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NORTHWEST TERRITORIES  
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COUNCIL OF THE NORTHWEST TERRITORIES  
1982 SECOND SESSION

BILL .. - 82(2)  
AN ORDINANCE RESPECTING MINING SAFETY

Statement of Purpose

DISPOSITION

Date of Notice	1st Reading	2nd Reading	To Committee	Chairman	Reported	3rd Reading	Date of Assent

## BILL ...

## AN ORDINANCE RESPECTING MINING SAFETY

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

## SHORT TITLE

Short title            1. This Ordinance may be cited as the Mining Safety Ordinance.

## INTERPRETATION

- Definitions
- "Board"                            2. In this Ordinance
- "certificate"                      (a) "Board" means the Mine Occupational Health and Safety Board established by section 10;
- "Chief Inspector"                (b) "certificate" means a miner's medical certificate or an initial medical certificate;
- "Committee"                        (c) "Chief Inspector" means the Chief of the Mining Inspection Services Division of the Department of Justice and Public Services;
- "dust exposure occupation"        (d) "Committee" means a Mine Occupational Health and Safety Committee established by section 9;
- (e) "dust exposure occupation" means
- (i) any employment underground in a mine;
- (ii) any employment at the surface of a mine in ore or rock crushing operations in which the ore or rock being crushed is not constantly kept in a moistened or wet condition by the use of water or chemical solutions;
- (iii) any employment at the surface of a mine that is designated by an inspector as a dust exposure occupation; or
- (iv) any employment in assay grinding rooms or in wet concentrating plants not isolated from dry crushing plants;
- "initial medical certificate"        (f) "initial medical certificate" means a certificate issued by a medical officer, under section 20, to a person who is not qualified to receive a miner's medical certificate;
- "inspector"                         (g) "inspector" means a person appointed or authorized to act as such by the Commissioner under this Ordinance;

- "machinery" (h) "machinery" includes steam and other engines, boilers, furnaces, milling and crushing apparatus, hoisting equipment, pumping equipment, chains, ore trucks, tramways, tackle, blocks, ropes, tools and all other appliances used in, about or in connection with a mine;
- "manager" (i) "manager" means the person in immediate charge of a mine;
- "medical officer" (j) "medical officer" means a person who is entitled to be or is registered pursuant to the Canada Medical Act (Canada) or who is the holder of a subsisting permit issued pursuant to sections 9 or 10 of the Medical Profession Ordinance;
- "mine" (k) "mine" includes an opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, quartz, limestone, bed of earth, clay, sand or gravel or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and any roast-yard, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining or treating any mineral-bearing or other substances described in this paragraph, and any concentrate storage and loading facility under the control of the manager;
- "mine rescue superintendent" (l) "mine rescue superintendent" means a person appointed as such by the Commissioner under this Ordinance;
- "miner's medical certificate" (m) "miner's medical certificate" means a certificate issued by a medical officer under section 21 to a person respecting employment in a dust exposure occupation;
- "mining" (n) "mining" includes diamond drilling and any mode or method of working whereby any soil, earth, rock, stone, quartz, clay, sand or gravel may be disturbed, removed, carted, carried, washed, sifted, crushed, roasted, smelted, refined or dealt with for the purpose of obtaining any minerals or metal therefrom, whether the same may have been previously disturbed or not, and all operations and workings in a mine;

- "open pit" (o) "open pit" means any surface opening, quarry or excavation in, or working of, the ground for the purpose of searching for, winning, opening up, removal of or proving any mineral-bearing substance;
- "owner" (p) "owner" means a person, mining partnership or corporation, being the immediate proprietor, lessee or occupier of a mine or any part thereof or any land located or leased as mining lands, and includes his or its agent, but does not include a person, mining partnership or corporation merely receiving a royalty, rent or fine from a mine or mining lands;
- "Registrar of miner's medical certificates" (q) "Registrar of miner's medical certificates" or "Registrar" means the person designated as Registrar of miner's medical certificates pursuant to section 3;
- "shaft" (r) "shaft" means a long, vertical or slanting passage providing access to a mine and includes a winze;
- "shift" (s) "shift" means a number of employees whose hours for beginning and terminating work in a mine are the same or approximately the same;
- "shiftboss certificate" (t) "shiftboss certificate" means a certificate issued by the Executive Member under section 13.

ADMINISTRATION

Appointment of officers Inspectors

- 3. The Executive Member may
  - (a) appoint persons as inspectors or authorize other persons to act as such for the purposes of this Ordinance;

Registrar of miner's medical certificates  
Mine rescue superintendents

- (b) designate any person as Registrar of miner's medical certificates for the purposes of this Ordinance; and
- (c) appoint persons as mine rescue superintendents for the purposes of this Ordinance.

Duties and powers of inspectors, etc.

4.(1) The duties and powers of the Chief Inspector, inspectors, mine rescue superintendents and medical officers are those hereinafter described in this Ordinance.

(2) The Chief Inspector may exercise any and all of the powers and duties of an inspector under this Ordinance.

Powers and duties of inspectors

- 5. (1) An inspector shall
  - (a) make such examinations and inquiries as he deems necessary to ascertain whether this Ordinance and any rules and regulations made thereunder are being complied with;

- (b) give notice in writing to the manager of the particulars of any matter, thing or practice in, about or concerning a mine or mining that, in the opinion of the inspector, is dangerous, defective or contrary to this Ordinance or the rules and regulations made thereunder, and require the matter, thing or practice to be remedied within the time named in the notice;
- (c) provide the manager with three copies of the notice referred to in paragraph (b), who shall
  - (i) post one copy in a conspicuous location, at or near the mine, which is readily accessible to all workers, and
  - (ii) provide one copy to both the labour and management representatives on the Committee;
- (d) enter, inspect and examine any mine or portion thereof by day or night in any manner that will not unreasonably or unnecessarily impede or obstruct the working of the mine;
- (e) order the immediate cessation of work in and removal of persons from a mine or portion thereof that he considers unsafe or require such precautions as he deems necessary to be taken before persons are allowed to return to or continue working therein;
- (f) exercise such other powers as he may deem necessary for ensuring the health and safety of persons employed in or about a mine;
- (g) do all other acts or things that may be otherwise prescribed for him in this Ordinance or in any rules or regulations made hereunder or by the Executive Member, and
- (h) meet with the Committee of a mine, within one week of any fatal or serious accident at the mine, to discuss and analyse the circumstances surrounding the accident.

Power to  
summons  
witnesses,  
etc.

(2) An inspector has power to compel the attendance of witnesses, require the production of any document, book, paper, article or thing relevant to an examination or inquiry, administer oaths and examine any person upon oath, affirmation or otherwise and do all other necessary acts or things for the purposes of conducting an examination or inquiry under this Ordinance.

Reports to  
the  
Executive  
Member

- (3) An inspector shall
  - (a) immediately upon the completion of an examination or inquiry made by him, submit a report thereof to the Executive Member; and
  - (b) make such other reports of his activities as the Commissioner may require.

Special  
reports

- (4) The Executive Member may direct an inspector to make a special report concerning
  - (a) an accident that resulted in the death or injury of any person; or
  - (b) the condition of a mine.

Objection  
to notice  
or order

(5) The owner or manager of a mine in respect of which a notice has been given or an order made pursuant to paragraphs (1)(b) or (e) may, within seven days from the day the order was made or the notice given, serve on the Executive Member, in writing, a notice of objection to the said order or notice setting out the reasons for the objection, and where such notice is served upon the Executive Member, the owner or manager shall forthwith send a copy thereof to the inspector and to both the labour and management representatives on the Committee.

Executive  
Member  
shall  
reconsider

(6) Upon receipt of the notice of objection the Executive Member shall forthwith reconsider the order or notice and quash, confirm or vary the said order or notice and he shall thereupon notify the inspector, the owner or the manager of the mine and both the labour and management representatives of the Committee, of his decision.

Powers of  
Commissioner

- 6.(1) The Commissioner, on the recommendation of the Executive Member, may
- (a) prescribe such forms and notices as he deems necessary for the carrying out of this Ordinance;
  - (b) prescribe the nature of examinations to be made by medical officers in connection with the issuance of certificates;
  - (c) make rules for the purpose of ensuring the safe operation of mines by all persons employed in or about a mine;
  - (d) make rules respecting the occupational health and safety of all persons working in or about a mine and may make such rules in respect of any particular mine;

- (e) make rules respecting any particular mine therein named;
- (f) suspend the operation of any rule or regulation either with respect to any period of time or with respect to any particular mine;
- (g) approve, alter, suspend or cancel any rule made by an inspector or a manager;
- (h) make regulations respecting shift boss and provisional shift boss certificates including the requisite qualifications for and issue of certificates, and suspension and cancellation of certificates, including the circumstances and procedures therefor; and
- (i) make regulations for the carrying out this Ordinance.

(2) Where a code of rules or standards concerning the subject matter of this Ordinance has been promulgated by any association, person or body of persons and is available in printed form, the Commissioner may, by rule or regulation, adopt such code and upon adoption, the code shall be in force in the Territories either in whole or in part or with such variations as may be specified in the rule or regulation.

Suspension  
by inspector

7. (1) An inspector may suspend or vary the operation of any rule made under this Ordinance upon being satisfied that it is advisable to do so, where he has received an application, in writing, from the owner or manager of a mine for that purpose giving reasons therefor.

Lapse of  
suspension

(2) Suspension or variation of a rule by an inspector under subsection (1) shall cease to have effect after two months have elapsed from the date of such suspension or variation, unless sooner cancelled or confirmed by the Commissioner, on the recommendation of the Executive Member.

Report

(3) An inspector who suspends or varies a rule under this section shall forthwith report the particulars thereof to the Commissioner and to both the labour and management representatives of the Committee.



Powers of  
manager

8. (1) Subject to the approval of the Commissioner, given on the recommendation of the Executive Member, the manager of a mine may make rules, not inconsistent with this Ordinance or any rule or regulation made under it, for the safe operation of a mine under his management and for the maintenance of order and discipline in the mine.

Coming into  
force of  
rules

(2) Upon approval by the Commissioner of any rule made under subsection (1), the manager of the mine shall forthwith

(a) post the rule in a conspicuous location, at or near the mine, which is readily accessible to all workers, and

(b) send a copy of the rule to both the labour and management representatives on the Committee,

and the rule shall come into force seven days after the rule has been posted or copies sent, whichever last occurs, or at such earlier time as the Commissioner, on the recommendation of the Executive Member, may direct.

Mine  
Occupational  
Health and  
Safety Comm-  
ittees

9.(1) There shall be formed in any mine where more than twenty-five persons are employed, a committee which shall be known as the Mine Occupational Health and Safety Committee.

Composition  
of Committee

(2) Every Committee shall be composed of four persons, two of whom shall be elected by the persons employed by the mine as the labour representatives and two appointed by the manager of the mine as the management representatives.

Duties of  
Committee

(3) Every Committee shall

(a) at least once a month, inspect as many of the working places in its mine as is practicable;

(b) not necessarily obstruct the working of the mine; and

(c) as a result of the inspection, make and sign a report of the conditions found in the mine during the inspection.

Co-operation  
during  
inspection

(4) The owner or his agent, the manager and all persons present or working in the mine during an inspection shall afford the Committee every reasonable facility for the inspection including access to all records respecting the subject matter of the inspection.

- Filing of reports (5) A copy of the report referred to in paragraph (3)(c) shall be filed forthwith with the manager of the mine and an inspector.
- Reimbursement for labour representatives (6) The owner shall reimburse the labour representatives on the Committee for any time spent in the performance of their duties under this Ordinance at the same rate of pay as they receive while at work.
- Mine Occupational Health and Safety Board 10.(1) There shall be a board called the Mine Occupational Health and Safety Board which shall consist of the following persons appointed by the Executive Member:  
(a) the Chief Inspector, who shall be the Chairperson,  
(b) two labour representatives, and  
(c) two management representatives.
- Term (2) The term of a member of the Board, other than the Chief Inspector, shall not exceed three years.
- Re-appointment (3) A member of the Board may be reappointed.
- Remuneration for services (4) The members of the Board shall be paid  
(a) such remuneration as the Commissioner may prescribe by regulation, and  
(b) their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Board.
- Meetings (5) The Board shall meet at least four times a year and shall conduct its meetings in accordance with the procedure prescribed by regulation.
- Duties of the Board (6) The Board shall  
(a) advise and make recommendations to the Executive Member on matters concerning this Ordinance, the rules and regulations, and on matters concerning the health and safety of persons working in a mine; and  
(b) perform any duties and functions assigned to it by the Executive Member with respect to the administration of this Ordinance, and the rules and regulations made thereunder.

Duties of managers, foremen, etc.

11. The manager of a mine and every foreman, shift boss, mine captain and department head thereof shall take all reasonable measures to enforce this Ordinance and the rules and regulations made thereunder, and to ensure their observance by all persons working in the mine or those under his charge, as the case may be, and all persons working in a mine shall take all necessary and reasonable measures to carry out their duties in accordance with those provisions of this Ordinance, and the rules and regulations made thereunder, that are applicable to the work on which they are engaged.

Appointment of Manager

12.(1) Prior to the commencement of on-site work, the owner of a mine shall appoint a manager and shall forthwith notify the Chief Inspector of the name of the manager and of any subsequent managers.

Acting manager

(2) The manager of a mine shall recommend to the owner, a person to act as manager in his absence and the person appointed by the owner to act as manager shall have all of the powers and duties of the manager under this Ordinance and the rules and the regulations made thereunder, while he is acting as manager.

Owner to provide means to comply

(3) The owner shall ensure that the manager is provided with the necessary means to conduct the operation of the mine in full compliance with this Ordinance, and the rules and regulations made thereunder.

Supervision by shiftboss

13. (1) Except as is herein provided, every person working underground in a mine shall be under the daily supervision of a shiftboss or other official of the mine who is the holder of a shiftboss certificate.

Interpretation

(2) For the purposes of this section, a "shiftboss" means a person who is the holder of a valid and subsisting shiftboss certificate issued by the Executive Member in accordance with the regulations, and who is employed as a shiftboss.

Provisional shiftboss certificate

(3) Where no shiftboss or person holding a shiftboss certificate is available to supervise a shift, the Executive Member may, in accordance with the regulations, issue a provisional shiftboss certificate, for a term not to exceed ten days.

## Employees

14.(1) No person shall be employed in a mine unless he

- (a) is trained, to the satisfaction of an inspector, in the job he is to perform, or
- (b) performs his work under the personal supervision of a supervisor, where he is a trainee, and
- (c) has been instructed by his supervisor on this Ordinance and the rules and regulations made thereunder, and of the hazards associated with the work he is to perform.

Contact  
with workers

(2) Where a person working in a mine is not in frequent communication with or within sight or sound of another person, the manager shall ensure that such person is visited or contacted at the work location by a person appointed for that purpose, at intervals of not less than two hours between visits, or more frequently as the nature and place of the person's employment dictates, provided that he is visited or contacted at least three times during the working shift.

Supervision  
of hazard-  
ous work

(3) The manager, or a competent person authorized by the manager, shall personally and continually supervise work at a mine involving unusual hazard.

Persons to  
be on duty

(4) Except where workers are on regular patrol duty, a supervisor or a person designated by him shall be on duty whenever persons are working in a mine.

## EMPLOYMENT IN AND ABOUT MINES

Restrictions  
as to age

15. No person under the age of sixteen years shall be employed in or about a mine and no person under the age of eighteen years shall be employed underground or at the working face of any open cut workings, pit or quarry.

Hours of  
work

16. (1) Except as otherwise provided in this section, no person shall

- (a) remain or be permitted to remain underground in any mine, or
  - (b) operate or be permitted to operate, either on the surface or underground, any hoisting engine in a shaft
- for more than eight hours in any consecutive twenty-four hours, which eight hours shall be computed from the time he arrives at and returns to the shaft collar or portal, or surface hoist room, as the case may be.

Exemptions  
in cases of  
emergency,  
etc.

- (2) Subsection (1) does not apply
  - (a) to a foreman, pumpman, caretender or any person engaged solely in surveying or measuring;
  - (b) in cases of emergency where life or property is in danger; or
  - (c) in cases where urgent repair work is necessary.

Exemption  
for hoist-  
men where  
one is  
absent

(3) Where one of the regular hoistmen is absent from duty and no competent substitute is available, the remaining hoistmen may work extra time not exceeding

- (a) four hours each in any consecutive twenty-four hours, or
- (b) with the approval of an inspector, eight hours each in any consecutive forty-eight hours,

for a period not exceeding ten consecutive days.

Exemption  
for hoist-  
men where  
non-contin-  
uous shifts

(4) Where work at a mine or in any particular shaft is not carried out continuously on a three shift daily basis, a hoistman may work the extra time necessary for hoisting or lowering, at the beginning and end of each shift, the workers employed on a shift.

Extending  
hours

(5) Notwithstanding the Labour Standards Ordinance, the Commissioner may, upon the recommendation of the Chief Inspector, make regulations to extend the hours of work referred to in subsection (1) in respect of any mine for such time and under such terms and conditions as he may prescribe.

Right to  
refuse to  
work

17. (1) A worker may refuse to do any work where he has reason to believe

- (a) that there exists an unusual danger to his health or safety,
- (b) that the carrying out of the work is likely to cause to exist an unusual danger to his health or safety or that of any other person, or
- (c) that, in carrying out the work, he will be in contravention of this Ordinance or the rules or regulations made thereunder.

Interpret-  
ation

(2) For the purpose of this section, unusual danger means, in relation to any occupation,

- (a) a danger that does not normally exist in that occupation, or
- (b) a danger under which a person engaged in that occupation would not normally carry out his work.

Report refusal to work

(3) Upon refusing to work, the worker shall promptly report the circumstances of his refusal to the owner or supervisor, who shall forthwith investigate the report in the presence of the worker and, if practicable, another worker selected by the worker who shall be made available and who shall attend without delay.

Refusal to work following investigation

(4) Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work, the worker has reasonable grounds to believe that

- (a) there continues to exist an unusual danger to his health or safety,
- (b) that the carrying out of the work continues to be likely to cause to exist an unusual danger to his health or safety or that of any other person, or
- (c) that, in carrying out the work, he will continue to be in contravention of this Ordinance or the rules or regulations made thereunder,

the worker may refuse to work and the owner or supervisor shall forthwith notify thereof

- (d) the mine manager, and
- (e) the Committee or, where there is no committee, an inspector.

Committee to render decision

(5) The Committee or an inspector, as the case may be, shall, within twenty-four hours of receiving notification, investigate the circumstances that caused the worker to refuse to work in the presence of the owner or a person representing the owner, and the worker, and decide whether or not the circumstances that caused the worker to refuse to work exist and where it is decided that they do exist, no person shall perform the work until the matter is rectified to the satisfaction of the Committee or the inspector, as the case may be.

Appeal

(6) The worker may appeal a decision of the Committee to an inspector who shall investigate the matter and whose decision shall be final.

Worker to remain pending decision

(7) Pending the investigation and decision by the Committee or the Inspector, as the case may be, the worker shall remain at the place of investigation during his normal working hours unless the owner, subject to the provisions of a collective agreement, if any, assigns the worker to temporary alternative work which he is competent to perform.

Idea.

(8) The worker shall be paid at his regular rate of pay during his normal working hours spent at the place of investigation or at alternative work pursuant to subsection (7).

No discipline, dismissal, etc. against worker

(9) No owner or person acting on behalf of the owner shall

- (a) dismiss or threaten to dismiss a worker;
  - (b) discipline or suspend or threaten to discipline or suspend a worker;
  - (c) impose any penalty on a worker; or
  - (d) intimidate or coerce a worker;
- or take any other disciplinary or discriminatory action against a worker because the worker has acted in compliance with this section.

Appeal

(10) The worker may appeal a contravention of subsection (9) to the Chief Inspector whose decision shall be final.

Onus of proof

(11) On an appeal under subsection (10), the burden of proof that an owner or person acting on behalf of the owner did not act contrary to subsection (9) lies upon the owner or person acting on behalf of the owner.

### HOISTMEN

Age and experience required

18. (1) No person who  
(a) is under the age of twenty-one years, or  
(b) has not had adequate experience operating a reversing hoisting engine,  
shall operate or be permitted to operate any hoisting engine at a mine shaft in which persons are carried.

Exception for trainee

(2) Notwithstanding paragraph (1)(b), a trainee may operate any hoisting engine at a mine shaft in which persons are carried provided that he is at all times under the direct and personal supervision of a person qualified to operate and instruct the operation of the hoisting engine and such person shall be responsible for the safe operation of the hoist.

Impairment  
by alcohol,  
etc.

(3) No person shall operate or be permitted to operate any hoisting engine in a mine during any time that his ability is impaired by an intoxicant or drug.

To hold  
medical  
certificate

(4) Where a hoisting engine is operated at a shaft in which persons are carried or for a purpose designated by an inspector to be within this section, no person shall operate or be permitted to operate it unless he is the holder of a valid and subsisting medical certificate issued by a medical officer and certifying that such person has been examined and is not suffering from defective sight, hearing or other physical or mental infirmity or illness in any degree that would interfere with the effective discharge of his duties.

Duration of  
certificate

(5) A medical certificate is valid for a period of twelve months from the date of its issue, unless sooner cancelled by a medical officer.

Notification  
of expiry

(6) The owner shall notify every hoistmen, in writing, of the expiry date of his medical certificate, at least thirty days prior to the date of expiry of the certificate.

Custody and  
records

(7) Medical certificates shall be kept on file by the manager of the mine in which the workers concerned are employed and shall be made available to the hoistman to which the medical certificate relates or an inspector, upon request, and a record of the medical certificates of hoistmen operating in a hoistroom shall be kept posted up therein showing the name of each hoistman and the date of his certificate.

Worker to  
receive  
copy of  
medical  
certificate

(8) Upon termination of a worker's employment at a mine, the manager shall give the worker a copy of all medical certificates of the worker that are on file pursuant to subsection (7).

#### DUST EXPOSURE OCCUPATIONS

Certificate  
required

19. (1) Subject to subsection (2), no person shall engage in or be permitted to engage in a dust exposure occupation unless he is the holder of a valid and subsisting certificate.



Exception to requirement of certificate

(2) Notwithstanding subsection (1), a person who has undergone a medical examination in accordance with this Ordinance and who has not, as a result of that examination, been refused a certificate or renewal thereof may engage in a dust exposure occupation for a period of not more than thirty days.

Application

20. (1) Every person who does not hold a certificate and who intends to engage in a dust exposure occupation shall undergo a medical examination that shall be conducted by a medical officer.

Initial medical certificate

(2) A medical officer who conducts an examination in accordance with subsection (1) shall issue, in accordance with the regulations, an initial medical certificate to the person examined if he is satisfied that the person examined is free from disease of the respiratory organs and is otherwise fit for employment in a dust exposure occupation.

Duration of initial medical certificate

(3) Subject to subsection 21(2), an initial medical certificate is valid for a period of twelve months from the date of its issue unless sooner cancelled by the Registrar.

Notification of expiry

21. (1) The owner shall notify every holder of an initial medical certificate engaged in a dust exposure occupation at his mine, in writing, of the expiry date of that person's initial medical certificate, at least forty-five days prior to the date of expiry of the certificate.

Renewal of initial medical certificate and issuance of miner's medical certificate

(2) A holder of an initial medical certificate who intends to continue or resume work in a dust exposure occupation shall, within thirty days prior to the date of expiry of the certificate, apply to a medical officer for renewal of the certificate or issuance of a miner's medical certificate, and the medical officer shall,

(a) where the applicant

(i) has been employed in a dust exposure occupation for less than twenty-three months in the four years preceding the day of the application, and

(ii) is found by medical examination to be free from disease of the respiratory organs and to be otherwise fit for employment in a dust exposure occupation, renew, in accordance with the regulations, the certificate, and

- (b) where the applicant
  - (i) has been employed in a dust exposure occupation for at least twenty-three months in the four years preceding the day of the application, and
  - (ii) is found by medical examination to be free from disease of the respiratory organs and to be otherwise fit for employment in a dust exposure occupation, issue, in accordance with the regulations, a miner's medical certificate to the applicant.

Duration of miner's medical certificate  
Notification of expiry

(3) A miner's medical certificate is valid for a period of twelve months from the date of its issue, unless sooner cancelled by the Registrar.

22. (1) The owner shall notify every holder of a miner's medical certificate engaged in a dust exposure occupation at his mine, in writing, of the expiry date of that person's miner's medical certificate, at least forty-five days prior to the date of expiry of the certificate.

Application for renewal of miner's medical certificate

(2) A holder of a miner's medical certificate who intends to continue to resume work in a dust exposure occupation shall, within the thirty days prior to the date of expiry of the certificate, undergo a medical examination that shall be conducted by a medical officer.

Renewal of miner's medical certificate

(3) A medical officer who conducts an examination in accordance with subsection (2) shall renew, in accordance with the regulations, the certificate where the applicant is free from tuberculosis of the respiratory organs.

Application for renewal of miner's medical certificate after expiry

23.(1) Where the holder of a miner's medical certificate has allowed the certificate to expire, he shall, before resuming work in a dust exposure occupation, undergo a medical examination that shall be conducted by a medical officer.

Renewal of certificate after expiry

(2) A medical officer who conducts an examination in accordance with subsection (1) shall, if such certificate expired less than three years before the date of such medical examination, renew the certificate where the applicant is free from tuberculosis of the respiratory organs.

No renewal  
after three  
years

(3) Where the miner's medical certificate of a person examined in accordance with subsection (1) expired three years or more before the date of the medical examination, the miner's medical certificate shall not be renewed and the provisions of subsection 20(2) apply.

Medical  
examination

24. (1) A medical examination conducted by a medical officer pursuant to this Ordinance shall include both a physical examination and a chest x-ray plate, the x-ray being required every other year, or more often where

- (a) the medical officer has reason to believe that the worker may be suffering from a respiratory disease, or
- (b) the worker is a participant in a tuberculosis control program.

Chest x-ray

(2) The chest x-ray plate referred to in subsection (1) may be submitted by the medical officer for such review as the medical officer thinks fit.

Occupational  
and medical  
history

(3) Every person who undergoes a medical examination pursuant to this Ordinance shall provide the medical officer conducting the examination with such particulars of his occupational and medical history as the medical officer may require.

Filing with  
Registrar

(4) A medical officer shall, within thirty days after conducting a medical examination pursuant to this Ordinance, send to the Registrar the chest x-ray plate, particulars of the occupational and medical history and medical reports and opinions relating to the examination.

Production  
of medical  
records by  
Registrar

25. The Registrar may produce x-ray plates, particulars of occupational and medical history and medical reports and opinions filed with him pursuant to this Ordinance for inspection by

- (a) a medical officer for use in connection with a medical examination pursuant to this Ordinance of the person to whom such x-ray plates, particulars of occupational and medical history and medical reports and opinions relate;
- (b) the person to whom such x-ray plates, particulars of occupational and medical history and medical reports and opinions relate, his employer or former employer, and insurer of such person or the insurer of that person's employer or former employer or to the Referee

appointed under the Workers' Compensation Ordinance or a Referee or Workers' Compensation Board appointed or established under similar legislation of any province for use in the adjustment or settlement of any claim by such person under that Ordinance or legislation; or

- (c) any other person where the written consent of the person to whom such x-ray plates, particulars of occupational and medical history and medical reports and opinions relate is filed with the Registrar.

Forwarding  
x-ray  
plates,  
medical  
reports, etc.

26. Where the holder of a certificate is notified by the Registrar that the chest x-ray plates taken prior to the issuance or renewal of his certificate, the particulars of occupational and medical history or the medical reports and opinions relating to an examination of him pursuant to this Ordinance have not been received by the Registrar, the holder shall, within twenty days from receipt of the notice,

- (a) send such chest x-ray plates or particulars of occupational and medical history or medical reports and opinions to the Registrar; or
- (b) have another medical examination and send the chest x-ray plates, the particulars of his occupational and medical history and the medical reports and opinions relating to such examination to the Registrar.

Registrar  
may order  
examination

27. The Registrar may at any time require any person who is employed in a dust exposure occupation to be examined by a medical officer, and the medical officer shall endorse the results of such examination on the certificate issued to that person.

Registrar may  
cancel  
certificate

28. (1) The Registrar may cancel a certificate where

- (a) the chest x-ray photographs, particulars of occupational and medical history or medical reports of the holder of the certificate have not been received by the Registrar;
- (b) the holder of a certificate fails or refuses to be examined by a medical officer when so required by the Registrar; or
- (c) he is satisfied that the holder of the certificate has tuberculosis of the respiratory organs or, in the case of a holder of an initial certificate, that he is otherwise medically unfit for employment in a dust exposure occupation.

Notice of  
intention  
to cancel  
certificate

(2) The Registrar shall not cancel a certificate pursuant to paragraph (1)(c) until a notice of intention to cancel the certificate within thirty days from receipt thereof has been given to the holder and the holder has been given an opportunity of being heard.

Service  
of notice

(3) A notice of intention to cancel a certificate shall be in writing and shall be sent to the holder of the certificate by registered mail addressed to him at the address shown on his certificate.

Delivery  
and custody

29.(1) Subject to subsection 19(2), no person shall work or be employed in a dust exposure occupation unless the manager of the mine at which he is so employed is in possession of the certificate issued to that person, and the manager shall retain such certificate, except when required by that person for renewal, during the period that he is so employed at the mine.

(2) The manager of a mine shall make available to a worker, upon request, the certificates of the worker held by the mine manager in accordance with this section.

Worker to  
receive  
copy of  
certificate

(3) Upon termination of a workers employment at a mine, the manager shall give the worker the original certificates of the worker held by the manager pursuant to subsection (1) and shall retain possession of a copy of the certificates for a period of one year thereafter whereupon he shall transfer them to the Registrar.

#### OTHER HEALTH MEASURES

Radioactive  
materials

30. An owner of a mine at which radioactive materials are mined, concentrated, treated or known to occur shall supply and install such equipment and ensure that such medical tests are carried out as the Executive Member may, from time to time, direct for the protection of the health of workers at the mine and shall otherwise take suitable precautions to protect the workers engaged in mining, milling or treating such materials.

Further  
medical  
examinations

31. (1) In addition to any other medical examination required under this Ordinance, the Chief Inspector may order further medical examinations of any worker or person intending to work in or about a mine as he deems necessary.

Environmental  
and periodic  
health  
examinations

(2) Every mine shall be environmentally monitored, and every person employed in or about a mine shall, at the direction of the Chief Inspector, undergo periodic health examinations, in accordance with the rules.

Disposal of  
harmful  
products

32. The owner or manager of a mine shall dispose of arsenic sludge or any other by-product of that mine that is dangerous to persons, domestic animals, wild animals, fish or property at a location approved by an inspector and in such a manner that it will not cause injury to any person, animal, fish or property.

Underground  
operation of  
diesel  
locomotives

33. No person shall operate or be permitted to operate a diesel locomotive underground unless its operation has been authorized by an inspector.

#### FENCING

Fencing of  
abandoned  
mines

34.(1) Where a mine has been abandoned or work therein has been discontinued, the owner or manager shall cause the top of the shaft and all surface entrances, pits, and openings to be securely fenced or otherwise protected to the satisfaction of an inspector and within the time specified by the inspector.

Exemption

(2) Notwithstanding subsection (1), where an inspector is of the opinion that the openings referred to in subsection (1), or any of them, present no greater hazard than the natural topographic features of the district, he may, in writing, exempt the application of subsection (1) to such openings.

Fencing of  
tailings,  
etc.

(3) An inspector shall, where he is of the opinion that a fence should be erected around a mine or part thereof or any tailings or arsenic sludge, to prevent injury to people, domestic animals, wild animals, fish or property, whether the mine is in operation or not, order the owner to erect a suitable fence for that purpose.

Where owner fails to comply

(4) Where an owner or manager who is required by this section to do so fails to erect suitable fencing or other protective means within such time as an inspector may order, the inspector may cause suitable fences or other protective means to be erected and all costs arising therefrom constitute a debt due to Her Majesty and are recoverable in any court of competent jurisdiction.

NOTICES OF INSTALLATION, OPENING AND CLOSING

Notices

35. (1) The owner of a mine shall give or cause the manager to give written notice, within fourteen days prior to the commencement or resumption thereof, to an inspector and the Committee, of

Installation of hoisting and power equipment

(a) the installation of a mine hoisting plant or power plant, including the name and address of the person in charge of the operation, the lot and group numbers or grant numbers of the land involved and the specifications and layout of the head frame, buildings, hoist, power plant and equipment;

Electrical installations

(b) the connection or reconnection of any electrical mining equipment with any source of electrical energy controlled by a person other than the owner;

Mining operations

(c) the commencement of mining operations or the resumption of mining operations after an interruption of one month or more; and

Closing of a mine

(d) the closing down of a mine together with information as to compliance with the provisions of this Ordinance and any rules or regulations made thereunder in that connection.

Other information

(2) The owner or manager of a mine shall, in addition to the notice referred to in subsection (1), furnish the inspector and the Committee with any other information respecting the mine that they may require.

Joint inspection

(3) An inspector and the Committee, prior to the commencement or resumption of any of the matters listed in paragraphs (1)(a) to (d), shall jointly inspect the matters of which they have been given notice under subsection (1).

## PLANS

- Plans 36. (1) The owner of a mine shall cause plans, on a scale acceptable to an inspector, to be kept up-to-date not more than six months last past, as follows, namely,
- Of surface (a) a surface plan showing the boundaries of mining property and all lakes, streams, roads, railways, power transmission lines, buildings, shaft opening adits, open surface workings, diamond-drill holes, outcroppings of rock, dumps and tailings disposal sites therein;
  - Of under-ground (b) plans of each underground level showing all underground workings, including shafts, tunnels, diamond-drill holes, dams, bulkheads and pillars;
  - Of vertical sections (c) vertical mine sections at suitable intervals and suitable azimuths, showings all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface including the location of the top of the bedrock, surface of the overburden and bottom and surface of any known body of water or water-course; and
  - Of ventilation (d) adequate ventilation plans showing the direction and velocity of the main air currents and the location of permanent fans, ventilation doors, stoppings and connections with adjacent mines.
- Electrical power (2) The owner of a mine in which electricity is used underground shall cause to be kept up-to-date not more than six months last past an adequate plan or diagram, on a suitable scale, showing
- (a) the position of all fixed electrical apparatus in the mine;
  - (b) the routes of all fixed power feeders and fixed branch feeders, properly noted and referenced; and
  - (c) the rating of all electrical feeder control apparatus and equipment.
- Copies to be furnished (3) The owner or manager of a mine shall produce all plans, sections and diagrams to an inspector at an examination of a mine and shall render them available to him at any time and supply him with copies upon request.



Annual  
submission  
to inspector

(4) The owner or manager of a mine shall submit each year to an inspector, before the first day of April in the year, copies of all plans referred to in paragraphs (1)(b) and (c), brought up-to-date as of a day, not earlier than the thirty-first day of December of the immediately preceding year, together with a statement signed by the owner or manager of the mine, stating the plans, as of the day they are brought up-to-date, are true.

Submitted on  
closing of  
mine

(5) Upon the closing down of a mine, the owner of the mine shall cause the plans referred to in paragraphs (1)(b) and (c) to be brought up-to-date as of the day of the closing of the mine and shall submit the plans to an inspector within one month from that day.

Publication  
prohibited

(6) No person, other than the owner of a mine, shall publish any plans kept pursuant to this section or disclose any information in respect thereto without

- (a) the consent in writing of the owner of the mine, or
- (b) an order of the court.

Distribution  
of plans

(7) Unless exempted by an inspector, a plan of the underground workings of the mine shall be provided on which the main routes of egress from the active workings are clearly shown and a copy of the plan shall be

- (a) posted in a conspicuous location, at or near the mine, which is readily accessible to all workers,
- (b) filed with an inspector, and
- (c) sent to the labour representatives of the Committee.

Origination  
of plans by  
Chief  
Inspector

(8) If the owner or manager fails to provide a mine plan or section as required by subsections (3), (4) or (5) of this section, the Chief Inspector shall cause the plan or section to be prepared and for that purpose may cause a survey of the mine to be made and all costs arising therefrom, constitute a debt to Her Majesty and are recoverable in any court of competent jurisdiction.

## PARTY WALLS

Width 37. (1) Except as otherwise provided in this Ordinance or unless the owners of adjoining mines, with the approval of an inspector, dispense therewith, a party wall at least five metres thick, two and one-half metres on each side of the boundary line, shall be left between adjoining mines.

Use of surface (2) Adjoining owners of two mines are entitled to use the party wall in common on the surface as a roadway and no person shall obstruct the surface of the party wall in any manner.

Application where suspected breach 38. (1) Where the owner of a mine or mining property has reason to believe that a breach has been made in the party wall between his own and an adjoining property or that a trespass has been committed thereto, he may apply to the Executive Member for an investigation.

Investigation (2) The Executive Member may, upon an application therefor, authorize a competent and disinterested person to investigate the complaint and for such purpose to enter the mine or mining property with such assistants as the investigator deems necessary, use any workings and appliances thereof and examine the party wall and otherwise conduct a full investigation.

Report and costs (3) The person appointed under subsection (2) to investigate shall report, in writing, his findings to the Executive Member as soon as possible after completing the investigation and the costs of the examination and report shall be borne as directed by the Executive Member.

Powers of Executive Member (4) The Executive Member may, following an investigation under this section or upon application of an owner without such an investigation,  
(a) direct the owner of an adjoining mine to permanently close a breach made in a party wall or correct any trespass committed in connection therewith;

- (b) direct the owner of an adjoining property to do such things as the Executive Member deems necessary to prevent or stop the flow of water from his property to another property; or
- (c) authorize an applicant to enter an adjoining mine and erect bulkheads or do such other things as the Executive Member deems necessary to protect the applicant's mine and employees from damage or danger from accumulations of water in the adjoining mine.

Recommendations to Executive Member

39. (1) Where an inspector deems it necessary or advisable for the protection of workers employed underground, he may recommend, in writing, to the Executive Member that a connection between adjoining mines be established at such place as he deems advisable and that, if necessary, the connection be made and equipped as a refuge station.

Service of copies

(2) A copy of the recommendations shall be mailed by registered mail or served personally upon the owner or his agent and both the labour and management representatives of the Committees of each of the mines affected.

Committee

(3) Upon receipt of the recommendation, the Executive Member may, by order, appoint a committee of three persons to determine,

- (a) the design, specifications and locations of the connecting passage, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (b) the work to be done by each of the mines affected and the proportion in which the cost of that work and of future maintenance shall be borne by the owners of the mines affected;
- (c) the time at which the work referred to in paragraph (b) shall be commenced and completed;
- (d) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected; and
- (e) such other provisions and requirements as the committee may deem necessary.

Report

(4) The committee shall submit a report in writing to the Executive Member of its findings and a report of the majority of the committee shall be deemed to be its findings.

Carrying  
into effect

(5) The Executive Member may order the findings of the committee to be carried out upon such terms and conditions as he deems advisable.

#### ACCIDENTS, SPECIAL OCCURRENCES AND RESCUE WORK

Notification  
of accident

40. (1) Where an accident occurs in a mine, the manager of the mine shall forthwith notify

(a) if the accident has caused serious injury to a person, an inspector and both the labour and management representatives of the Committee of the mine in which the accident occurred; and

(b) if the accident has caused loss of life, an inspector, a coroner and both the labour and management representatives of the Committee of the mine in which the accident occurred.

Scene not  
to be  
disturbed

(2) Subject to subsection (3), no person shall, except for the purpose of saving life or relieving suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with an accident until an inspector or a member of the Royal Canadian Mounted Police has completed an investigation of all circumstances surrounding the accident.

Permission  
to alter  
scene

(3) Where it is not possible to make an immediate investigation under subsection (2), an inspector may permit the wreckage, articles or things at the scene of or connected with an accident to be removed to such an extent as may be necessary to permit the work of the mine to be continued, but photographs and drawings showing the details of the scene of the accident shall be made prior to such removal and such photographs and drawings shall be made available by the inspector for inspection by the Committee.

Further  
inspection

(4) The inspector and the Committee shall jointly carry out an investigation of the circumstances surrounding the accident but their investigation shall be conducted subject to any other investigation authorized by this Ordinance or the Coroners Ordinance.

Reports

(5) The Committee and the inspector shall submit a joint report of their investigation to the Chief Inspector.

Notice of  
special  
occurrences

40. (1) Where in or about any mine

- (a) an accident involving the hoist, sheaves, hoisting rope, shaft conveyance or shaft timbering;
- (b) an inrush of water from old workings or otherwise;
- (c) a failure of an underground dam or bulkhead;
- (d) any outbreak of fire below ground or an outbreak of fire above ground that endangers any structure;
- (e) a premature or unexpected explosion or ignition of explosives;
- (f) asphyxiation effecting a partial or total loss of physical control;
- (g) inflammable gas in the mine workings;
- (h) unexpected and non-controlled extensive subsidence or caving of mine workings;
- (i) any explosion or outbreak of fire in any way related to the operation of an air compressor, air receiver, compressed air line or steam boiler;
- (j) a breakdown in the main ventilation system; or
- (k) major damage to any vehicle;

occurs, whether or not loss of life or injury is caused thereby, the owner, manager or agent of a mine shall, within twenty-four hours after such occurrence, send notice of such occurrence in writing and in duplicate, to an inspector and the labour representatives of the Committee and shall furnish them with such particulars as they may require.

Notice of  
fire

(2) Where in or about any mine an outbreak of fire occurs that endangers the health or safety of any person and the services of the mine rescue station are required, the owner or manager shall immediately notify the mine rescue superintendent and an inspector.

Rockburst

(3) Where a rockburst, whether or not personal injury or death is caused thereby, is determined to have occurred within the workings of any mine, the owner or manager shall, within twenty-four hours after such determination, send a written notice to an inspector notifying him thereof and shall furnish such particulars as he may require.

Record of  
rockbursts

(4) Records of rockbursts shall be kept at every mine showing as far as possible their times, locations and extent, the injuries caused to persons and any other relevant information and such records shall be made available to an inspector whenever he so requests.

Application

42. (1) This section applies only to
- (a) a mine in which a shaft has been sunk to a depth of thirty metres and stoping operations have been commenced; and
  - (b) any other mine that, in the opinion of an inspector, conducts operations that may require the use of mine rescue apparatus.

Mine rescue  
stations

(2) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Chief Inspector may direct.

Mine rescue  
superint-  
endent

(3) A mine rescue superintendent is responsible for the maintenance of mine rescue equipment in good and serviceable condition at all times and for the operation of mine rescue stations.

Assessment  
of costs

(4) An inspector shall assess mines to which this section applies with the cost of maintenance of mine rescue equipment and with the cost of operation of mine rescue stations including the salaries of mine rescue superintendents.

Idem

(5) The assessment referred to in subsection (4) shall be made quarterly and shall be apportioned among the mines to which this section applies in the same proportion that

(a) the total number of man shifts worked underground and in the operation of the crusher, roaster, refinery, assay office and mills at the mine so assessed

is to

(b) the total number of man shifts worked underground and in the operation of the crushers, roasters, refineries, assay offices and mills of all mines to which this section applies.

Refuge stations

(6) An inspector shall order the owner to provide refuge stations at such places in a mine as he directs where he considers the stations necessary for the protection of persons working underground.

Provisions at refuge stations and design

(7) The owner shall supply and maintain at every refuge station

(a) sufficient water and air for the number of persons the refuge station is designed to hold, and

(b) telephone communication to the surface of the mine,

and each refuge station shall be designed so that it is separate from the adjoining workings by openings that, when closed, will prevent gases from entering the refuge station.

Mine rescue training

43. (1) The manager of a mine shall cause sufficient personnel at the mine, including such proportion of the supervisory personnel as an inspector may direct, to be trained as mine rescue crews in the use and maintenance of mine rescue apparatus.

Hoistman training

(2) The manager of a mine shall cause every hoistman to be trained in the use and maintenance of the respiratory equipment to be used in mine rescue work.

- Idem (3) Mine rescue crews shall be trained by a mine rescue superintendent in accordance with any direction given by an inspector.
- Supervision of crews (4) The manager of a mine shall supervise mine rescue crews in all mine rescue work and recovery operations conducted at the mine.
- Returns (5) The owner or manager of a mine shall submit to an inspector such returns or other information respecting safety at a mine or mine rescue training or operations as the Executive Member may prescribe.

#### OFFENCES AND PENALTIES

- Commencement of prosecution 44. (1) No prosecution shall be commenced for an offence against this Ordinance, unless it is commenced by,  
(a) an inspector,  
(b) a member of the Royal Canadian Mounted Police, or  
(c) any other person authorized in writing by the Executive Member to do so.
- Limitation (2) No prosecution for an offence against this Ordinance shall be commenced after the expiration of one year from the date of the commission of the offence.
- Offence and penalty 45. (1) Every person who  
(a) violates a provision of this Ordinance or of any rule or regulation made thereunder, or  
(b) fails to obey an order or direction given thereunder by the Commissioner, the Executive Member, the Chief Inspector or an inspector, is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars.
- Where offence continues (2) A person who fails to obey an order or direction given by the Commissioner, the Executive Member, the Chief Inspector or an inspector is, in addition to the fine prescribed in subsection (1), liable on summary conviction to a fine not exceeding one thousand dollars for each day on which he fails to obey that order or direction.



Additional  
penalty  
where  
offence  
dangerous

(3) Where an offence is one that might have endangered the safety of persons working in or about a mine or caused serious personal injury or a dangerous accident and was wilfully committed by the act, default or negligence of the person guilty thereof, that person is, upon summary conviction for the offence, liable, either in substitution for or in addition to any pecuniary penalty that may be imposed, to imprisonment for a term not exceeding three months.

Offence by  
a corpor-  
ation

46. Where a corporation is guilty of an offence against this Ordinance, an officer, director or agent of the corporation who directed, authorized, consented to, acquiesced in, or participated in the commission of the offence is a party to and guilty of the offence and liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Repeal

47.(1) The Mining Safety Ordinance, R.O.N.W.T. 1974, c.70 is repealed.

Rules and  
regulations

(2) The Rules and regulations made pursuant to the Mining Safety Ordinance shall continue in force until they are repealed or replaced by rules and regulations, as the case may be, made pursuant to this Ordinance.

Commencement

48. This Ordinance shall come into force on a day or days to be proclaimed by order of the Commissioner.