

# Variance Request Guide

## Hours of Work



Ministry of  
Energy, Mines and  
Low Carbon Innovation



**THIS DOCUMENT** is intended to provide mines with the relevant information required to submit a complete variance request for Section (s) 1.5.1 – Hours of Work (HOW) of the Health, Safety and Reclamation Code for Mines in British Columbia (the Code).

### WHEN IS A VARIANCE TO, S.1.5.1 REQUIRED?

A variance request is required when a proponent would like to schedule workers beyond the provisions of the Code and the revised [Chief Inspectors Directive for Mineral and Coal Exploration Hours of Work](#) (dated June 12, 2012). A variance of short duration will be considered if the proposal either affords protection for the workers equal to or greater than the protection established by the provision being varied or has substantially the same purpose and effect as the provision being varied.

### WHAT IS FATIGUE RISK MANAGEMENT?

Fatigue is defined as a state of impairment that can include mental and/or physical elements associated with lowered alertness and reduced performance. Fatigue may be caused by sleep related disruption or deprivation as a result of extended work hours, insufficient sleep or the effects of sleep disorders,

medical conditions or pharmaceuticals which reduce sleep or increase drowsiness. Impairment due to fatigue can impact a worker's ability to perform tasks safely.

Like any other workplace hazard, fatigue should be identified and managed as part of the mine's overall safety management system.

### HOW VARIANCE REQUEST PREPARATION

To apply for a HOW variance, the Chief Inspector of Mines must receive the request for variance in writing (via mail or email) from the Mine Manager, OHSC or local union. The signatures and contact information of the other parties should be included on the request.

When considering a HOW variance request the Ministry reviews the following factors. It is recommended that all these topics be addressed in the request submission:

- ✔ **Administrative:** Mine number, permit number, proposed start and end date, and any seasonal variations.
- ✔ **Description:** A summary of the request and reference to the Code section(s).
- ✔ **Rationale:** A detailed justification for the request, including reasons why compliance with the Code is unachievable.
- ✔ **Worker Protection:** A description of how the proposed request meets or exceeds the level of protection to workers and the environment as established by the Code.
- ✔ **Risk Mitigation:** Details of fatigue risk management systems in place to measure, review and continually improve processes to mitigate the risks of fatigue on site. Consideration should be given to implementation of a comprehensive fatigue risk management program.
- ✔ **Work Schedule:** Details of current and requested work schedule including schedule averaging. Consideration should be given to the design of work schedules such as shift start and finish times, scheduled breaks and meals, length of rotation, direction of rotation, length of rest between shifts and rotations.
- ✔ **Travel:** A review of travel time employees are paid for, including the driving distances (km and time) to/from accommodation during the work schedule and for remote workers, logistics to/from permanent residences and airports, vehicle use (e.g. crew shuttle, carpool, personal vehicle) and the impact of jet lag. Consideration should be given to rest periods at the start and end of a shift rotations for remote workers, particularly for night shift workers.
- ✔ **Tasks:** An analysis of the number of each type of worker (on day/night shift), number of supervisors, the nature of work process(es), work-related factors that influence fatigue (e.g. monotony, repetition, highly demanding workloads, mentally challenging work, physically challenging work) and environmental factors that influence fatigue (e.g. noise, lighting, temperature, vibration).

Consideration should be given to safety critical tasks. Where risks are identified, provide detailed strategies that will be implemented to minimize and control workplace hazards (e.g. job demands analysis, risk assessment, safe work procedures).

- ✔ **Workplace Contaminants:** An assessment evaluating the potential impact of extended hours on worker exposures to workplace contaminants. Consideration should be given to existing exposure monitoring data. Where risks are identified, provide detailed strategies that will be implemented to minimize and control workplace exposures (e.g. exposure control plans, exposure monitoring plans, safe work procedures, worker training). Documentation demonstrating current compliance with the Code, s.2.1.1 and s.2.1.3 should be provided.
- ✔ **Facilities:** Details of amenities available to workers. Consideration should be given to the availability of power nap locations, social areas and cafeterias with nutritional food options.
- ✔ **Training:** Details of how and when workers will be trained and supervised on fatigue risk management and relevant workplace programs and/or policies.  
Additional details of how supervisors will be trained on responsibilities for identifying and managing fatigue risk. Consideration should be given to content such as fatigue risk factors, causes, symptoms, recognition methods (for self and others), reporting process, mitigation strategies and responsibilities.
- ✔ **Workplace Incidents:** Details of any incidents or near misses occurring within the last year where fatigue was a factor. Consideration should be given to regular monitoring for fatigue-related incidents.

## HOW VARIANCE REQUEST PROCESS

1. Upon receipt, your request will be assigned to an Ergonomics Inspector for review.
2. You will receive verification of your request and your Health and Safety Inspector or Health, Safety and Environment Inspector will be notified of the request.
3. Additional questions may be asked by the Ergonomics Inspector regarding information provided within the request or related to any missing information.
4. Once the review is complete it is provided to the Chief Inspector of Mines for consideration.
5. The Chief Inspector will provide a written decision.

## ADDITIONAL INFORMATION

1. Submit your request well in advance. Applications take approximately 60 days to review. Complex cases may take longer.
2. The revised [Chief Inspectors Directive for Mineral and Coal Exploration Hours of Work](#) is intended for small surface operations only. Proponents operating under this directive must send a safety management plan to their Health, Safety and Environment Inspector.
3. Variance requests are logged in [MineSpace](#). Access your account to view your variance request file.
4. If granted, a legible copy of the variance must be posted and maintained on conspicuously located bulletin boards at the mine.

## DEFINITIONS

**“Safety critical tasks”** means activities where human performance contributes to the initiation of, or failure to mitigate, a dangerous occurrence. Examples include: driving mobile equipment, crane operation, working at heights, working with flammable or explosive substances, electrical work.

**“Scheduled to work”** means time spent on shift inclusive of paid or unpaid meals and breaks that have been coordinated in advance.

**“Scheduled shift underground”** means time spent working underground.

**“Week”** means a period of seven consecutive days, beginning on any day.

**“Work schedule”** means scheduled hours per day and the shift cycle, which includes days at work and days off work.

## CODE REFERENCE

**Mines Act 13** – Variance of Regulations or Code for Individual Mine

**Code Section 1.2.1–1.2.3** – Variance of Code Provision

**Code Section 1.2.4** – Postings

## RESOURCES

Canadian Centre for Occupational Health and Safety, Fatigue: [www.ccohs.ca/oshanswers/psychosocial/fatigue.html](http://www.ccohs.ca/oshanswers/psychosocial/fatigue.html)

Occupational Safety and Health Administration (OSHA), Long Work Hours, Extended or Irregular Shifts, and Worker Fatigue: [www.osha.gov/SLTC/workerfatigue/index.html](http://www.osha.gov/SLTC/workerfatigue/index.html)



## QUESTIONS

Ministry of Energy, Mines and Low Carbon Innovation  
Mines Health, Safety and Enforcement Division, Ergonomics Team

**Web:** [gov.bc.ca/mineshealthsafety](http://gov.bc.ca/mineshealthsafety)

**Email:** [Mine.Ergonomics@gov.bc.ca](mailto:Mine.Ergonomics@gov.bc.ca)