial activities or only to silviculture camps?

The Industrial Camps Health Regulation applies to all industrial camps as defined in the regulation where the employer provides the camp for their workers.

The Industrial Camps Health Regulation does not apply to a camp occupied by less than 5 persons. Does the FS776 Camp Standards Schedule apply when a camp is occupied by less than 5 persons?

The FS776 Camp Standards Schedule does not apply to camps occupied by less than 5 persons.

The Industrial Camps Health Regulation provides an exception for camps established to meet emergency conditions and occupied for a period of not more than 7 days. Under what circumstances do BCTS contracts qualify as an emergency condition? If the camp is established for less than 7 days do the camp standards still apply?

Camps established under BC Timber Sales contracts generally do not qualify as an emergency condition. The camp standards apply to most camps established for work on BCTS contracts. There is no exception for camps less than 7 days.

The Ministry defines an emergency as “any situation which constitutes an imminent and serious threat to human safety, Crown land or resources, ministry or private property, or otherwise has the imminent potential to result in significant loss to the ministry.”

The Industrial Camps Health Regulation allows an exception for camps established to meet emergency conditions **AND** occupied for a period of not more than 7 days. Staff and contractors should consult directly with the local Health Authority to determine if their situation qualifies under this section.

Workers are voluntarily camping together but not as a requirement of their employment and the camp is not provided by the employer. Do the regulations and camp standards apply?

The Industrial Camps Health Regulation and FS776 Camp Standards Schedule apply to industrial camps. These camps are defined in the Regulation as “land or premises on which there are cabins, tents, dwellings, bunkhouses or other structures owned, established, operated or maintained by an employer as living quarters for his agents, employees or others, with or without charge.” If the contractor/employer is providing the camp then the camp is subject to the Industrial Camps Health Regulation and the FS776 Camp Standard Schedule. This could include private campgrounds, provincial parks and commercial camps where the employer is providing the camp for their workers.

If workers are voluntarily camping together and the camp is clearly not provided by the employer then the Industrial Camps Health Regulation, FS776 Camp Standards Schedule and other Health legislation do not apply. In this situation no labour is employed and the camp is not provided by the employer for the workers.

If the employer is providing items such as cooking facilities, drying tents, latrines, utensils or other items then the camp is deemed to be provided by the employer and the Camp Standards and other Public Health legislation are in effect.

The employer is providing a camp facility but sleeping accommodation is the responsibility of the worker to provide. Does the employer need to meet the sleeping accommodation portions of the Industrial Camps Health Regulation and FS776 Camp Standards Schedule?

Workers can voluntarily choose to arrange their own sleeping accommodations. The employer is responsible for the sleeping accommodation that the employer

provides and to ensure that the employer provided accommodation meets the required standards.

Is a permit required to establish an industrial camp on vacant Crown land? What other approvals are needed?

Written approval is required from the Ministry of Forests, Lands and Natural Resource Operations (including BC Timber Sales) to establish a temporary camp on vacant crown land as identified in the FS1000 contract as follows:

Camping and Parking

Use of Provincial sites by the Contractor or the Contractor's employees or agents for the purposes of lodgings, camping or trailer parking in connection with Work under this Agreement, is permitted only with the prior written approval of:

- a) on recreational sites, a representative of the Ministry of Forests, Lands and Natural Resource Operations, Sites and Trails Branch;
- b) on other Provincial Crown forest land including roads and landings, the Ministry Representative appointed pursuant to Section 5.01 of this Agreement;

Such use, if approved, shall be without charge to the Contractor. The approval may be revised or revoked at any time by the Province.

The FS776 Camp Standards Schedule requires contractors to give a minimum of 72 hours notice of the location of the proposed camp to the BCTS Contract Officer, local Health Authority and WorkSafe BC representative. BCTS staff should review the proposed location to ensure that the site is suitable considering local site parameters, other resource users and tenure holders, downstream impacts, First Nation concerns, and other factors. The BCTS Contract Officer should provide written approval of the camp and its location to the contractor and document the approval on the contract file.

The Public Health Act - Industrial Camps Health Regulation requires approval by a medical health officer or public health inspector for disposal of sewage from the camp. "The operator shall dispose of the sewage in an approved manner that does not create a nuisance, pollute any stream, lake or other body of water or contaminate a water supply, bathing place or shellfish growing area". Contractors should contact the local Health Authority well in advance of setting up a camp to ensure compliance with the Industrial Camps Health Regulation and Sewerage System Regulation.

The Public Health Act – Food Premises Regulation specifies the requirements for construction and operation of a food premises. “Food premises means any place where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed”. “Food services establishment” means food premises in which food is (a) processed, (b) served or dispensed to the public, and (c) intended for immediate consumption.” Contractors should contact the local Health Authority well in advance of setting up a camp to ensure compliance with the Food Premises Regulation. This may include the requirement to provide plans and specifications, a food safety plan, and Food Safe training in order to receive an operating permit. Where mobile facilities are being utilized for food services, operators should have the operating permit issued in advance at their home location by their local health authority.

The *Drinking Water Protection Act* and Drinking Water Protection Regulation specify the requirements for drinking water including the use of water for human consumption, food preparation or sanitation. Contractors should contact the local Health Authority well in advance of setting up a camp regarding permits, source water assessment and testing and other requirements to ensure compliance with the *Drinking Water Protection Act* and Regulation.

Drinking water from sealed bottles purchased from a reputable grocery chain outlet or other suitable retail establishment will not be subject to “source water assessment and testing” as specified in the *Drinking Water Protection Act* and Regulation.

The *Water Act* regulates the “short term use of water” from most streambeds in BC including “a lake, river, creek, spring, ravine, swamp and gulch”. The *Water Act* and Regulation specify requirements to ensure that the short term use of water does not compromise water quality, fish and wildlife habitat or the rights of other water users. If you are contemplating the use or diversion of water for your industrial camp (e.g. for showers or other uses) you must have approval from the Ministry of Environment - Water Stewardship Division. Application forms, fees and additional information are available from all Front Counter BC offices and from the Ministry of Environment - Water Stewardship Division website as the following location:

http://www.env.gov.bc.ca/wsd/water_rights/licence_application/section8/index.html

NOTE: The issuance of permits and approvals for sewage disposal, operation of a food premises and for drinking water protection may take a considerable time. Contractors should review requirements and obtain the necessary permits and approvals from the Health Authority prior to the field season. Contractors planning on the “short term use of water” from a

streambed or other water body should secure approval from the Ministry of Environment well in advance of the proposed camp.

When should a camp inspection be performed by BCTS staff?

Camp standards and plans for camps must be reviewed as part of the contract pre-work meeting when the FS776 is part of the contract. BCTS EMS checklists will be updated to include these requirements. BCTS staff must inspect a camp as soon as possible after establishment and generally within the first 24 to 48 hours.

Contracts that do not include the FS776 Camp Standards Schedule should be inspected using a risk based approach in consideration of the experience and track record of the contractor, conformance to EMS and Safety requirements, and other factors.

How should the camp inspection be documented?

Camp inspections should be documented on the “FS776a Inspection Form – Compliance with Camp Standards” immediately upon inspection. Ensure you download the most current form from the Ministry forms website.

Who enforces the Camp Standards requirements?

BCTS staff enforce the requirements of the contract including the FS776 Camp Standards Schedule. Penalties and enforcement actions are as defined within the terms and conditions of the contract.

The local Health Authority is responsible for permitting and enforcement of the Industrial Camps Health Regulation, Food Premises Regulation, *Drinking Water Protection Act* and Drinking Water Protection Regulation. BCTS staff should report significant camp issues and potential violations to the local Health Authority.

WorkSafe BC is responsible for worker safety including the *Workers Compensation Act* and its Occupational Health and Safety Regulation. BCTS staff should report worker safety issues and potential violations to WorkSafe BC.

The Ministry of Labour – Employment Standards Branch enforces the *Employment Standards Act*. BCTS staff should report employment standards issues and potential violations to the Employment Standards Branch.

The Compliance and Enforcement Branch of the Ministry of Forests, Lands and Natural Resource Operations enforce the *Water Act* and Regulations. BCTS staff should report potential violations of the *Water Act* to Compliance and Enforcement Branch. Questions and inquiries regarding the “short term use of water” application and approval process should be directed to Front Counter BC or the Ministry of Environment - Water Stewardship Division.

Collaboration, communication and joint inspections between the various government agencies is highly recommended for efficient and effective use of resources and to promote worker health and safety. If the local Health Authority determines that a camp should be closed, BCTS will assist with this closure by withdrawing the approval to establish a camp on Crown Land. Both agencies would pursue other penalties and enforcement actions available under the contract and legislation.

Contacts

For further information regarding this bulletin please contact Graham Archdekin, Manager, Tenure Operations (250-387-8302) at BCTS Headquarters.