

Appendix A

Ministry Action Plan

Response to Recommendations in the Audit Report, *Worker Protection in Mobile Equipment Near Water*

The Ministry of Energy, Mines and Low Carbon Innovation (the Ministry) accepts each of the recommendations from the Chief Auditor in the audit report entitled, *Worker Protection in Mobile Equipment Near Water* (the Audit Report). The following Action Plan outlines the Ministry's commitments to addressing the recommendations from the Chief Auditor in the Audit Report. The Ministry has organized the Action Plan under three themes, as outlined in the Audit Report:

- Regulatory Requirements;
- Incident Data Management; and
- Outreach and Education.

The Ministry will provide annual updates to the Chief Auditor regarding progress made on each of these actions until completed.

List of Acronyms:

Audit Report	<i>Worker Protection in Mobile Equipment Near Water</i> report
Code	Health, Safety and Reclamation Code for Mines in British Columbia
CRC	Code Review Committee
DO	Dangerous occurrence
Ministry	Ministry of Energy, Mines and Low Carbon Innovation

Regulatory Requirements

Recommendation 1

Ministry Response & Action

The Ministry should explore opportunities to strengthen current regulatory requirements to support the protection of workers operating mobile equipment near water, including:

- Reviewing existing regulatory requirements in consideration of clarity and common elements in other Canadian jurisdictions
- Revising the requirements, as necessary
- Supporting the consistent interpretation and application of these requirements

The Health, Safety and Reclamation Code for Mines in British Columbia (the Code) is the primary regulatory vehicle by which Government establishes the health and safety requirements for mine sites. The Ministry seeks to ensure the Code is protecting workers from undue risks. As such the Ministry will implement the following action:

Action 1a

The Ministry has formally requested the Code Review Committee (CRC) undertake a review to revise necessary code provisions highlighted in the Audit with respect to operating mobile equipment near water. The request includes a review of Code sections 1.11.1, 3.3.3, 4.1.4 and any other sections determined to be relevant by the CRC. As well, the Ministry has requested that the CRC address any areas of concern related to worker health and safety operating mobile equipment near water not currently addressed by the Code and consider new requirements as may be required.

Target date for initiation of Code review work: Fall 2022

Revisions to the Code, as outlined in Action 1a, can take time. The Ministry recognizes the imperative for ensuring that current workers in these situations have consistent and clearly articulated protections. As such, the Ministry will implement the following action:

Action 1b

The Office of the Chief Inspector of Mines will publish a Chief Inspector's Interim Directive stating the Chief Inspector's interpretation of relevant existing Code provisions and additional safety measures industry should undertake to mitigate risk and respond to potential emergencies while workers are operating mobile equipment near water. This work will include a review of the findings in the Audit Report related to clarity, and compliance and enforcement related to order writing to promote confidence that the actions of all involved parties are consistent with regulatory intent outlined in the Code. This directive will support the consistent interpretation and application of these requirements until such time the Code is updated to address these issues. The Ministry will publish the Interim Directive [online](#).

Target Date for Implementation: June 30, 2022

Incident Data Management

Recommendation 2

Ministry Response & Action

The Ministry should review its current systems and processes to determine whether they are resulting in the effective management of incident data and take action to address any noted challenges.

Incident management reporting is an area in which the Ministry has made considerable improvements in recent years. As the audit report notes, the Ministry modernized the tracking and storage of incident-related files in 2019 through its digital information management system, Core. Additionally, the Ministry developed and implemented a process to manage incident reporting to bolster accountability for managing incidents on the part of the Ministry and mines. This process was implemented in 2021, with information available on the [Ministry's website](#), and has improved the oversight of Dangerous Occurrences (DO) through:

- Centralizing DO reporting to the 24/7 Mine Incident Reporting Line;
- Creating mechanisms for prompt notification and escalation of incidents to management and investigators as warranted;
- Publishing Weekly DO Summary Reports to increase transparency about DOs at mine sites and provide information on possible hazards for mines to consider for their own risk assessments;
- Creating the Mine Incident & Dangerous Occurrence Preliminary Reporting Form to aid mine managers in providing standardized information to the Ministry when reporting on incidents; and,
- Creating a DO Review Board, comprised of Ministry specialists, who review serious incidents to ensure compliance with regulatory requirements, processes and/or identify issues that may require additional industry wide safety measures, such as education and guidance material.

The Ministry is committed to continuous improvement and is currently developing an internal policy to establish timelines and triggers for identifying and reviewing all the Ministry's operational policies, guidance, and procedures, etc. related to mining regulatory oversight. This internal policy will support the Ministry in making timely revisions to its systems and processes. The Ministry is completing this work as a response to Recommendation 2 from the Chief Auditor's [Audit of Code Requirements for Tailings Storage Facilities](#) (June 2021). The Ministry's process for managing incidents is currently identified for review within this internal policy.

Action 2

To support continuous improvement of DO oversight at mines in B.C., the Ministry will conduct a scheduled review of the process for managing incident reporting. The process for managing incident reporting will be updated, as necessary, based on any opportunities for improvement that are identified by this review.

Target Date for Implementation: June 30, 2022

Outreach and Education

Recommendation 3

The Ministry should develop a clear, consistent approach to using and distributing its outreach and education tools and ensure all communications are aligned with the Code.

Ministry Response & Action

The Ministry is committed to providing outreach and education tools that provide industry, workers and the public with timely information and statistics related to worker health and safety. While Hazard Alerts, Health and Safety Notices, Chief Inspector Directives and Weekly Dangerous Occurrence Summary Reports are currently posted to the Ministry's [website](#), additional clarity regarding the use and distribution of these tools will help ensure we are meeting our commitments related to timely and clear information.

Action 3

The Ministry will clarify the purpose and use of each of the main outreach and education tools (i.e., Hazard Alerts, Safety Notices, Chief Inspector Directives and Weekly Dangerous Occurrence Summary Reports). The Ministry will publish this information online.

Target Date for Implementation: June 30, 2022