



Ref: 116210

File: 19000-20/PRES

April 22, 2022

Email

Vlada Cvijetinovic

vcvijetinovic@pretivm.com

Attention: Mr. Cvijetinovic,

Re: Determination of Administrative Penalty

Further to the Notice of Opportunity to be Heard provided to Pretium Resources Inc. (Pretium) on 2021-07-08, and the written submission provided by you on behalf of Pretium, received 2021-10-29, respecting an alleged contravention of Part 1.11.1(2) of the Health, Safety and Reclamation Code for Mines in British Columbia (Code), I have now made a determination in this matter.

After reviewing the information available to me, I have concluded that Pretium contravened Part 1.11.1(2) of the Code, in respect of which an administrative monetary penalty is being imposed pursuant to s.36.2 of the *Mines Act* and the Administrative Penalties (Mines) Regulation. The specific contravention, the amount of the penalty, reasons for my decision, payment and appeal information are provided in the attached decision document.

Please advise if you require a hard copy of this determination for your records.

If you have any questions with regard to this determination, please contact me at AMPSInquiries@gov.bc.ca

Sincerely,

Brad Cox, *for* Chief Inspector, *Mines Act*
Manager
Regulatory Management and Enforcement Branch
Mines Health, Safety and Enforcement Division
Ministry of Energy, Mines and Low Carbon Innovation

Attachment: Determination of Administrative Penalty

DETERMINATION OF ADMINISTRATIVE PENALTY

File: 19000-20/PRES

NAME OF PARTY:

Pretium Resources Inc.

**AMOUNT OF
ADMINISTRATIVE PENALTY:**

\$150,000.00

CONTRAVENTION OR FAILURE:

1. Part 1.11.1(2) of the Health, Safety and Reclamation Code for Mines in BC (Code):

Training

- 1.11.1 The manager shall ensure that
 - (2) ensure that all employees receive thorough orientation and basic instruction in safe work practices.

DATE AND LOCATION OF CONTRAVENTION OR FAILURE:

1. The alleged contravention or failure to comply occurred on 2020-07-31 at Brucejack Mine (Brucejack) located approximately 65 kilometers north of Stewart, BC. Brucejack is an underground gold mine operated by Pretium Resources Inc. (Pretium).

SUMMARY

2. On 2020-07-31, A group of Pretium employees were conducting tailings line unblocking work at Brucejack. While the work crew was attempting to retrieve a stuck jet hose from a tailings line, a Pretium employee was struck by the blocked tailings line and sustained critical head injuries (Affected Worker).
3. The Affected Worker was evacuated by helicopter to Terrace Mills Memorial Hospital later that same day but passed away two days later, on 2020-08-02.
4. Following the incident, an investigation conducted by Ministry of Energy, Mines and Low Carbon Innovation's (EMLI) Mines Investigation Unit (MIU) determined that in its view, Pretium failed to ensure that all employees receive thorough orientation and basic instruction in safe work practices. Following its investigation, MIU recommended that an administrative monetary penalty be imposed on Pretium (Report to Statutory Decision Maker).
5. Pretium was provided with an opportunity to be heard in relation to the alleged contravention and submitted a written response 2021-10-29 (Written Submission).

REASONS FOR DECISION:

6. Pursuant to Section (s.) 5 of the Mines Act (Act) I have been appointed as an Inspector of Mines.
7. Pursuant to s.6 of the Act I have been delegated the authority of the Chief Inspector of Mines, as a Statutory Decision Maker for administrative penalties, as set out in s.36.1, s.36.2 and s.36.3 of the Act.
8. In making my finding that Pretium contravened Part 1.11.1(2) of the Code, I have considered all of the information submitted to me, including the Written Submission and supporting documents provided by Pretium. In determining the penalty amount, I have considered the matters listed in s.2 of the Administrative Penalties (Mines) Regulation, as applicable.

Alleged Contravention 1:

9. In the Report to Statutory Decision Maker, EMLI alleges that on 2020-07-31, Pretium did contravene Part 1.11.1(2) of the Code by failing to ensure that workers received a thorough orientation and basic instruction in safe work practices.

Determination

The Alleged Contravention: Part 1.11.1(2) of the Code

10. The Report to Statutory Decision Maker, EMLI alleges that Pretium failed to provide basic instruction in safe work practices as required by Part 1.11.1(2) of the Code. The allegation stems from a work performed by Pretium employees at Brucejack as discussed below in this determination. Part 1.11.1(2) provides:

Training

1.11.1 The manager shall ensure that:

(1) workers are adequately trained to do their job or are working under the guidance of someone who has competency both in the job and in giving instruction, and

(2) ensure that all employees receive thorough orientation and basic instruction in safe work practices.

Summary of the Work Task/Incident

11. The work giving rise to the allegation of contravention evolved over a number of days. On 2020-07-26, a contractor arrived at Brucejack to clear a blockage in the back-up tailings line. This work involved inserting a high-pressure jet hose into the back-up tailings line to clear the blockage.
12. During the unblocking work, the contractor worked with several Pretium employees and on 2020-07-30 the blockage was thought to have been cleared. The jet hose was left inside the back-up tailings line, to be removed the following day. On 2020-07-31, the workers returned in

the morning to remove the high-pressure jet hose but after removing approximately 50 to 100 feet of jet hose on the vac truck spool, the jet hose became stuck in the tailings line.

13. With the reel on the vac truck proving ineffective in removing the stuck jet hose, a decision was made to use a Pretium CAT telehandler on site to pull on the stuck jet hose with greater force (Work Task). At some point during the second pull, the back-up tailings line released from its position, shifted rapidly, and struck the Affected Worker's legs sweeping him from his position and knocking him to the ground. In its Report to Statutory Decision Maker, EMLI describes the incident as follows at paragraph 9:

Unknown or unrecognized by the workers, the tailings line was pinned in place by a large rock located between the blocked tailings line and the uncut line beside it. The rock prevented the tailings line from lining up directly with the telehandler boom pull. This obstruction stored potential energy and was what enabled the sudden movement of the tailing line. As tension increased, the blocked tailing line squeezed against the rock and the plastic line wall slipped over the rock and became suddenly free.

14. In its Written Response, Pretium does not dispute the basic facts of the incident and the Work Task that led to it. In accepting the basic facts, Pretium does not offer comment on the specific findings quoted immediately above in this determination but notes that these conclusions appear reasonable.

EMLI's Position

15. In the Report to Statutory Decision Maker, EMLI asserts that Pretium contravened Part 1.11.1(2) of the Code by failing to have safe work practices in place for the Work Task. The use of the CAT telehandler as an alternative to the vac truck spool to remove the stuck jet hose was a departure from normal practice and increased the force and energy workers were using for the task.
16. Part 1.11.1(2) of the Code refers to the requirement for "basic instruction in safe work practices". In the Report to Statutory Decision Maker, EMLI notes that to meet this requirement, industry uses a variety of procedures and forms to ensure that safe work practices are established as required by the Code. For example, EMLI notes that the contractor in this case used "safe work procedures" for regular work tasks. Pretium used "standard operating procedures" for regular work tasks. Both Pretium and the contractor used a "job hazard assessment/analysis" for unusual work.
17. In the Report to Statutory Decision Maker, EMLI asserts that at Brucejack, Pretium achieves "safe work practices" through "Safe Operating Procedures" for regular work tasks and "Job Hazard Assessments" for more unusual work tasks.
18. In its Written Submission, Pretium confirms its use of such documents in accordance with Pretium's Health and Safety Manual that sets out Pretium's approach to ensuring work is conducted safely. The following definitions are taken from Pretium's Health and Safety Manual:

Job Hazard Analysis is a technique that focuses on job tasks as a way to identify hazards before they occur. It focuses on the relationship between the worker, the task, the tools and the work environment.

Standard Operating Procedures can be defined as a written step-by-step set of instructions on how to safely complete a specific job.

19. Pretium's Health and Safety Manual establishes when a job hazard analysis or standard operating procedure is required. It is not necessary to describe these documents in significant detail as Pretium acknowledges in its Written Submission that they were not prepared for the Work Task - specifically the use of the CAT telehandler to remove the stuck jet hose – and should have been prepared in accordance with Pretium's Health and Safety Policy. Essentially, these documents represent ways to ensure work is safe and risks are minimized by evaluating tasks to determine the severity and likelihood of hazards allowing for the development and implementation of appropriate hazard controls.
20. In the Report to Statutory Decision Maker, EMLI describes the Work Task in detail and notes that there were only two likely outcomes from utilizing the CAT telehandler boom to pull on the stuck jet hose with additional force. The jet hose would become free, very likely suddenly; or the jet hose would fail/snap, very likely suddenly. In either eventuality there was a high likelihood of there being a line of fire event. Given Pretium's acknowledgement that a job hazard analysis should have been completed and after considering Pretium's Health and Safety Manual, I am of the view that the evidence strongly supports a finding that there was a failure to ensure that all employees received basic instruction in safe work practices in relation to the Work Task.
21. In the Report to Statutory Decision Maker, EMLI emphasises that the Work Task (that was conducted without first preparing a job hazard analysis or standard operating procedure) was overseen by a Pretium manager and a Pretium supervisor. The evidence provided by EMLI in the form of witness statements of Pretium workers involved in the work task shows that not only did a Pretium manager and a Pretium supervisor oversee the Work Task, but they were also involved in developing the plan to utilize the CAT telehandler to remove the stuck jet hose. This is not disputed by Pretium in its Written Submission. In my view, the significant involvement of a Pretium manager and a Pretium supervisor in both the planning and oversight of the Work Task is very important. As EMLI notes at paragraph 29 of the Report to Statutory Decision Maker:

It is again especially relevant to note that this work was conducted by Pretium workers while [a Pretium supervisor and acting manager] were directly over-seeing the work. [The contractor] was not involved other than by pressurizing the jet hose system. This represents a corporate failing by Pretium supervisors and managers to ensure the Health and Safety policy and procedures are implemented to achieve the aim of compliance with Health and safety regulations. Specifically, in this case, compliance with specific job hazard assessments to ensure safe work practices. By failing to conduct a job hazard assessment for using the CAT Telehandler, unsafe work occurred with a high likelihood of worker injury or death.

In the Report to Statutory Decision Maker, EMLI asserts that there was no safe method for the CAT Telehandler to pull on the stuck jet hose (without additional safety measures or equipment such as shields and line restrainers). Unfortunately, these measures were not put into place for the Work Task.

Pretium's Position

22. In its Written Submission, Pretium argues that it did not fail to provide thorough orientation and basic instruction in safe work practices to its employees and therefore did not contravene Part 1.11.1(2) of the Code. Pretium further argues that if it is found to have contravened or failed to comply with Part 1.11.1(2) of the Code, an administrative monetary penalty is not necessary in order to encourage regulatory compliance considering specifically Pretium's efforts to prevent and correct the alleged contravention and to prevent the reoccurrence of the alleged contravention. I will consider Pretium's efforts to correct and prevent the contravention in the penalty calculation section of this determination.
23. Pretium asserts that prior to and at the time of the incident it had a thorough orientation and training program that included basic instruction in safe work practices. To support its assertion that it did not fail to provide thorough orientation and basic instruction in safe work practices as required by Part 1.11.1(2) of the Code, Pretium's Written Submission sets out various practices and approaches Pretium takes to ensure work is undertaken safely, including those set out in its Health and Safety Manual. The Health and Safety Manual among other things sets out roles and responsibilities in relation to hazard assessments and controls, safe work practices, and standard operating procedures.
24. Pretium also notes that it holds regular health and safety meetings and provides examples of training transcripts of the workers involved in the incident that demonstrate a significant amount of training was completed by the workers involved. Pretium also provides examples of job hazard assessments and standard operating procedures completed in relation to other work tasks. While these documents show that training occurred and that in some instances, job hazard assessments and standard operating procedures had been developed in the past, they do not address EMLI's allegation that for the Work Task, there were no safe work practices in place.
25. In its Written Submission, Pretium acknowledges that a failure occurred. For example, at page 5 of its Written Submission, Pretium writes:
- Through their orientation, training, basic instruction and experience, the Involved Individuals knew or reasonably ought to have known that at a minimum a JHA should have been conducted prior to proceeding to utilize a telehandler boom to retrieve a stuck jet hose from a tailings line. For reasons unknown the Involved Individuals omitted to prepare an SOP or to conduct a JHA in this particular case. (emphasis added)
26. At page 3 of its Written Submission, Pretium writes:
- For reasons unknown, two Pretium Supervisors, three Pretium employees and one contractor (the "Involved Individuals") decided to utilize a telehandler boom to retrieve a stuck jet hose from a tailings line without first preparing a Safe Operating Procedure ("SOP") or conducting a Job Hazard Assessment ("JHA") (emphasis added).
27. In my view, the evidence both from the Report to Statutory Decision Maker (specifically the evidence at paragraphs 15 and 16 citing Pretium's initial incident report and the mine manager's response to an order for documents, both of which confirm that no procedures or job hazard assessments were prepared for the Work Task) and Pretium's Written Submission clearly

establishes that no specific safe work practices through the conduct of a job hazard assessment or the development of standard operating procedures were developed for the Work Task. I am also of the view that such practices, by Pretium’s own admission, should have been prepared given the nature of the Work Task.

28. In its Written Submission, Pretium’s position is that the Pretium supervisor, Pretium manager and the three Pretium workers involved in the Work Task participated in Pretium’s “thorough orientation and training program in respect of health and safety” and received basic instruction in safe work practices. Pretium asserts that each of the Pretium involved individuals was knowledgeable and experienced in respect of Pretium’s health and safety practices and procedures, including with respect to how to develop safe work practices, when to use and follow safe work practices and who is responsible for ensuring that safe work practices are followed. Pretium asserts at page 5 of its Written Submission:

We respectfully submit that to hold Pretium accountable on the basis that it failed to provide thorough orientation and basic instruction in safe work practices is unfounded. This is not a matter of the Involved Individuals not receiving thorough orientation and basic instruction in safe work practices. Pretium provided (and continues to provide) thorough training, orientation and basic instruction in safe work practices to its employees and contractors, including the Involved Individuals.

29. With respect to specific responsibilities for developing safe work practices, Pretium refers to sections of its Health and Safety Manual, specifically in relation to the role of supervisors. Pretium cites the following examples from its Health and Safety Manual:

- “The immediate supervisor will determine and arrange Job Specific Training based on a task’s complexity and the employee’s current task knowledge and experience...The employee will be provided with all the necessary information to perform the task safely and correctly. This training could involve work procedures, practices, task specific hazards, etc.”
- “Safe Work Practices must be developed for all jobs performed by Pretium” and supervisors are responsible for ensuring that “Safe Work Practices are written for the work to be performed and that they are readily available to workers...”
- “Standard Operating Procedures must be developed for all high risk...work performed by Pretium employees”, “once the team and the job have been selected, perform a Job Hazard Analysis using the Job Hazard Analysis form” and the supervisor is responsible for ensuring that “Standard Operating Procedures are written for high risk and repetitive work to be performed and that they are readily available to workers”
- Supervisors are responsible for demonstrating “a commitment to safety...”, holding “workers accountable for safe performance...”, and assisting “workers in understanding the needs for rules and the consequences of not following established safety rules and requirements

30. To summarize, in its Written Submission, Pretium argues that it did not contravene Part 1.11.1(2) of the Code because all of the Pretium supervisors and workers involved, through their orientation, training, basic instruction and experience, knew or reasonably ought to have known that at a minimum a job hazard assessment should have been conducted prior to proceeding to utilize a telehandler boom to retrieve a stuck jet hose from a tailings line. For reasons unknown to Pretium, the Pretium supervisors and employees/workers involved omitted to prepare standard operating procedures or conduct a job hazard assessment for the Work Task.

31. Pretium’s Written Submission does not address EMLI’s assertion in the Report to Statutory Decision Maker that the agreed upon failure to prepare standard operating procedures or conduct

a job hazard assessment for the Work Task at issue was a failure of Pretium, not merely the Pretium employees involved in the Work Task.

Finding

32. As stated above, I am of the view that the evidence before me strongly supports a finding that there was a failure to develop safe work practices for the Work Task. The Report to Statutory Decision Maker outlines the need for safe work practices to meet the requirements of Part 1.11.1(2) of the Code and this assertion is not disputed in Pretium’s Written Submission. In fact, Pretium acknowledges that safe work practices (through safe operating procedures and a job hazard assessment) should have been developed for the Work Task.
33. Despite acknowledging that safe work practices should have been developed for the Work Task, in its Written Submission, Pretium takes the position that it did not fail to ensure employees receive basic instruction in safe work practices. Pretium asserts that it had a thorough orientation and training program that included basic instruction in safe work practices and points to its Health and Safety Manual that includes the roles and responsibilities in relation to hazard assessments and controls, safe work practices, and standard operating procedures. Pretium argues that it met the obligation in Part 1.11.1(2) of the Code by providing guidance and training to employees in relation to the need for the development of safe work practices.
34. I respectfully disagree with Pretium’s position. In my view, the requirements of Part 1.11.1(2) of the Code, specifically the requirement to “ensure employees receive basic instruction in safe work practices” is not satisfied by instructing or advising employees of the need to develop safe work practices. I am of the view that satisfying the requirement to ensure employees receive basic instruction in safe work practices requires an actual assessment of a particular work task with a view to potential risks and appropriate controls. In this case, the evidence unequivocally establishes that such an assessment of the Work Task was not undertaken, and safe work practices were not developed. Accordingly, an analysis of the adequacy of any such assessment or any resulting safe work practices is not possible.
35. In arriving at this conclusion, I am persuaded by EMLI’s assertion in the Report to Statutory Decision Maker that industry uses tools like job hazard assessments to meet the requirements in Part 1.11.1(2) of the Code as it relates to safe work practises. This is not disputed by Pretium and in fact Pretium points to its Health and Safety Manual that confirms its use of such tools. This is also consistent with a plain language interpretation of “practices” as used in the phrase “basic instruction in safe work practices” that suggests a method of doing something. For example, Merriam-Webster defines “practice” as “actual performance or application”; “a repeated or customary action”, “the usual way of doing something”.
36. Undertaking a job hazard assessment (essentially a ranking of risk severity and probability) could have identified risks associated with the Work Task and could have resulted in appropriate risk mitigation measures. As EMLI points out in paragraph 24 of the Report to Statutory Decision Maker:

A JHA for using the Telehandler to pull on the hose was never undertaken. However, a JHA could have prevented this tragic accident by demonstrating the task was unsafe and high risk.

37. At paragraph 32, EMLI states:

As there was no safe method for the CAT Telehandler to pull on the stuck jet hose (without additional safety measures or equipment such as shields and line restrainers), Pretium failed to ensure employees received any orientation or instruction in the safe work practices for the task that was undertaken.

38. The active role that Pretium representatives (a Pretium manager and a Pretium supervisor) played in the decision to use the CAT telehandler to remove the stuck jet hose from the tailings line, as well as overseeing the work as it unfolded, is a key factor in my finding that Pretium failed to comply with Part 1.11.1(2) of the Code. This work was planned and undertaken with the involvement of Pretium representatives without first developing safe work practices. While Pretium's Health and Safety Manual sets out Pretium's approach to conducting work safely, including through the use of tools like job hazard assessments, that approach cannot be effective unless implemented "on the ground". In my view, the significant involvement by a Pretium manager and a Pretium supervisor represents a corporate failing by Pretium to ensure that employees received basic instruction in safe work practices as that requirement related to the Work Task.

39. I also note that Pretium's Health and Safety Manual refers to Pretium's role in job hazard assessments. For example, at page 12 that manual states:

The Hazard Assessment Tools provide a process that facilitates the identification, assessment, monitoring and control of hazards. Pretium will utilize the Hazard Assessment Tools described in this manual to ensure hazards are identified and assessed for every worksite and every job, especially critical jobs.

40. Further, at page 14 that manual states:

Following the identification and assessment of hazards, Pretium will develop and implement appropriate controls in a timely manner.

41. For the reasons set out above, I find that Pretium did contravene Part 1.11.1(2) of the Code as alleged in the Report to Statutory Decision Maker.

Pretium's position that an administrative penalty is not required

42. In its Written Submission, Pretium asserts that should a finding of contravention be made against it, that an administrative penalty is not required based on the analysis of matters required to be considered before imposing an administrative penalty, including Pretium's efforts to prevent and correct the alleged contravention and to prevent the reoccurrence of the alleged contravention. It is asserted that a penalty is not necessary in order to encourage regulatory compliance.

43. The legislative scheme for administrative monetary penalties under the Act provides authority for the Statutory Decision Maker to make a finding that a person has contravened or failed to comply with specified regulatory requirements. If such a finding is made, as it has been in this matter, the statutory decision maker must then determine the amount of the administrative

monetary penalty, if any, that is appropriate after considering the prescribed matters such as efforts to prevent the contravention or failure to comply, or efforts to prevent reoccurrence.

44. Administrative monetary penalties can be imposed to encourage a person to come into compliance, encourage future compliance or act as a deterrent to future non-compliance. I respectfully disagree with Pretium’s position that the imposition of an administrative monetary penalty is not appropriate in the circumstances because of Pretium’s actions before and after the incident. Because I have made a finding that there was a contravention of Part 1.11.1(2) of the Code, in my view it is appropriate to impose an administrative monetary penalty after considering the prescribed matters such as Pretium’s efforts to prevent the contravention or failure to comply, or efforts to prevent reoccurrence.

PENALTY CALCULATION:

45. The penalty is assessed in consideration of the matters set out in s.2 of the Administrative Penalties (Mines) Regulation. The assessment establishes a base penalty to reflect the seriousness of the contravention or failure based on the gravity and magnitude of the contravention or failure and the actual or potential adverse effects. Using the base penalty as a starting point, additional mitigating or aggravating factors are then considered and adjustments may be made in the form of decreases or increases.

Gravity and Magnitude
<p>Gravity or magnitude refers to how important compliance with the requirement is to the Ministry’s regulatory goals.</p> <p>The requirement to ensure that all employees receive basic instruction in safe work practices is a foundation of worker health and safety the importance of which cannot be overstated. Failing to ensure that employees receive basic instruction in safe work practices as required by Part 1.11.1(2) of the Code increases worker risk to injury related to the work being performed.</p> <p>It should be noted that contraventions of Part 1.11.1(2) of the Code were recognized as being among the most serious non-compliances identified in the Administrative Penalty (Mines) Regulation. The Lieutenant Governor in Council categorized contraventions of Part 1.11.1(2) as warranting inclusion in the highest possible administrative penalty tier (maximum \$500,000.00).</p> <p>In its Written Submission, Pretium acknowledges the significance of the regulatory requirement at page 6 as follows:</p> <p style="padding-left: 40px;">We recognize the significant gravity and magnitude of failing to have safe work practices, including in the form of JHA for unusual work tasks, as it places employees and contractors at an increased risk of exposure to unsafe work or work practice. This is reflected in the Company’s Health and Safety Manual, which sets out that “Safe Work Practices must be developed for all jobs performed by Pretium” and supervisors are responsible for ensuring that “Safe Work Practices are written for the work to be performed...</p> <p>For these reasons I consider the gravity and magnitude to be major.</p>

Real or Potential Adverse Effect
<p>Real or Potential Adverse Effect relates to the real or potential harm the contravention has on health and safety of workers, the environment, or the public.</p> <p>The adverse affects of failing to ensure all employees receive basic instruction in safe work practices can be significant. In this case, the individuals involved in removing the stuck jet hose from the tailings line did not receive basic instruction in safe work practices for the work task. The work task was novel and at no time was a job hazard assessment undertaken to assess and mitigate risks. In my view, undertaking that analysis prior to commencing the work task would have reduced the risk of injury or death.</p> <p>In its Written Submission, Pretium acknowledges the significance of the regulatory requirement at page 6 as follows:</p> <p style="padding-left: 40px;">We acknowledge that the tragic death of [the Deceased Worker] was a significant real adverse effect of failing to prepare an SOP or at a minimum, to conduct a JHA prior to undertaking a novel and high-risk task such as attempting to retrieve a stuck jet hose from a tailings line by utilizing a telehandler boom.</p> <p>In my view the real or potential adverse effect is very high.</p>
Previous Contraventions or Failures
<p>After considering the evidence in relation to this matter, no penalty increase or decrease will be made.</p>
Whether the Contravention or Failure was Repeated or Continuous
<p>After considering the evidence in relation to this matter, no penalty increase will be made.</p>
Whether the Contravention or Failure was Deliberate
<p>After considering the evidence in relation to this matter, no penalty increase will be made.</p>
Any Economic Benefit Derived by the Person from the Contravention or Failure
<p>After considering the evidence in relation to this matter, no penalty increase will be made.</p>
The Person's Efforts to Prevent the Contravention or Failure
<p>The evidence demonstrates Pretium’s efforts operate safely. For example, Pretium’s Health and Safety Manual does identify the need for basic instruction in safe work practices through the use of job hazard assessments and standard operating procedures. Pretium was able to demonstrate the use of such tools in the past. Pretium also outlined its general approach to safety including its use of orientation sessions and training including in relation to safe work practices, as well as regular safety meetings to communicate ongoing safety awareness, exchange health and safety information, values and concerns, and provide all employees with ongoing orientation and instructions in safe work practices.</p>

<p>Unfortunately, in this case, a Pretium manager and a Pretium supervisor helped plan and lead work for which no appropriate risk assessments were conducted but I am persuaded by Pretium’s argument that this incident is more isolated and not reflective of a broadly deficient approach to safety.</p> <p>After considering the evidence in relation to this matter, a 10% penalty decrease will be made</p>	
<p>The Person's Efforts to Correct the Contravention or Failure</p>	
<p>In its Written Submission, Pretium outlines a number of initiatives that have or are being implemented that are intended to correct the contravention including revising corporate values to further emphasize safety, moving to implement an improved health and safety management system, and a number of other initiatives that are set out in the Written Submission including developing a standard operating procedure for refusing unsafe work.</p> <p>After considering the evidence in relation to this matter, a 5% penalty decrease will be made.</p>	
<p>The Person's Efforts to Prevent Reoccurrence of the Contravention or Failure</p>	
<p>In its Written Submission, Pretium outlines a number of initiatives that have or are being implemented that are intended to prevent reoccurrence of the contravention including revising corporate values to further emphasize safety, moving to implement an improved health and safety management system, and a number of other initiatives that are set out in the Written Submission including developing a standard operating procedure for refusing unsafe work. Pretium also demonstrated improvements to its lost time injury frequency rate over a one-year period after implementing enhancements.</p> <p>After considering the evidence in relation to this matter, a 10% penalty decrease will be made.</p>	
<p>Other Relevant Factors</p>	
<p>None.</p>	
<p>Base Penalty</p>	<p>Adjusted Penalty</p>
<p>\$200,000.00 (maximum allowable \$500,000.00)</p>	<p>\$150,000.00</p>
<p>TOTAL PENALTY \$150,000.00</p>	

DUE DATE AND PAYMENT:

46. If you do not appeal this Determination, payment of this administrative penalty is due within 40 days of the date you were given this Determination. Payment via cheque or money order, made payable to the Minister of Finance, can be mailed to Attn: Jane Mayall, Division Coordinator, Regulatory Management and Enforcement Branch, Ministry of Energy, Mines and Low Carbon Innovation, PO Box 9395 Stn Prov Govt, Victoria BC, V8W 9M9. Please do not mail cash. A \$30 service fee will be charged for dishonoured payments.
47. If payment has not been received within 40 days and no appeal was filed during that time, interest will be charged on overdue payments at a rate of 3% + the prime lending rate of the principal banker to the Province per month and the amount payable is recoverable as a debt due to the government. In the event the penalty is not paid as required, the Chief Inspector of Mines may refuse to consider applications made by you for a permit, or for the amendment of a permit, until the penalty is paid in full.

RIGHT TO APPEAL:

48. If you disagree with this determination, s.36.7 of the Act provides for appeal of my decision to the Environmental Appeal Board (EAB). In accordance with s.36.7 of the Act, if you wish to appeal this determination, you must commence your appeal within 30 days of being given this determination.
49. For information on how to commence an appeal, please consult the EAB:

Address: 4th Floor, 747 Fort Street, Victoria, BC, V8W 3E9
Telephone: (250) 387-3464
Website: <http://www.eab.gov.bc.ca>
50. If the EAB upholds an administrative monetary penalty, payment is due within 40 days after the notice of the EAB's decision is given to you.

PUBLICATION:

51. Upon the conclusion of an appeal period, or appeal process, this determination will be published on the BC Mine Information Website at: <https://mines.nrs.gov.bc.ca/enforcement-actions>

Dated this 22nd day of April 2022.