



CHAPTER 222

An Act to Amend and Consolidate the Law Respecting the Establishment and Operation of Logging Camps.

1. This Act may be cited as The Logging Camps Act. Short title.
2. In this Act Interpretation.
 - (a) "commercial scaler" means a person qualified under the regulations to act as a commercial scaler;
 - (b) "department" means the Department of Mines, Agriculture and Resources or the Resources Branch of that Department;
 - (c) "employer" means a forest operator or other person who engages the services of a logger to perform any part of the work involved in a logging operation whether payable on a piecework basis or by wages;
 - (d) "forest operator" means the holder of a logging interest;
 - (e) "inspector" means a person appointed by the Lieutenant-Governor in Council under this Act to inspect logging camps;
 - (f) "logger" means
 - (i) a person engaged in the cutting, trimming, peeling, hauling, skidding, driving, piling, handling or loading of pulpwood, pitprops or other forms of timber or in any other work connected with a logging operation, whether of the foregoing kinds or not, or

(ii) a person engaged in the preparation of meals, cleaning or providing other services in a logging camp or on the site of logging operations,

but does not include a person employed by a railway or steamship operator in the transporting of timber;

(g) "logging camp" means a structure of any kind which a logger occupies or uses while he is working as a logger or in which loggers are provided with sleeping accommodation or meals or both, other than

(i) a restaurant, hotel or boarding-house which is licensed or subject to inspection under any other statute, or

(ii) a private residence,

and includes the land surrounding and the buildings, structures or installations adjacent to a logging camp;

(h) "logging interest" means a right of any kind held to an area of land or to trees growing on the land for the purpose of cutting timber thereon or otherwise producing timber therefrom commercially and whether received or held under grant, lease, licence, permit, contract or assignment of any of them or otherwise;

(i) "logging operation" or "operation" means the arrangements made for any the process of carrying out any work involved in converting trees into timber, the loading and unloading of timber on and from trains, ships and trucks and the delivery of timber to a point of export or a point where it is converted into other products but does not include the transportation of timber by a railway or steamship operator;

(j) "Minister" means the Minister of Mines, Agriculture and Resources;

(k) "official scaler" means a scaler appointed by the Minister and qualified under the regulations to act as an official scaler;

(l) "order" means an order made under this Act or the regulations;

(m) "regulations" means regulations made under this Act;

(n) "timber" means round logs or logs which are slabbed on one or two sides.

3. The Minister shall administer this Act.

Minister to administer Act.

4.—(1) The Lieutenant-Governor in Council may in the manner authorized by law appoint

Appointment of inspectors and other staff.

(a) inspectors to inspect logging camps and otherwise assist in the enforcement of this Act, the regulations and orders and perform such other duties as may be assigned to them under this or any other Act; and

(b) such clerks and other servants as are necessary for the proper administration of this Act and the regulations.

(2) The Minister may, subject to the regulations, if any, appoint official scalers and approve the appointment of commercial scalers.

Appointment of scalers; approval of commercial scalers.

(3) Official scalers shall perform such duties as may be assigned to them under this Act or the regulations and such other duties, if any, as the Minister may assign to them.

Duties of official scalers.

(4) An inspector or an official scaler may at any time in carrying out his duties under this Act and the regulations enter a logging camp or any place where logging operations are being carried out and every owner, employer, forest operator, logger and any other person present in or connected with a logging camp or logging operation shall assist the inspector or official scaler for the purposes of this subsection.

Power of entry by inspectors and scalers.

(5) The Minister may authorize any person appointed under subsection (1), an official scaler or any other officer of the department to perform and exercise such of the duties imposed and powers conferred by this Act or the regulations upon the Minister as may, in the opinion of the Minister, be conveniently perform-

Delegation of powers by Minister.

ed or exercised by the person so authorized and the performance or exercise of those duties and powers by a person so authorized is of the same force and effect as if they were performed or exercised by the Minister.

Minister may require information from purchasers of timber and others.

5. The Minister may by order require a person who intends to buy or place an order for timber or to award a contract or engage loggers or make arrangements for the cutting of timber to give notice of his intention to the Minister and to provide the Minister with such information as the Minister may require respecting the proposed purchase, order, contract, engagement or arrangements and in particular, but without limiting the generality of the foregoing, to provide information respecting

- (a) the location in which any proposed logging operations will take place;
- (b) the quantity of timber to be produced in any period specified in the order;
- (c) the estimated number of loggers to be engaged in the proposed logging operations;
- (d) arrangements, if any, which have been made for the provision of accommodation and meals in logging camps for loggers who will be engaged in the proposed logging operations;
- (e) the forest operator owning or holding the logging interest in connection with which proposed operations will take place;
- (f) the owner or operator of logging camps which will be used in any proposed logging operations;
- (g) persons who will be in charge of any proposed operations;
- (h) employers who will be connected in any way with the proposed operations; and
- (i) any other matter pertaining to the operation and arrangements made to ensure compliance with this Act and the regulations.

6. A person shall not
- (a) occupy or use a building or other structure or shelter of any kind as a logging camp; or
 - (b) provide loggers with sleeping accommodations or meals in a logging camp or any building or other structure or shelter of any kind which is purported to be a logging camp

Logging camps to be operated according to this Act.

unless the logging camp or the building or other structure or shelter has been constructed and is being maintained and operated in accordance with this Act and the regulations, if any.

7. Every logging camp shall be located, constructed, maintained and used in such manner in accordance with this Act and the regulations, if any, as is necessary to prevent danger to the safety and health and to provide for the well-being and reasonable comfort of the loggers occupying or using it or accommodated therein.

Logging camps to provide for well-being of loggers.

8. Meals which are prepared and served in logging camps or during logging operations shall be prepared and served in accordance with this Act and the regulations, if any, in a palatable condition and sanitary manner at such periods and in such variety, quality and quantity of food and drink as are necessary to provide adequate sustenance and nutrition for those engaged in the work of logging, having regard to the nature of that work.

Meals.

9. Every person employed in a logging operation and every person occupying, using or obtaining meals or sleeping accommodation in a logging camp shall in accordance with this Act and the regulations, if any, so conduct himself and take such reasonable precautions as are necessary to prevent damage to the logging camp and its equipment and shall avoid such action as may interfere with the maintenance of the camp and its surroundings in a clean, orderly and sanitary condition.

Loggers to use camps with reasonable care.

10.—(1) Every forest operator shall cause the provisions of this Act and the regulations to be carried out in every logging camp and logging operation located or carried out on a logging interest which he holds.

Responsibility for enforcing Act.

Idem. (2) Every employer shall cause the provisions of this Act and the regulations to be carried out in respect of all loggers whom he employs in a logging operation.

Idem. (3) The owner, operator, occupier or user of a logging camp shall carry out the provisions of this Act and regulations in respect of each logging camp which he owns, operates, occupies or uses, as the case may be.

Idem. (4) For the purposes of this section, at all times when

(a) loggers are engaged in a logging operation; or

(b) a logging camp is occupied by loggers,

there shall be present, as the case may be, a person designated by the employer of the loggers or the operator of the camp as a foreman, sub-foreman or camp boss and that person shall cause the provisions of this Act and the regulations to be carried out in the logging operation or logging camp or in respect of such part of the operation or the camp as the employer or operator places under the supervision or direction of that person.

Store. **11.**—(1) There may be operated in connection with any logging camp a small store for the purpose of selling to loggers clothing, tobacco, stationery and other articles required by loggers.

Store not subject to shops Acts. (2) A store operated in accordance with subsection (1) is not subject to the provision of any statute relating to the opening and closing hours of shops.

Supplies and equipment. **12.** Subject to this section, if it appears to the Minister that supplies and equipment which loggers require in the course of their work or during their stay at logging camps should be made available to them on logging operations or at logging camps, the Minister may by order require that at all logging camps and logging operations or at those camps and operations designated in the order suitable arrangements shall be made for those supplies and equipment to be furnished to loggers on a fair and equitable basis.

13.—(1) An employer shall, in each season, when he engages a logger supply to that logger free of charge one axe, with a handle to fit, and one buck-saw.

Employers to provide axes and saws.

(2) An employer shall supply to each logger in his employ at a fair charge additional axe handles to replace those which become broken.

Replacement of axe handles.

(3) A logger shall on the termination of his employment in each season return to the employer who employed him the axe and buck-saw supplied under subsection (1) and an axe handle which fits the axe.

Loggers to return axes and saws.

(4) If a logger breaks or loses a buck-saw, axe or axe handle which has been supplied to him free of cost by the employer employing him he shall replace it at his own expense and if he does not do so the employer may deduct the cost from the logger's wages.

Tools to be replaced at logger's expense.

14. If a logger becomes ill or is injured the foreman, sub-foreman or camp boss who is in charge of the logging operation or logging camp shall expedite the placing of the sick or injured logger under the care of a duly qualified medical practitioner or other medically qualified person.

Care of sick and injured loggers.

15. If a forest operator or his representative or an employer or a foreman, sub-foreman or camp boss observes or has cause to suspect the presence of conditions which may cause sickness or injury or an outbreak of disease or sickness to the occupants of a logging camp or to loggers engaged in a logging operation he shall immediately report the matter to an inspector or to the Minister of Health.

Operators and others to notify Minister of Health of conditions dangerous to health.

16. An inspector who observes or has cause to suspect an outbreak of sickness or disease among loggers or any condition which may cause an outbreak of disease or sickness shall report the matter without delay to the Minister of Health.

Inspector to report sickness to Minister of Health.

17. Nothing in this Act or the regulations shall prevent the Minister of Health from taking any steps which he is empowered to take under any other statute or law and which he deems necessary to take.

This Act complementary to other health legislation.

Conditions of
employment.

18.—(1) Subject to the regulations, if any, and to any other statute or law and any collective agreement which was made in accordance with any other statute and which is in force affecting the employment of loggers,

- (a) a logger shall provide the person employing him with his full name and mailing address, which is the address to which all matters sent by mail under this Act or the regulations shall be addressed;
- (b) a logger may in writing authorize his employer to make deductions from his wages and designate the person to whom amounts deducted shall be paid;
- (c) a logger may in writing cancel an authorization given under paragraph (b);
- (d) an employer or forest operator shall post in prominent places in each logging camp accommodating loggers whom he employs or at the location of all logging operations which he conducts the specifications to which timber cut by those loggers or at that location, as the case may be, shall be prepared or he shall otherwise explain those specifications to each logger whom he employs;
- (e) an employer or forest operator or his duly authorized representative for the purpose shall carefully explain to each logger whom he employs the rates at which the logger will be paid for work which the logger does and shall bring to the attention of the logger any change in those rates resulting from a change in the work the logger does or from a change in the type or grade of timber which the logger is cutting.

Scale.

(2) At regular intervals not in excess of eighteen days or at such other longer intervals, if any, as may be prescribed by the regulations each employer shall cause all wood which he has authorized a logger to cut and place as specified on his behalf to be scaled by a commercial scaler.

Only commercial
scalers to
scale timber
for sale.

(3) No person other than a commercial scaler shall scale timber for commercial purposes if the timber is to be sold or bought on a volume or unit basis unless the Minister is satisfied

that the services of a commercial scaler are not available, in which case the Minister may issue a temporary certificate to a person who is apparently competent to act as a commercial scaler, authorizing that person, upon taking the oath in accordance with Section 21, to act as a commercial scaler for such period or for such purposes as may be prescribed in the certificate.

(4) Immediately after each scale an employer shall give or cause to be given to each logger if the logger is present, or shall, if the logger is absent, without delay forward to the logger at his listed address, a statement showing

Statement to be given logger.

- (a) the record, signed by a commercial scaler, of the number of piles of wood scaled and the net quantity of wood for which payment should be made;
- (b) the net quantity and value of wood credited to the logger;
- (c) all deductions of money which have been authorized by the logger to be deducted at that time from his earnings; and
- (d) the net amount of money due at that time to the logger.

(5) If a logger requests him to do so, a commercial scaler shall, in addition to the record referred to in subsection (4), provide the logger with a statement which shall show

Idem.

- (a) the identification marks, length, breadth and height of each pile of wood referred to in the record; and
- (b) the quantity of wood rejected because of defects and the nature of those defects.

(6) An employer shall pay to each logger if the logger is present, or, if the logger is absent, forward without delay to the logger's listed address, either in cash or by cheque or partly in cash and partly by cheque, all moneys due at that time to the logger.

Payment of money to loggers.

This Act does not interfere with Minister of Labour under other legislation.

Disputes referable to official scalers.

Minister to make official scaler available.

Fees and expenses of official scaler.

Decision of official scaler may be final.

Court to award fees and expenses of scaler.

Inspectors may inspect camps.

(7) Nothing in this Act or the regulations shall prevent the Minister of Labour from taking any action which he is empowered to take under any other statute or law and which he deems necessary to take with respect to the employment of loggers.

19.—(1) Any party to a dispute may ask the Minister to provide the services of an official scaler where the dispute is between a logger and a commercial scaler or an employer or forest operator or any person paying for the preparation and delivery of timber and where the dispute is as to the net amount of wood for which the logger is to be paid.

(2) The Minister shall when he receives a request in accordance with subsection (1) make the services of an official scaler available to the parties to a dispute.

(3) The Minister shall fix the fees payable by the party against whom an official scaler gives a decision in a dispute which is referred to the official scaler under this section and those fees shall be not more than ten dollars for each call and in addition to the payment of the fees prescribed in accordance with this subsection the Minister may demand payment of all reasonable expenses incurred by an official scaler in dealing with a dispute and the Minister may recover fees and expenses payable under this subsection as a debt due Her Majesty.

(4) If the parties to a dispute referred to in this section agree to accept the decision of an official scaler that decision is final and binding on them.

(5) If a party to a dispute under this section does not accept the decision of an official scaler and takes action in a court the official scaler is a compellable witness and the court shall in making an award provide for the payment of fees and expenses payable to the official scaler and the Minister under this section.

20.—(1) Notwithstanding any other provision of this Act or of the regulations an inspector may inspect a logging camp at such times as he deems fit to determine whether this Act and the regulations and orders made under either of them are being complied with.

- (b) prescribing the form and manner in which and the times at which employers and forest operators shall submit to the Minister information which he may require under this Act and the regulations;
- (c) fixing standards and prescribing specifications for the location, design, construction, equipping, maintenance and use of logging camps and in particular, but without limiting the generality of the foregoing, respecting
 - (i) the cubic space of air to be allowed for each person to be accommodated in the sleeping quarters,
 - (ii) the ventilation and lighting of logging camps,
 - (iii) the provision, location, construction and maintenance of toilets,
 - (iv) the provision of and protection from contamination of potable water which shall be adequate to meet the needs of each logging camp,
 - (v) the location and construction of stables erected in conjunction with logging camps,
 - (vi) provisions for the disposition of waste from logging camps,
 - (vii) the roofing and flooring to be provided to keep logging camps in a sanitary and watertight condition and free from draughts,
 - (viii) the location of outside doors,
 - (ix) measures to be taken to help prevent the entrance of flies in summer time and snow in winter time and of rats and vermin,
 - (x) the maintenance of the surroundings of logging camps in a clean, orderly and sanitary condition;

- (d) respecting provisions for the proper storage of food and foodstuffs;
- (e) prescribing standards for the heating of logging camps;
- (f) respecting bedding equipment to be provided in logging camps;
- (g) respecting the provision of washing and bathing facilities for loggers in logging camps and prescribing the minimum number of those facilities which shall be provided and minimum standards for those facilities;
- (h) respecting provision of facilities in logging camps for loggers to wash and dry their clothing and prescribing minimum standards for those facilities;
- (i) respecting the cleansing of logging camps;
- (j) prescribing the duties and responsibilities of commercial scalers and official scalers;
- (k) providing for
 - (i) examinations to be taken by,
 - (ii) qualifications to be met by,
 - (iii) the certification and appointment of, and
 - (iv) fees to be paid for examinations and certificates bycommercial scalers and official scalers, the classification of scalers according to their qualifications and the suspension or cancellation of certificates;
- (l) respecting measures to be taken by employers and forest operators to prevent and fight fires in logging camps;
- (m) providing for and fixing fees that may be charged under this Act or the regulations;

- (n) respecting and prescribing standards of cleanliness to be maintained by cooks and other persons engaged in the preparation, handling and serving of food and respecting standards of health to be maintained by cooks and those other persons;
- (o) respecting the provision, maintenance and care of equipment and utensils for the preparing and serving of food;
- (p) respecting the care of and responsibility for the cleanliness of mattresses and bed-clothes;
- (q) respecting records and accounts to be kept for the purpose of keeping a record of
 - (i) timber cut or other work done by each logger,
 - (ii) the wages and other earnings of each logger, and
 - (iii) deductions made from those wages and earnings;
- (r) respecting the periodical medical examination and the immunization against certain communicable diseases of all persons engaged in a logging operation or obtaining meals and sleeping accommodation at a logging camp;
- (s) requiring the maintenance at every logging camp of such supplies, equipment and accommodation as shall be prescribed by the regulations as necessary for the emergency care and treatment of sick and injured loggers;
- (t) respecting arrangements for the services of qualified persons to provide medical care to those engaged in a logging operation or accommodated at a logging camp;
- (u) respecting payment for examinations, immunizations and arrangements referred to in paragraphs (r) and (t).
- (v) providing for the classification of logging camps and bases of classification;

- (w) requiring logging camps or different classes of logging camps to be licensed before being operated and prohibiting or restricting the operation of logging camps or different classes of logging camps which are not licensed;
- (x) respecting the issue, renewal, surrender, suspension and revocation of licences for the operation of logging camps and of different classes of licences for the operation of different classes of camps and, in particular but without limiting the generality of the foregoing, prescribing
 - (i) applications for the issue or renewal of licences,
 - (ii) conditions which may be attached to a licence or upon which it may be issued or renewed and held,
 - (iii) fees to be paid for the issue and renewal of licences and different fees to be paid in respect of different licences,
 - (iv) the circumstances under which a licence may be suspended or revoked and restored, and
 - (v) whether and, if so, the conditions under which a logging camp may be operated while a licence in respect thereof is suspended.

(2) The Lieutenant-Governor in Council may make different regulations in respect of different loggers or logging camps in different parts of the province or in respect of logging camps accommodating loggers engaged in cutting different classes of timber and regulations may be made to apply without limit of time or during particular periods or at or between specified times only or in or upon particular circumstances or conditions only and for the purposes of the regulations the Lieutenant-Governor in Council may prescribe different classes or categories of loggers or logging camps.

Different regulations may be made.

(3) Regulations may, in addition to other powers given under this Act, empower the Minister to make orders for the carrying out of those regulations and may contain such other provisions as appear to the Lieutenant-Governor in Council to be necessary or expedient for the purposes of the regulations.

Regulations may empower Minister to make orders.

Publication.

(4) Regulations have effect from the date of publication in *The Newfoundland Gazette* or such later date as may be prescribed in the regulations and a copy of the regulations shall be laid before the Legislature within fifteen days after they are made if the Legislature is then in session and if it is not then in session the regulations shall be laid before it within fifteen days after the commencement of the next ensuing session.

Forms.

23. The Minister may prescribe such forms as he deems necessary for use under this Act and the regulations.

Offences.

24. Every person who

- (a) violates any provision of this Act or of the regulations or of an order made under this Act or the regulations;
- (b) fails to comply with any provision of this Act or of the regulations or of an order made under this Act or the regulations where he is subject to that provision; or
- (c) fails or refuses to give information which he is required to give under this Act or the regulations or an order made under this Act or the regulations or gives false or misleading information

is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or in default of payment of the fine to imprisonment for a period not exceeding six months or to both the fine and imprisonment.