



BCTS
BC Timber Sales

MEMORANDUM OF UNDERSTANDING

Among

WorkSafeBC

(The Workers' Compensation Board of British Columbia)
(Herein referred to as "WorkSafeBC")

And

The Ministry of Forests and Range

(Herein referred to as "Ministry")

And

British Columbia Timber Sales

(Herein referred to as "BCTS")

Respecting

Collaboration and information sharing among WorkSafeBC,
The Ministry of Forests and Range and
BC Timber Sales

This Agreement dated the _____ day of November 2006.

1. Background

a) Ministry & BCTS

The purpose of the Ministry is to protect, manage, and conserve forest and range values for the economic and social benefit of all British Columbians.

All aspects of the work of the Ministry require a high level of diligence toward health and safety, however, based on the records of injuries and fatalities in the forest sector in 2005, the highest level of effort and improvement in implementing safety programs needs to be reflected in the work leading to authorization for forest harvesting, log hauling, road construction and silviculture activities. These activities in the forest industry form the backbone of economic and social activity in many communities in the Province of British Columbia and are a significant contributor to the overall provincial economy.

The majority of forest industry activities in British Columbia occur on Crown lands. The Ministry is the administrative arm of the government responsible for forest land management on public lands. Forest management includes among other things:

- Inventory and classification of land and timber and the establishment of allowable harvesting rates.
- Disposition of forest tenures and forest road use authorizations to accommodate timber harvesting and related activities.
- Setting standards and enforcing standards for forest management relative to planning, public and First Nations consultation, environmental protection, reforestation, grazing.
- Fair pricing of Crown timber.

As the agent of Crown with the mandate for forest management, in particular as a licensor of a variety of tenures, MOFR and BCTS accept that they may have certain responsibilities of an owner (as defined in the *Worker's Compensation Act WCA*). Licensees who enter into tenures with the Ministry are also owners under the *WCA* on the specific areas approved for harvesting or forest management work under the terms of their agreements. Licensees own the work being done on these sites. Licensees range in size from small companies operating on one to two year non-replaceable licences to large corporations operating on twenty-five year replaceable licences.

Under its mandate for forest management, the Ministry also directly conducts work on the forest land base such as road construction, road maintenance, road de-activation, surveys, assessments and inventories as well as other activities. In this role, the Ministry is the owner of this work and often is an employer and directly carries responsibilities for these roles as laid out in the *WCA*.

BCTS is an autonomous division within the Ministry established to plan and sell approximately 20% of the timber harvested each year on Crown lands to independent operators with the key objective of collecting independent market data on costs and revenues to enter into a process for pricing all Crown timber in an open and competitive market pricing system. In order to do this, BCTS maintains direct responsibility and ownership for planning, engineering and layout, some road construction, and post harvest reforestation on areas authorized for harvesting under its jurisdiction. BCTS, however, does not directly conduct or contract harvesting but rather is a licensor and under authority of the *Forest Act*, enters into agreements (licenses) with independent operators who are awarded the licenses after a competitive tendering process.

b) WorkSafeBC

Founded in 1917, WorkSafeBC is a statutory agency serving 1.8 million workers and about 165,000 employers in British Columbia.

Under the British Columbia Workers Compensation Act ("Act"), WorkSafeBC has the mandate to be concerned with occupational health and safety generally, and with the maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia and the occupational environment in which they work. In carrying out its mandate, WorkSafeBC may, among other things:

- make regulations to establish standards and requirements for the protection of the health and safety of workers and the occupational environment in which they work;
- provide services to assist employers and workers in maintaining reasonable standards for occupational health and safety and occupational environment;
- provide information and advice relating to occupational health and safety and occupational environment;
- promote public awareness of matters related to occupational health and safety and occupational environment;
- cooperate and enter into arrangements and agreements with governments and other agencies;

WorkSafeBC is committed to a safe and healthy workplace, and to providing return-to-work rehabilitation and fair compensation to workers injured or suffering occupational disease as a result of their employment.

WorkSafeBC partners with a variety of industry stakeholders to deliver programs and information aimed at preventing and reducing the incidence of workplace accidents and occupational disease.

2. Authorization, Purpose and Scope

a) Authorization

The Ministry and WorkSafeBC are committed to entering into a cooperation agreement that respects the mandate of each party while agreeing to support each others activities with respect to safety and health generally and to promote and facilitate appropriate allocation of resources and expertise. This MOU is an administrative arrangement aimed at ensuring effective and efficient program delivery.

b) Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish a framework for a mutually beneficial relationship of collaboration and information sharing to provide stakeholder support that help ensure roles are clear and responsibilities are understood on forestry operations.

The shared goal of the Ministry and WorkSafeBC is that the collaboration and information sharing between the two organizations fostered by this MOU will create a readily accessible system of information to promote knowledge transfer that will complement initiatives by both organizations in order to improve occupational health and safety enforcement, programs, services, training and research.

c) Overview Committee

To oversee this important initiative, an Overview Committee made up of four key persons, will be formed, two from the Ministry and two from WorkSafeBC. The Working Committee will be established for a term of 18 months, after which it will be reviewed by senior management groups of the respective organizations. This Committee will track implementation of recommendations made and will be available to address other issues as they arise out of this collaborative work. Committee members would not become involved in the core business of the Ministry or WorkSafeBC.

The Overview Committee will meet quarterly with the aim of providing clarity and fostering co-operation in the area of occupational safety and health. The Committee will report to their respective Departments on matters discussed.

d) Scope

This MOU is intended to cover forest management, forest harvesting agreements, administration of harvesting agreements, road use and permitting, and post harvest silviculture activities of the Ministry.

The MOU does not cover the activities of the Ministry's Range or Protection Programs.

3. Commitments

a) Cooperation

The parties will cooperate in order that the economic benefits of British Columbia's forest resources may be realized in a manner that enhances the social and economic benefits resulting from improved workplace safety practices of all industry participants.

Where their mandates and legislative authorities permit, the Ministry and WorkSafeBC will identify opportunities for joint initiatives that will further occupational health and safety.

b) Information sharing

The parties will share information to complement initiatives by both organizations in order to improve occupational health and safety enforcement, programs, services, training and research.

The Ministry and WorkSafeBC will on a timely basis endeavour to assist, inform and advise each other of emerging issues and/or situations in the area of occupational safety and health in their respective jurisdictions.

The Ministry and WorkSafeBC will on a timely basis, notify each other of significant changes to programs and legislation each administers as they relate to the occupational health and safety in the forest sector.

c) Clarifying Roles and Responsibilities

In working to achieve their shared goal, Worksafe BC, the Ministry and BCTS will establish and maintain a clear understanding of the roles and responsibilities of the Ministry as licensor for health and safety as well as the roles and responsibilities of licensees in their role as an owner with rights to harvest or utilize specific areas of Crown land for timber extraction or road use. Further, the Ministry, BCTS, and Worksafe will work to ensure respective staff in each agency are aware and understand these roles and responsibilities and that these responsibilities are communicated in a clear and consistent manner to the forest industry and the public.

WorkSafeBC will assist the Ministry to access and interpret information it collects or maintains and technical expertise in the area of occupational health and safety with the purpose of assisting the Ministry in its operational occupational health and safety activities within the Province.

d) Officer Training and Management Consultation

The Ministry and WorkSafeBC will work together and support each other's operational training needs by sharing training plans and course calendars and where appropriate making training sessions available to each other's employees (as space permits and with appropriate sharing of costs).

e) Data Mining

WorkSafeBC and the Ministry will collaborate to support information gathering and analysis of incidents and accidents on permit roads, forest services roads, and public highways.

f) Resource Roads

The parties will continue the resource road ownership and use committee and will set terms of reference and isolate immediate issues relating to authority and control on resource roads for resolution. The committee will make long term recommendations to the resource road act working group established by the Ministry of Forests and Range.

4. Principles of Information Sharing and Collaboration

WorkSafeBC and the Ministry agree that the following principles will guide the collaboration and information sharing fostered by this agreement:

a) Information Reliability

Information maintained and provided by the Ministry and WorkSafeBC must be impartial, objective, authoritative, relevant, reliable and complete.

b) Associated Costs

The Ministry and WorkSafeBC agree that where either incurs a cost not specifically provided for by this MOU, the Party incurring the cost will be responsible to cover the cost.

The Ministry and WorkSafeBC agree that where either party requires technical advice and assistance of the other party in support of its application and enforcement of legislation and of the intent of this MOU, it will negotiate on a case by case basis compensation for the expenses incurred at the prevailing government rates for travel and accommodation.

c) Specialty Services

WorkSafeBC maintains technical occupational safety and health resources to support and assist in the application and enforcement of provincial occupational safety and health legislation. These resources include, but are not limited to:

- Occupational Health & Safety (OH&S) services
- OH&S Compliance services

- Occupational hygienist services
- Library services
- Engineering services
- Client educational services

The Ministry maintains technical resources to support an assist in the fulfillment of their mandate. These resources include:

- Resource tenures and Engineering Branch
- Forest Practices Branch
- Revenue Branch
- Economics and Trade Branch

Each party will undertake to make available having these specialty services and resources to the other Party when operational requirements permit.

d) Associated Legislation, Acts and Regulations

The Ministry and WorkSafeBC administer specific legislation, acts, regulations and associated business systems as part of their core business. The Parties will exchange information appropriate to the level of co-operation and work undertaken by each within the provisions of applicable legislative authorities governing privacy and access to information, including *Workers Compensation Act, Occupational Health and Safety Regulation, Forest Act, Forest Practices and Range Act, Forest Planning and Practices Regulation, Forest Service Road Use Regulation.*

5. Agreements

Specific undertakings between the Ministry and WorkSafeBC, based on the principles of collaboration and information sharing embodied in this Agreement may be entered into under separate written agreements as appropriate.

6. Dispute Resolution

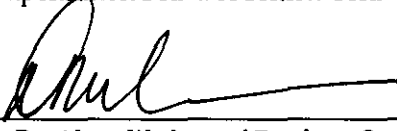
Issues arising out of this Memorandum that cannot be resolved at the overview committee will be referred to the Assistant Deputy Minister, Operations, and the Assistant Deputy Minister, BCTS in the Ministry of Forest and Range, and the Vice President, Worker and Employer Services, WorkSafeBC, or their respective delegate for resolution.

7. Amendments and Termination

Amendments to this MOU may only be made in writing and signed by the other party.

This MOU will remain in force until 90 days following written notice of termination by either party.

Signed for and on behalf of the Workers' Compensation Board of British Columbia by:

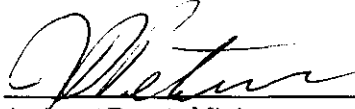


Vice President, Worker and Employer Services
WorkSafeBC

11/15/06

Date


Signed for and on behalf of the Ministry of Forests and Range (BCTS) by:



Assistant Deputy Minister,
BCTS

15/12/2006

Date



Assistant Deputy Minister, Operations
Ministry of Forests and Range

06.12.05

Date