Stakeholder Engagement Feedback

Policy 09.07, Accepting Mine Plans (NEW POLICY)

The Workers' Safety and Compensation Commission (WSCC) of the Northwest Territories and Nunavut is proposing a new policy, *Policy 09.07*, *Accepting Mine Plans*.

Policy 09.07 is being proposed as a new policy to provide governance level direction for the Chief Inspector of Mines' acceptance of mine plans as required by the respective *Mine Health and Safety Regulations* of the Northwest Territories and Nunavut. The policy goal is to provide clarity for mine owners and managers, but also for current and future Chief Inspectors of Mines. The goal of the policy is to ensure that the acceptance of mine plans is based on expert and professional engineer knowledge and not only the professional knowledge of the Chief Inspector as is the indication from the regulations.

While the policy is relatively short, simple, and direct in purpose, there is a lack of governance level documentation about how mine plans are accepted. This lack of documentation has created confusion and on inconsistent application over time. The goal of the policy therefore is to eliminate confusion about how acceptance of mine plans occurs, and to eliminate the confusion.

Please review the attached policy in its current form and provide comments that you believe will benefit the policy development process.

Comments

Policy 09.07, Accepting Mine Plans is being proposed as a new Governance Council policy. The WSCC is asking for your feedback on the proposed policy's overall clarity, and to understand if there are any gaps in the proposed policy from the perspective of stakeholders.

The WSCC of the Northwest Territories and Nunavut would like your feedback on the overall understanding and effectiveness of the policy. If you have any comments to provide about the content or clarity of the policy, please submit them to policy@wscc.nt.ca by **Sunday July 30**, **2023**. When providing feedback please make it clear that your comments concern the draft Policy 09.07.

The WSCC would like to thank you in advance for your feedback. Your participation contributes to the improvement of the service we provide to our stakeholders.

Attached Documents:

Policy 09.07, Accepting Mine Plans



ACCEPTING MINE PLANS

POLICY STATEMENT

The Workers' Safety and Compensation Commission (WSCC) through the Chief Inspector of Mines is responsible for regulating compliance and enforcement of Occupational Health and Safety (OHS) at mine worksites across the Northwest Territories and Nunavut.

Under the Mine Health and Safety Regulations the Chief Inspector of Mines has been granted authority for determining the acceptability of mine plans and for requiring the submission of mine plans on an annual basis.

This policy provides guidance for how the Chief Inspector of Mines uses the authority granted to them under the Mine Health and Safety Regulations to ensure the effective and safe operation of mine worksites across the Northwest Territories and Nunavut.

DEFINITIONS

Acceptable:	A standard that meets the expectations of the authority who must state something is acceptable. Saying something is acceptable is not the same as approval under authority of OHS legislation.
Chief Inspector of Mines:	The person appointed by the WSCC to be the Chief Inspector of Mines under the authority of the <i>Mine Health and Safety Act(s)</i> .
Manager:	A person appointed as a mine manager under subsection 8(1) of the <i>Mine Health and Safety Act</i> .
Occupational health and safety legislation:	The Acts and Regulations administered by the WSCC that concern occupational health and safety including the <i>Mine Health and Safety Act(s)</i> , <i>Safety Act(s)</i> , and <i>Explosives Use Act(s)</i> , and associated regulations.
Owner:	A person that meets the criteria within the definition of owner under the <i>Mine Health and Safety Act(s)</i> .

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POLICY

General

To ensure compliance with occupational health and safety legislation at mine worksites, and to reduce workplace injury and illness, the Chief Inspector of Mines has been granted significant authority to determine the acceptability of a significant number of technical aspects of mine worksites.

This policy provides guidance for how the Chief Inspector of Mines determines what is an acceptable mine plan under authority of the *Mine Health and Safety Regulations*.

Acceptable Mine Plan

Under authority of the *Mine Health and Safety Regulations* the manager of a mine must make and keep complete and accurate plans acceptable to the Chief Inspector of Mines. Details about what must be included in the plans, and how the plans must be maintained at the mine are outlined in the regulations.

Determining Acceptability

The Chief Inspector of Mines is responsible for accepting mine plans under authority of the *Mine Health and Safety Regulations*. To fulfil this legislative requirement the Chief Inspector of Mines accepts mine plans where technical elements of the mine have been reviewed and approved by relevant experts, professional engineers, and qualified persons as defined by the *Mine Health and Safety Regulations*.

Mine operations are extremely complex operations, and the plans required to operate them safely are equally complex and varied. The Chief Inspector of Mines will work with mine owners, and mine managers to ensure that mine plans include information and approvals from relevant experts, professional engineers, and qualified persons.

Annual Submission of Plans

Updates to mine plans must be submitted to the Chief Inspector of Mines annually by March 31. The plans must be signed by the owner or manager of the mine to confirm that the plans are accurate to the date of submission.

Stopping Work at a Mine

When work at a mine is to stop for more than 12 months, within 90 days of work stopping, the owner must send up to date plans to the Chief Inspector of Mines.

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Failure to Submit Mine Plans

The Chief Inspector of Mines may have a survey completed of the mine, and mine plans prepared if the manager of a mine fails to provide plans that are up to date to the time work stopped at a mine. Costs for the survey and preparation of a plan may be recovered from the owner.

Responsibility of Mine Owner and Managers

It is the responsibility of mine owners and managers to ensure the health and safety of workers at a mine worksite. Though the Chief Inspector of Mines must accept mine plans required by the *Mine Health and Safety Act(s)* and *Mine Health and Safety Regulations* it is the responsibility of the mine owner or manager to ensure that mine plans and corresponding health and safety measures are implemented according to the acceptance, and to ensure the safety of workers.

Nothing about a Chief Inspector of Mines' acceptance of mine plans removes a mine owner, or manager from their responsibility to ensure the safety of workers at a mine. Further, nothing about a Chief Inspector of Mines' acceptance of mine plans or other requirements of *Mine Health and Safety Act(s)* and *Mine Health and Safety Regulations* removes their ability to ensure enforcement of the OHS legislation whether through orders, application to the Supreme Court, or review of appeals made by another Inspector.

LEGISLATIVE AUTHORITIES

Northwest Territories *Workers*' subsections 89(b) *Compensation Act*:

Nunavut Workers' Compensation subsections 89(b)

Act:

Northwest Territories *Mine Health* Section 1; 6 and Safety Act: Subsection 8(1)

Nunavut *Mine Health and Safety* Section 1; 6

Act Subsection 8(1)

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Northwest Territories *Mine Health* Sections 1.116; 1.117; 1.118; 1.119; 1.120; 1.122;

and Safety Regulations: 1.123; 1.124; 1.125

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POLICY RELATED DOCUMENTS

Policy 09.03

Prioritizing Worksite Inspections

HISTORY

New

