



Interior Logging Association

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# THE ILA INSIDER

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## BILL 13 CHANGES IN JUNE 2021

SUBMITTED BY: JOHN DRAYTON, GIBRALTAR LAW



As a result of the Contractors Sustainability Review—a process that began when the Liberal government was in power and continued into the NDP tenure—recent changes were made to the Timber Harvesting Contract and Subcontract Regulation.

Logging contractors were unhappy when, in 2004, then Forests Minister Mike DeJong revamped Bill 13 to remove costs and profit from the rate calculation. The “fair market rate” became the test and contractors fared poorly at arbitration.

With the recent changes, though, a proper rate is one that is both competitive by industry standards, and will permit a reasonably efficient contractor to earn a reasonable profit. Many readers will note that this is the same test that applied prior to

2004. Costs and profits are part of the equation once again.

The arbitrator now has a long checklist of items to consider when setting the rate. That list begins with equipment costs, labour costs, costs of extras, and administrative and overhead costs. The list continues to include a consideration of past rates, and of past costs and productivity—not only of the contractor involved in the rate dispute, but of other contractors as well.

As before, when negotiating a rate the licence holder must provide relevant information that will enable the contractor to estimate its productivity and its operating costs. Here is something new. If it subsequently turns out that there was “a material error or omission in the information”, then either party to the contract can request a revisiting of the rate. That request must be made within 30 days of discovery. Be aware, though, that if the contractor could have discovered that error or omission by making a diligent review of the work location, it cannot ask for a rate review.

Very few rate negotiations go to full arbitration. Still, the need for the licensee to provide relevant information, coupled with the checklist of considerations, should establish a benchmark for rate negotiation, regardless of whether it is under a replaceable contract or a non-replaceable contract.

For those rates that cannot be settled by negotiation, changes have been made to the regulation concerning mediation and arbitration.

Mediation is the first stage to a rate dispute, where an effort is made to have the parties settle on a rate by agreement with the help of a trained mediator. If that fails, the matter then proceeds to arbitration, which results in the arbitrator—a private judge—setting the rate for the parties.

Minor changes have been made as to who pays the costs of a mediation or an arbitration. The default is that each party bears their own costs and pays for half of the cost of the mediator/arbitrator. In the event that one party is found to be mediating or arbitrating in bad faith or to have wrongly withheld information, the wrongdoer might be ordered to pay the costs of the other and/or the full costs of the mediator/arbitrator.

Going into the arbitration stage, each party must set out their “final offer”, and the arbitrator may only choose between the two. This system was first adopted in 2004, and it continues today. I have found it to be a good system. It forces the parties to approach the arbitration with a reasonable position. Because, of course, the party with the less reasonable position is bound to lose the arbitration. As both parties race towards the middle, and the difference between positions lessens, the case is almost certain to settle.

*John Drayton is a Kamloops lawyer practicing in the area of motor transport and forestry law.*



EMBRACING A SUSTAINABLE BRAND NEW DAY FOR TIMBER HARVESTING

## BC WILDFIRE SERVICE REFLECTS ON CATASTROPHIC FIRE SEASON

SUBMITTED BY: ROB SCHWEITZER, DIRECTOR OF FIRE CENTER OPERATIONS, BCWS



Once again British Columbia was faced with a wicked and catastrophic wildfire season. Almost 1,600 wildfires burned over 865,000 hectares resulting in at least 425 communities being placed on evacuation alert or order. The impacts to all sectors including tourism, ranching and the forest industry were significant. However, nothing compares to the stress, anxiety and personal loss experienced by thousands of citizens in this province. My sincerest gratitude to all those individuals who volunteered their time, offered their properties and opened up their homes in support of those people most impacted.

### What made this season so challenging?

The first half of June delivered relatively normal precipitation to the northern half of the province while southern regions, especially the Interior, received only 30 per cent of normal June rainfall. Temperatures climbed steadily throughout the month culminating in a historic heat

wave that affected the entire province. The dryness and extreme heat raised fire dangers to critical levels and burning conditions were three to four weeks ahead of schedule, more typical of what is seen in August.

These conditions persisted through the first half of July, making fuels increasingly susceptible to ignition. This, in combination with repeat thunderstorms and lightning events, attributed to multiple new starts, rapid fire growth as well as increased rates of spread on existing wildfires. In the first two weeks of July, an average of 40 new wildfires started each day. The latter part of July brought moderate precipitation to northern regions of B.C., helping to slow fire growth and calm fire behaviour. However, the precipitation was not substantial enough to extinguish larger wildfires.

The BC Wildfire Service builds on learnings gained from every season, especially as the landscape changes and extreme weather presents fire conditions never seen before in our lifetimes. The learning work has already commenced with our key partners and stakeholders and it will build upon the changes already implemented from the Abbott Chapman report.

As I visited communities and fire camps this summer I was

amazed at the resiliency and dedication of our industry. Be it the camp cook, the heavy equipment operator, first aid attendant or the firefighter, the common thread is they have a yearning to serve the public and make a difference.

I've had the pleasure to work with Todd Chamberlain, the Interior Logging Association General Manager on a joint BC Wildfire Service and Forest Industry Working Group for the past three years. This group has come together on a quarterly basis since the release of the Abbott Chapman recommendations in 2018. Representatives from across the forest sector discuss how we can be more prepared for wildfires, and what policies and changes are required to be more effective, but most of all it is designed to build trust and relationships.

In early July the BC Wildfire Service put this relationship to the test by asking for significant and immediate assistance from our forest sector partners. I am proud to say the response was swift and overwhelming. Both large and small independent contractors along with major forest companies ceased operations and focused solely on firefighting efforts. I am aware of a number of situations where contractors lost pieces of heavy equipment due to wildfire and were looking to find a replacement the very next day to get back to the fight.

I extend my deep gratitude to all those who assisted with these efforts sacrificing their harvesting operations, machinery and time away from their families to join the BC Wildfire Service in minimizing the impacts to communities, the public and important resource values.

Our organization, along with the rest of government, is now heavily focused on the rehabilitation of the land and community recovery. This is a daunting task and one that will take years to complete. Once again we will be looking for support from Interior Logging Association members in completing some of the land-based rehabilitation work through contracting opportunities.

We will continue to see these catastrophic wildfire events in future years. Communication, awareness, trust and relationships will remain important. The ILA is considered a key partner of the BC Wildfire Service and I am committed to ensure this not only remains but continues to strengthen for future years.

Please stay safe and look out for one another.

*Rob Schweitzer, Director of Fire Centre Operations, BCWS*



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## ILA RECEIVES A GRANT FROM ETSI-BC TO HELP MEMBERS

SUBMITTED BY: TODD CHAMBERLAIN, GENERAL MANAGER, ILA



The ILA is pleased to announce that we have successfully secured a small grant through Economic Trust of the Southern Interior BC (ETSI-BC) to assist struggling ILA Member businesses.

Our intention with this initiative is to support our members and affiliates with assessing your current business challenges, and exploring solutions and opportunities to pivot and grow or stabilize in this current economic climate.

This would include supporting our members in

finding and applying for funding through grants and loans, as well as assisting our members in establishing partnerships for mutual success. Furthermore, it is our intention to work on initiatives for workforce attraction to bring quality individuals into the forestry sector.

As a result of this initiative, we have engaged a Consultant, Meagan Preston, who specializes in business support services and has experience in assisting businesses with these types of strategies.

Over the coming months, she will be available to assist you, and the ILA will be releasing information on opportunities for funding and partnerships as they become available.

With the announcement of the Federal Election, funding opportunities

that were anticipated to emerge this Fall inevitably slowed, however, we do anticipate to see an upswing in funding initiatives post fire season and in the wake of the COVID pandemic.

Our consultant has been busy contacting each company one by one and discussing their current requirements. However with over 300 members, this will take some time.

We realize not everyone will require assistance, however, we also know some may require immediate assistance due to your current circumstances, or if you have a time sensitive request. We ask that if you feel you require immediate help, that you contact Meagan directly either via email at:

[ILAassistance@gmail.com](mailto:ILAassistance@gmail.com)

or on her cell phone at

250-280-8897.

While the conversations and information from each business will be handled in the strictest of confidence, we will be paying close attention to consistent trends and difficulties with the hope of driving change and leveraging more assistance for the industry and its partners in the coming year.

As always, our General Manager Todd Chamberlain is also available to assist you with any issues you may be facing in the industry, or with any questions you may have via email at:

[todd@interiorlogging.org](mailto:todd@interiorlogging.org)

or via cell phone at 250-308-8100.

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PROTECT YOUR FAMILY AND YOUR EMPLOYEES

SUBMITTED BY: JOHNSTONE'S BENEFITS



**Protecting ILA Members and Their Families**

With the pandemic well into the second year, providing a comprehensive benefits plan has never been more important. When most people think of group benefits, massages, prescription medication, and teeth cleanings often are the first things that comes to mind. The ILA's benefits program goes far beyond basic health and dental benefits, and provides coverage options for owners, employees, and their families that provides piece-of-mind in the event of a serious accident or illness.

Johnstone's Benefits worked closely with the ILA and plan members to ensure members had ac-

cess to a benefits program that offers a combination of top-tier benefits with cost in mind. Our staff is knowledgeable and approachable to help with administration, support, and ongoing plan management needs.

**Who is Johnstone's Benefits?**

Johnstone's Benefits is not an insurance company, but rather a third-party administrator. The ILA benefits program is insured through Canada Life (previously named Great-West Life) which is the largest insurer In Canada. As a third-party administrator, Johnstone's bridges the gap between members the insurance company so employees will never need to wait on a 1-800 line for coverage questions or plan issues. We provide personalized service to members, assisting with onboarding, difficult claims, and day-to-day plan management.

**What are some of the unique features of the ILA benefits Program?**

The ILA plan was designed for

ILA members. The ILA benefits program offers members a range of plan options from the economy plan, up to the deluxe plan. Regardless of plan level, there is no medical exam required to enroll and no minimum number of employees. Plan options are available with coverage for both long -term and short-term disability, as well as critical illness coverage. These benefits are typically only offered to large companies and are made available through the ILA's benefit program. By joining the ILA's benefits program, you gain access to the buying-power and leverage of the association, a plan tailored for the forestry industry, and Johnstone's industry leading service and management capabilities.

**How many employees do I need to start offering benefits?**

Due to the unique nature of the ILA benefits plan, even an owner-operated company without additional employees can enroll in the plan. The coverage is more comprehensive than a

personal health and dental plan you might come across with an insurer and does not require a medical exam. Offering a benefits program is fully tax-deductible for a company and a tax-preferred method of compensation for employees.

**How do I pick the right plan for my employees?**

There is no "one plan fits all" for benefits. Understanding what your employee's needs are is an important step in choosing a benefit plan for your company. Depending on demographics, family content, and the nature of your business, the ILA plan designs are intended to provide coverage options for a range of needs and budgets. For larger companies (10 or more employees) we are able to create a fully customized program

If you or your team have any questions about the ILA benefit plan, please do not hesitate to reach out.



The Interior Logging Association Board of Directors and staff would like to congratulate the 2021 Scholarship Winners:

- Kaitlyn Fitchett – Nelson, BC*
- Lane Horovatin – West Kelowna, BC*
- Jordana McEachern – Penticton, BC*
- Brodie Sterling – Merritt, BC*
- Jack Watt – Nakusp, BC*



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**MEDIVAC CAPABLE BASES AND MEDICAL PROGRAM SAVING MORE LIVES**

SUBMITTED BY: TEAM AEROMEDICAL



**TEAAM AEROMEDICAL**  
PATIENT CARE, ANYWHERE

Things have been busy for TEAAM this summer.

TEAAM2 Prince George and TEAAM3 Fort St John launched this summer and are both being staffed by extremely experienced paramedics, nurses, doctors and rescue specialists.

Both northern TEAAMs have started as a medevac capable base and we are actively fundraising to achieve long line capability for both bases. Bailey Helicopters has been a great supporter of the TEAAM

program in the North and we look forward to seeing our crews in the air, making a difference in northern BC.

We are also about to launch an exciting new medical program that originated in the North and will dramatically reduce time to lifesaving treatment and transport for a certain type of patient. More to come on this program.

And, TEAAM4 in Campbell River will be launching soon, bringing faster

response times to Vancouver Island and the North Coast. Vancouver Island Helicopters, the City of Campbell River, and BC Truck Loggers Association have been huge supporters for this expansion.

We have also started providing aeromedical repatriation from other countries and have brought incredibly complex medical cases home to Canada from Mexico and the United States.

TEAAM really needs more support from the industries that we support. Please help us be there for you by signing up as members, donat-

ing, and shopping on our online store.

<https://teamfundraiser.itemorder.com/sale>

Please feel free to look us up at [www.TEAAM.ca](http://www.TEAAM.ca) or on social media

<https://www.facebook.com/>

*TEAAM is a not for profit society comprised of advanced care and primary care paramedics, emergency physicians, nurses, technical rescue specialists and other mountain professionals dedicated to providing leading edge pre-hospital care and transport in austere settings.*



**Interior Logging Association**

**Not an Interior Logging Association Member yet?**

**Membership has its benefits!**

**CLICK HERE TO JOIN TODAY**



## RECENT AMENDMENTS TO THE OCCUPATIONAL HEALTH AND SAFETY REGULATION

SUBMITTED BY: WORKSAFE BC



The legislation that governs all aspects of occupational health and safety in British Columbia is the *Workers Compensation Act*. The *Act* sets out the rights and responsibilities of workplace parties, including employers and workers, along with joint committees and worker representatives, the right to refuse unsafe work, accident reporting, investigations, enforcement, offences, administrative procedures, and regulation-making authority. But while the *Act* outlines general duties and responsibilities, the specifics of legal requirements that must be met by the workplaces, are outlined in the Occupational Health and Safety Regulation (OHS Regulation). The requirements of the Regulation are adopted un-

der the authority of the *Workers Compensation Act* and the *Act* also requires that WorkSafeBC conducts regular reviews of the requirements in the regulation to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment.

Regulatory amendments are made after extensive public consultations that allow all stakeholders to view and comment on the actual proposed amendments before they are taken to WorkSafeBC's Board of Directors for approval. The Board of Directors carefully considers this feedback before approv-

ing any regulatory amendments.

In April 2021, WorkSafeBC's Board of Directors approved changes to the Regulation, which took effect on September 1, 2021. Included in these changes are amendments to section 8.11 (1), which deals with the requirement for safety headgear; section 8.24, which regulates high visibility apparel; and the whole of Part 16, which deals with Mobile Equipment, and which has undergone a comprehensive overhaul.

In summary, the revisions to the safety headgear provisions are meant to improve worker safety by requiring employers to follow the hierarchy of controls to eliminate or reduce risks, instead of simply relying on personal protective equipment (PPE), in this case hardhats, as the first line of de-

fence. The hierarchy of controls ranks risk control measures from the highest level of protection to the lowest: from elimination of the hazard, which is obviously most effective, to engineering controls, followed administrative controls, and finally, PPE being the fourth level of protection, which may be appropriate if the first three levels of protection aren't enough to control the risk. So simply put, instead of just saying that everyone at the workplace must wear a hardhat, under the amended requirements, employers must first conduct a risk assessment and implement other, more effective controls, before relying on hardhats. Workers must wear safety headgear if it's not practicable to eliminate the risk of head injury, or if engineering and/or administrative controls are not adequate to reduce the risk of head injury to the lowest level.

## RECENT AMENDMENTS TO THE OCCUPATIONAL HEALTH AND SAFETY REGULATION CONTINUED...

SUBMITTED BY: WORKSAFE BC

Continued from page 9... In terms of the new provisions for high visibility apparel, the amendment removed references to an older WorkSafeBC standard that was issued in 1997, and adopted the requirements of the newer *CSA Standard*.

*Z96-15, High-Visibility Safety Apparel* for workers exposed to vehicles or mobile equipment.

Finally, the changes to Part 16, Mobile Equipment, are most extensive. The purpose of these amendments is to improve safety for operators of mobile equipment and those who work around it. The comprehensive review of these provisions took seven years, involved multiple stages of consultations with industry and the public, examined more than 150 issues addressed in the OHS Regulation, and introduced 63 key changes and new requirements, relevant to many industries, including forestry.

For example, the revisions include three G600 WorkSafeBC standards that deal specifically with logging equipment. One of them is the *WorkSafeBC G601 Standard - Heavy Duty Backstops for Logs and Rocks*. This standard describes minimum requirements for the design of a framework, grid elements and supports of a protective structure, or a "backstop", over any exposed side of an operator's cab on cable log loaders and log yarders. The other is the *G603 Standard - Heavy Duty Guards for Windows*, which describes minimum requirements for the design of heavy duty guards for front, side and rear windows in mobile equipment where the operator is exposed to hazards of intruding or flying objects, such

as snapped or whipping cables, logs and tree limbs, falling rocks or concrete, and loose debris. And the third is the *G604 Standard - Light Duty Guards for Windows*, which describes minimum requirements for the design of light duty guards for front, side and rear windows in mobile equipment such as dozers, loaders, skidders, excavators and mulchers, where the operator is exposed to hazards of intruding or flying objects such as jill-pokes, individual brick-sized objects, rock or wood chips, and metal shrapnel.

There are also new provisions specific to feller bunchers, timber harvesters, and processors, which deal with requirements for emergency means of escape,

fire extinguishers, and fire suppression systems. These are just some examples of the new requirements with relevance to loggers and others in the forest industry. The changes are too numerous to even mention, let alone explain in a newsletter article. It's important, however, to point out that ILA members and all employers who use mobile equipment need to review the revised regulatory requirements to ensure that their equipment and work practices are compliant. The OHS Regulation can be accessed on the WorkSafeBC website:

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation>

## NOTICE OF ANNUAL GENERAL MEETING FOR THE INTERIOR LOGGING ASSOCIATION



### Notice of Annual General Meeting

A message to our valued Members from Ron Volansky, ILA Chairman

The Interior Logging Association will be having their Annual General Meeting on:

***When: Saturday, November 27<sup>th</sup>, 2021 at 9:00am***  
***Where: Prestige Vernon Lodge, 3914 – 32nd Ave, Ballroom #3.***

*\*The ILA will be following the most recent COVID-19 Public Health Orders\**

Due to current COVID-19 restrictions, this meeting will be held in a space that is appropriately sized to accommodate physical distancing for our Board and our Members.

We will also be set up for Members to call in virtually using a virtual meeting link which will be provided upon request.

If you would like to attend either in person or virtually, please contact the ILA office at 250-503-2199 or email: [nancy@interiorlogging.org](mailto:nancy@interiorlogging.org).

### CleanBC Heavy-duty Vehicle Efficiency Incentive Program Now Open

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**PST REFUND EXTENSION ANNOUNCED**

ARTICLE SHARED FROM NEWS.GOV.BC.CA



A StrongerBC program that refunds businesses the PST paid on select machinery and equipment will be extended for an additional six months.

This extension will give businesses another chance to reduce costs and make new investments to adapt to the changes the pandemic has required, and to set them up to take advantage of future opportunities.

“When we consulted with the business community on our StrongerBC Economic Recovery Plan, they told us a PST rebate would help them make the kind of capital investments that would not just be about short-term recovery, but also long-term growth,” said Selina Robinson. “As the program deadline approaches, we see there is still a

need, so we are extending the program to give more businesses time to apply.”

Businesses will have until March 31, 2022 – an additional six months – to purchase qualifying items like tools, furniture, computers, software and zero-emission vehicles and charging equipment.

Little Falls Foods in Okanagan Falls is one of thousands of B.C. businesses that have already benefited from the program. Dahlia Millington and her husband Derek opened the business this summer after the community of 2,500 had gone without a grocery store for years.

“This rebate helped us

set up our business,” said Millington. “We were able to get the PST back on everything from our refrigeration equipment to the computers we use to monitor our inventory. That money, in turn, has helped us get food to seniors, to keep staff employed and continued to keep our community fed. This extra little bit really helps.”

Almost 2,000 businesses have received millions in rebates on more than \$100 million in qualifying equipment and machinery so far, with most applications still expected in the coming months.

Most applicants are small and medium-sized businesses. The construction industry is the largest recipient by sector, followed by the transportation and retail sectors.

“This is not just about COVID recovery. It's also

about setting up B.C. for success and growth in the future. Little Falls Foods is a great example of that. The rebate is supporting a new business and a keystone service in the community at the same time,” said Roly Russell, MLA for Boundary-Similkameen.

**Quick Facts:**

This funding is part of B.C.'s \$10-billion COVID-19 response and recovery efforts.

An estimated 110,000 incorporated B.C. businesses are eligible for the rebate.

Rebate eligibility is based on the Capital Cost Allowance classes used under the federal income tax system.

The PST savings on a new zero-emission vehicle can be more than \$3,000.

**Learn More:**

Apply for the PST Rebate on Select Machinery and Equipment online: <https://www2.gov.bc.ca/gov/>

**WE AWARDED ALL OF THESE SCHOLARSHIPS IN 2021! CONGRATULATIONS TO ALL OF OUR RECIPIENTS ON PAGE 6! WATCH FOR THE 2022 INTAKE NEXT YEAR!**



## ILA Forestry Scholarships

The ILA awards four scholarships annually to students preparing for a bright, beautiful future in BC's forest industry.

### \$2,000 FORESTRY SCHOLARSHIP

Open to any graduating student in the ILA's operating area – southern Interior region – enrolling in full time studies in a forestry related discipline at a Canadian College or University or Vocational School.

### \$1,000 MEMBER SCHOLARSHIP

Open to graduating secondary school students or students already enrolled in college or university in any discipline who are immediate relatives of ILA members and employees of member companies. Candidates must be enrolling in a full time program at an accredited Canadian College, University or Institute of Technology.

### \$1,000 MEMBER TRADES SCHOOL SCHOLARSHIP

Open to students of an ILA member enrolling in a full time course at a British Columbia Trades School in Heavy Duty Mechanics, Professional Truck Driving or Heavy Duty Machine Operators Course, Welding Course or similar training program that leads to employment within the logging industry.

### \$1,000 ASSOCIATES SCHOLARSHIP

Open to graduating secondary school students who are immediate relatives of an ILA member or member company employees. This scholarship is awarded to the ILA affiliated applicant with the highest academic standard enrolling in a Canadian College, University or Technical School as a full time student in a Business Administration discipline.

**Applications for this year closed July 31 2021** Applications postmarked later than July 31 were not considered.

The Fine Print Scholarships were awarded as soon as possible after the closing date of July 31, 2021. Payment will be made upon confirmation of registration in a full-time program of studies. In the event that no candidate has reached an acceptable standard in any or all scholarship categories, the scholarship committee may elect not to make an award. They may also, at their discretion, make lesser awards to more than one candidate in a category.

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Truck Logger BC is published quarterly by the Truck Loggers Association in partnership with the Interior Logging Association and North West Loggers Association. This magazine is distributed to over 10,000 readers who rely on the forest industry across British Columbia for their livelihoods. It is the pre-eminent source for timber harvesting and forestry perspectives, information and updates. Get Truck Logger BC Magazine delivered to your door for FREE! Click on the link to be re-directed and sign up!



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Trans Mountain is committed to providing Project-related employment and business opportunities for Indigenous, local and regional groups along the Project corridor. Contractors responsible for building the Project will work with Trans Mountain to select sub-contractors, suppliers and other required vendors.

Trans Mountain is gathering a list of interested vendors through an online [procurement registry](#). Contractors will receive this information to assist with the selection process.

Click on this link to [Sign up on the procurement registry](#)

Looking for funding? Opportunities arise all the time through the Province of BC



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*Forestry is British Columbia's founding industry and logging is its lifeblood.*

*The Interior Logging Association knows the importance of timber harvesting to BC's economy and has been a strong and unifying voice for its members since 1958.*

*The strength of the Interior Logging Association lies in the commitment of our members to work together to secure a thriving industry that supports our local communities and economy—one that embraces a sustainable brand new day for timber harvesting.*

**CHECK OUT OUR WEBSITE!**

**[WWW.INTERIORLOGGING.ORG](http://WWW.INTERIORLOGGING.ORG)**



**EMBRACING A SUSTAINABLE BRAND NEW DAY FOR TIMBER HARVESTING**