

MEMORANDUM OF UNDERSTANDING

Between

Workers' Compensation Board

and

The Department of Fisheries and Oceans

1. The purpose of this document is to record and communicate to the officers responsible for the administration and enforcement of these regulations, the arrangements that have been made between the Department of Fisheries and Oceans (Pacific Region) ("DFO") and the Workers' Compensation Board of British Columbia ("WCB") for the administration and enforcement of occupational health and safety regulations for commercial fishing vessels.
2. The occupational health and safety of persons working on commercial fishing vessels in B.C. is the jurisdiction of the WCB. WCB Fishing Operations Regulations address health and safety issues of persons working on commercial fishing vessels. Once the regulations are promulgated, it is desirable that the regulations are administered in such a manner as to avoid overlap between the WCB and the DFO.
3. The DFO recognizes the jurisdiction of the WCB to govern all aspects of occupational health and safety of persons working in commercial fishing vessels in British Columbia.
4. WCB and DFO will pursue a cooperative working relationship in keeping with respective responsibilities.
5. When a WCB or DFO officer identifies deficiencies or concerns falling within the jurisdiction of their respective counterparts, such officer will contact a counterpart, to seek a resolution of the issue at the field level.

A resolution of the issue is to be accomplished through discussion between the appropriate WCB regional officer and DFO Field Supervisor.

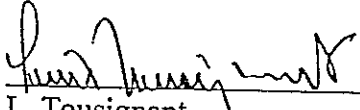
Should a resolution of the issue not be possible, then it shall be referred to the respective regional managers of the WCB and DFO.
6. The establishment of a cooperative working relationship will be achieved through the exchange of basic information concerning the WCB and the DFO, and reciprocal participation in safety training seminars and officer workshops as appropriate.
7. The operational effectiveness of this agreement will be reviewed annually by designated personnel.

Memorandum of Understanding

8. The terms of this agreement may be amended by the consent of the parties at any time and may be terminated by either party after it has given 60 days notice to that effect to the other party.

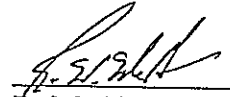
Director General
Pacific Region
Department of Fisheries and Oceans

Vice-President
Prevention Division
Workers' Compensation Board



L. Tousignant
SEP - 7 1995

Date



R. McGinn
Aug 17/95

Date

RESPONSIBILITIES

SITUATION

Accident Reporting

Accident Investigation

Unsafe practices

Violations of DFO administered statutes
and regulations

ACTION

DFO to advise master to report to
WCB 1-800-661-2112

WCB to investigate for health and safety
issues

DFO to report to WCB

WCB to report to DFO

ANNEX 1

WCB PREVENTION AND DFO, PACIFIC REGION (Pursuant to 1995 Memorandum Of Understanding, WCB and DFO)

INTRODUCTION

In 1995, a Memorandum of Understanding (MOU) between the Workers' Compensation Board of British Columbia ("the Board") and Fisheries and Oceans Canada ("the Department") was signed. This MOU, which is still in effect, is general in nature and does not layout the specifics for exchange of information.

The Board has legislative responsibility for the occupational health and safety of persons working on commercial fishing vessels in British Columbia. The Department has legislative responsibility for conservation and sustainable management of aquatic resources and their habitat within Canada. Consistent with this mandate, the Department collects and catalogues specific information on fishing activities, fishing vessels and fishers. The Board requires access to this information to conduct inspections, complete investigations, adjudicate claims and formulate long term strategies for health and safety programs.

PURPOSE

This Annex to the 1995 MOU will describe what information the Board requires and how that information will be distributed from the Department to the Board.

VERIFICATION

Section 8(2)(f) of the Privacy Act, R.S.C. allows transfer of confidential information "...for the purposes of administering or enforcing any law or carrying out a lawful investigation;". The Board requires access to confidential information from Fisheries Management, Pacific Fisheries Licensing Unit, Fisheries sale slip information, and Fisheries harvest log to complete inspections and investigations and to confirm employment and duration of work. The Board is mandated pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation, 296/97.

CONFIDENTIALITY

The Board shall ensure that any and all information obtained from the Department is treated as strictly confidential and not divulged in any manner whatsoever except as contemplated by this MOU, requested by the Department or required by law. The Department shall ensure that any and all information obtained from the Board is treated as strictly confidential and not divulged in any manner whatsoever except as contemplated by this MOU, requested by the Board or required by law.

GENERAL

The Board and the Department agree to share information consistent with the general principles and protocol outlined below. The "Contacts" section will outline individuals who will be authorized to request this information.

PRINCIPLES FOR INFORMATION SHARING (WCB Prevention and Fisheries and Oceans Canada, Pacific)

1. Confidentiality of Personal Information

Personal Information is to remain confidential and will NOT be exchanged along with operational fisheries management information and standardized license data. Personal Information as described under the *Privacy Act* includes information related to the specific identification of individuals and/or their income (name, date of birth, address, and specific catch data for a time and area etc.).

2. Personal Information to be specifically requested

Such information will NOT be exchanged without a specific request in each and every case. Each request is to be made on a "Request for Disclosure" form (see-attached example) The information provided under a specific request can only be used for that singular purpose.

3. Established and Efficient Processes for Information Exchange

Both the Department and the Board recognize that, for (non-personal) information of value to each organization, clear and well-defined processes need to be established to facilitate information sharing. Protocols and other pre-defined processes will be established. The Board expects there to be approximately twelve such requests for each major fishery in a given year. A key part of Information Sharing Protocols will be the identification of a limited number of key contacts in each organization.

A. Fisheries Management Information

The Board may require updates on fishing activity and general fleet information in different fisheries. This information will be, used to coordinate at-sea and first point of landing inspections and to confirm a vessels participation in a fishery. This information will be provided to the identified WCB contacts, by the relevant fishery manager, only when personal data such as individual catch data personal identifying data has been removed from the sheets.

The Board requires the ability to consult directly with the Department from time to time to coordinate inspections and confirm fishing activity without accessing personal and confidential information. This is required to ensure that efficient use of time and money is

achieved for investigation and inspection activity and to confirm employment status of a vessel, its crew or an individual fisherman. Identified Board Officers directly contacting one of the Department DFO staff identified in the attached contact list will achieve this.

B. Pacific Fisheries Licensing Unit Information

The Board requires general and specific commercial fisheries licensing information to determine where vessels are designated to fish and for what species and who are the registered owners of these vessels. (As above, confidential information such as addresses and phone numbers will not be provided). This information is required to ensure that efficient use of time and money are achieved for investigation and inspection activity and will also be required when an administrative penalty or prosecution for non-compliance are contemplated.

Licensing information will be forwarded to the Board in two manners. The first will be an annual 'snapshot' of the commercial licensing data base showing vessel names, Vessel Registration Numbers (VRN), licences held (by licence area where applicable) and registered owners. This will be supplied electronically to Board Officers listed in the "Contacts" section.

From time to time the Board will require detailed, up to date Licensing information on a vessel or an individual, including contact addresses. This information will be used to complete accident investigations or when enforcement action is required. These requests will be infrequent and will be made directly to the Chief of the Pacific Fisheries Licensing Unit utilizing the Request For Disclosure form.

The Department and the Board will work towards restricting electronic access to the Pacific Fisheries Licensing Unit Data Base to specified Board Officers, recognizing the confidentiality of Private Information.

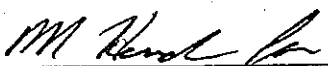
C. Stock Assessment Information

From time to time the Board will require fisheries harvest logbook information to confirm an individual's participation during a particular fishery or his employment on a particular vessel. This information is required to complete accident investigations, initiate enforcement actions and to adjudicate settle claims. This information will be requested from the Board on a case by case basis, utilizing the Request for Disclosure form, directly to persons as identified in the "Contacts" section.

The Department desires to track at-sea observations of active fishing vessels. This information is used to confirm activity reported on harvest logs and ensure compliance with Fisheries open areas. The Department requires that Board Officers doing at-sea inspections report, on the approved form, all observed fishing activity and supply these reports in a timely fashion to the Fisheries Data Unit. As described in the "Contacts" section.

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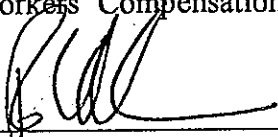
Director-General
Pacific Region
Fisheries and Oceans, Canada



D. M. Petrachenko

JAN 25 2000
Date

Vice-President
Prevention Division
Workers' Compensation Board



Roberta Ellis

Feb 16 / 2000
Date

CONTACTS:

Forthcoming, to be supplied