

2002/03/18-02

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE PANEL OF ADMINISTRATORS

Re: Strategy for Reviewing the *Occupational Health & Safety Regulation* (BC Regulation 296/97, as amended) and the *Regulations for Agricultural Operations* (BC Regulation 146/93)

WHEREAS:

Pursuant to Section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("Act"), the Panel of Administrators ("Panel") must approve and superintend the policies and direction of the Workers' Compensation Board ("Board"), including policies respecting compensation, assessment, rehabilitation and occupational safety and health, and must review and approve the operating policies of the Board;

AND WHEREAS:

Pursuant to Section 228 of the *Act*, the Board must review its regulations on an on-going basis to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment;

AND WHEREAS:

The Provincial Government has implemented a Deregulation Initiative to reduce regulatory burden in British Columbia by one-third within three years;

AND WHEREAS:

The Policy and Regulation Development Bureau has developed a strategy to assist in fulfilling the Board's statutory obligation and respond to the Government's Deregulation Initiative;

AND WHEREAS:

The Policy and Regulation Bureau has consulted with key stakeholders on the strategy.

THE PANEL OF ADMINISTRATORS RESOLVES THAT:

1. The strategy for reviewing the *Occupational Health and Safety Regulation* (BC Regulation 296/97, as amended) and the *Regulations for Agricultural Operations* (BC Regulation 146/93) is approved as attached at Appendix A (“Proposed Review Framework”), Appendix B (“Proposed Consultation”) and Appendix C (“Workplan Prioritization”).
2. The Director General, Policy and Regulation Development Bureau is authorized to make changes to the work plan prioritization as necessary to implement the strategy.
3. The Director General, Policy and Regulation Development Bureau is authorized to dissolve the Health and Safety Advisory Committee (HSAC) and specialty standing committees made under the existing consultative model.
4. The Director General, Policy and Regulation Development Bureau is authorized to constitute a consultative body in support of the strategy.

DATED at Richmond, British Columbia, March 18, 2002.

By the Workers’ Compensation Board

**MAUREEN NICHOLLS, CHAIR
PANEL OF ADMINISTRATORS**

APPENDIX A

PROPOSED REVIEW FRAMEWORK

ISSUE

Proposed framework for reviewing the *Occupational Health and Safety Regulation* (“OHSR”) and the *Regulations for Agricultural Operations* (“Agriculture Regulations”)

BACKGROUND

The most recent comprehensive review of occupational health and safety regulations in British Columbia was conducted between 1992 and 1996, resulting in the *OHSR* being brought into force on April 15, 1998. Most recently, 27 miscellaneous amendments to the *OHSR* were deposited in the BC Gazette on October 30, 2001. These amendments came into force on January 28, 2002. On December 14, 2001 the Panel of Administrators (“Panel”) also approved the repeal of section 26.67(6) of the *OHSR* which will be effective March 27, 2002.

(a) Previous *OHSR* Review Process

The process for developing and approving changes to the *OHSR* involved several levels of consensus-based deliberation including consultation with the Workers' Compensation Board's (“Board”) major stakeholders through the Health and Safety Advisory Committee (“HSAC”). HSAC held its first meeting in September 1999 and was composed of the Director General of the Policy and Regulation Development Bureau (“Bureau”), six employer and six worker representatives, and one senior member of the Prevention Division (“Division”).

The HSAC review process was constrained by its consensus-based approach.¹ Major differences of opinion or unresponsiveness among stakeholders resulted in impasse and lengthy resolution periods. Employer stakeholders involved in the process have commented that the process was slow and adversarial, and have suggested that alternative consultation models be developed.

(b) Consultative Model for the Proposed Framework

The consultative model to support the proposed review framework does not use the HSAC process. Instead, it will rely on a two-level stakeholder consultation process: macro-level consultation with the Board's major stakeholders to obtain input on proposed conceptual changes to regulatory process and public policy issues; and focused sector-based consultation to acquire advice of a technical nature for individual regulations.

¹ During its two year tenure, HSAC provided advice on 27 miscellaneous amendments to the *OHSR*.

DISCUSSION

The Bureau proposes an analytical framework for reviewing the *OHSR* and the *Agriculture Regulations*. The proposed framework provides for a systematic review of the *OHSR* and the *Agriculture Regulations* and will be guided by the following considerations:

- A reasonable standard of worker protection;
- An appropriate mix of policy instruments are used to address identified occupational health and safety public policy issues;
- Where regulation is necessary, that it be based on objective evidence of need;
- Repetition and prescription will be avoided unless warranted by risk;²
- Elimination of overlap and duplication (within the *OHSR* and in relation to the jurisdiction of other regulatory authorities); and
- Regulations are drafted clearly and simply.

The main components of the proposed framework are discussed below and schematically represented in Appendix A1.

(a) Review of Public Policy Issues

Occupational health and safety public policy issues will be identified and analyzed to ensure they are understood. Statistical injury and illness data will be reviewed to establish an understanding of safety risks (probability, magnitude etc). Information from other jurisdictions will be considered where relevant.

The Board's public policy objectives are evidenced in sections 107(1) and 111 of Part 3³ of the *Workers Compensation Act* ("Act"). Section 107(1) states that the purpose of this Part of the *Act* is:

...to benefit all citizens of British Columbia by promoting occupational health and safety and protecting workers and other persons present at workplaces from work related risks to their health and safety.

² Some of the hazards in Parts 5 – 33 will warrant prescriptive regulation. For example, the existing prescriptive requirements for excavations in Part 20 of the *OHSR* have proven effective in reducing serious accidents associated with unstable excavations. In other situations such as the Occupational First Aid requirements in Part 33, supporting detail may be more appropriate for a standard practice manual or other guideline.

³ Part 3 of the *Act* contains provisions for Occupational Health and Safety.

Section 107(2) of the *Act* defines the specific purposes of Part 3 of the *Act*. Some of these include:

- To prevent work related accidents, injuries and illnesses;
- To encourage the education of employers, workers and others regarding occupational health and safety;
- To ensure that employers, workers and others who are in a position to affect the occupational health and safety of workers share that responsibility to the extent of each party's authority and ability to do so;
- To foster cooperative and consultative relationships between employers, workers and others regarding occupational health and safety, and to promote worker participation in occupational health and safety programs and occupational health and safety processes; and
- To minimize the social and economic costs of work related accidents, injuries and illnesses, in order to enhance the quality of life for British Columbians and the competitiveness of British Columbia in the Canadian and world economies.

Section 111(1) of the *Act* defines the Board's mandate with respect to occupational health and safety as requiring the Board:

...to be concerned with occupational health and safety generally, and with the maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia and the occupational environment in which they work.

(b) Choice of Public Policy Instrument

Existing sections of the *OHSR* and *Agriculture Regulations* will initially be vetted to determine which policy instrument (or combination thereof) is most appropriate for achieving the intended health and safety public policy objectives.

Policy instruments available to the Board to assist with meeting its mandate can be inferred from the functions, duties and powers given to the Board by the *Act*. These include:

- Making regulations to establish standards and requirements for the protection of the health and safety of workers and the occupational environment in which they work;
- Promoting public awareness of matters related to occupational health and safety and occupational environment;
- Establishing programs of grants and awards in relation to the Board's responsibility under the *Act*; and
- Cooperating and entering into agreements with governments and other agencies and persons on matters relating to the Board's responsibilities under the Occupational Health and Safety provisions of the *Act*.

Where non-regulatory means are proposed to address currently regulated hazards, an analysis of the effectiveness of regulation and proposed alternatives will support the proposal. Where an adequate level of worker protection may be maintained by different means of addressing workplace hazards, economic impacts will be considered in macro level consultation. Economic impacts of available alternatives will be routinely considered in sectoral consultation.

Non-regulatory instruments proposed will be supported by a comparative analysis of effectiveness in addressing workplace hazards.

(c) Analysis By Regulation

Where it is determined that regulation, on its own or in combination with other policy instruments, is appropriate, an analysis of risk associated with the regulated activity, and the duty imposed on workplace parties to respond to that risk, will be conducted. Ideally, risk should be reasonably and accurately reflected in regulation and the imposed duty (regulatory burden) should be proportionate to the risk.

A review of individual requirements will be conducted to determine whether the current regulatory approach is appropriate based on the risk inherent in the regulated activity and the reasonableness of the duties imposed by regulation.⁴

In general, the regulatory requirements imposed by occupational health and safety regulations involve three tasks:

- **Risk recognition** (hazard identification) – identifying or anticipating foreseeable workplace risk factors and hazards.
- **Risk evaluation** (risk analysis) – assessment of the potential for injury or disease associated with a risk factor or hazard. This includes the severity, frequency and intensity of exposure to the risk.
- **Risk control** (risk management) – implementing measures to effectively reduce or eliminate the risk or hazard.

To identify and maintain an adequate level of worker protection, the proposed analytical framework divides regulations into four types based on the degree of prescribed intervention in the identification, evaluation and control of workplace hazards. When the nature and complexity of the risk warrant, appropriateness of supporting programs, standard practice manuals and other documentation will be considered.⁵

⁴ This will include an analysis of the content, format and type of the regulation.

⁵ Supporting documentation includes Board policies, officer guidelines and standard practice manuals. Supporting programs include educational information and incentive programs.

This categorization of regulations helps define and monitor a risk-justified balance of prescriptive and performance regulations in the *OHSR* and the *Agriculture Regulations*.^{6,7}

Type 1 – Performance Regulation

Type 1 regulations are purely performance requirements. They specify neither risk recognition, evaluation nor control. All three aspects of occupational health and safety problem solving are left to the judgement of workplace parties.⁸

Type 1 regulations are policy statements that are not connected to specific risk factors, activities or controls. Examples of existing Type 1 regulations are general duty clauses such as section 4.1 of the *OHSR* which requires that “Buildings, structures, excavations, machinery, equipment, tools and workplaces must be maintained in such a condition that workers will not be endangered.”

Type 2 – Performance Based Program Requirements

Type 2 regulations require that a specific risk be considered. Flexibility in evaluation and control of risk remains with employers. Where discretionary risk evaluation determines that controls are necessary control strategies are based on what is most appropriate for their workplace.⁹ Specific regulations within those sections may be more prescriptive and must be considered on a case by case basis. An example of a Type 2 regulation is section 4.28 of the *OHSR* that requires that “A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.”

Type 3 – Prescriptive Program Requirements

Type 3 regulations identify a specific risk, include or specify the evaluation of that risk, and impose a requirement for control of the hazard. Only the control methodology is left up to local judgement in Type 3 regulations.¹⁰ Type 3 regulations will often contain specific risk criteria (such as exposure limits and time periods etc.) triggering requirements for risk controls. The appropriate control methodology is left to the employer and workers to determine, based on the individual circumstances in their workplace. An example of a Type 3 regulation is section 7.2 of the *OHSR*, which requires that “An employer must

⁶ Performance requirements are typically seen as setting a standard that must be met but allowing the employer to choose how it will meet the standard. In most cases, performance requirements are more flexible than prescriptive provisions. Prescriptive regulations establish a standard or practice from which there is no discretion to deviate.

⁷ A schematic of the proposed categorization scheme attached at Appendix A2.

⁸ Depending on circumstances, *OHSR* requirements are directed to employers, workers, owners, suppliers, supervisors and others.

⁹ Supporting documentation for Type 2 regulations is often necessary to provide guidance in evaluating and controlling severe and complex risks.

¹⁰ Supporting documentation is also often necessary for Type 3 regulations. When complex risks are associated with small or medium-sized businesses, employers may require additional health and safety guidance beyond that immediately available in their workplaces.

ensure that a worker is not exposed to noise levels above either of the exposure limits of (a) 85dBA Lex (1Pa²h) daily exposure, and (b) 135 dBA peak sound level.”

Type 4 – Prescriptive Requirements

Type 4 regulations supersede workplace judgement with respect to risk recognition, evaluation and control. Where severe hazards require unique control measures, Type 4 regulations provide efficient and immediate direction to workers and employers.¹¹ An example of Type 4 regulation is section 31.19 of the *OHSR* that requires “Firefighters who may be exposed to an oxygen deficient atmosphere or to harmful concentrations of air contaminants must wear a self-contained breathing apparatus of a positive pressure type having a rated minimum duration of 30 minutes.”

(d) Consultation

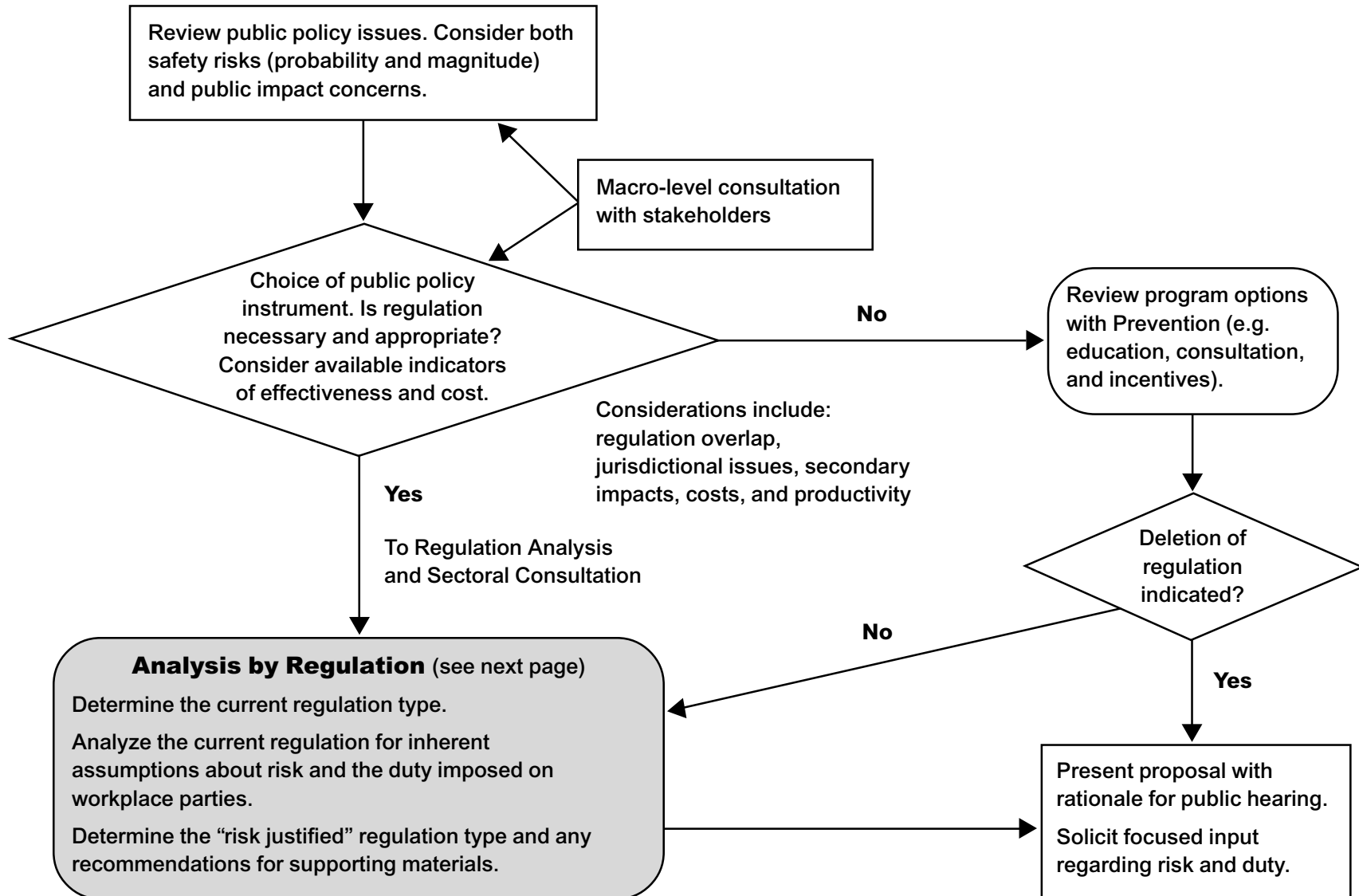
The proposed framework is designed to ensure an open and transparent regulation review process.¹² Access to the regulation review process will be facilitated through stakeholder notification, distribution of print materials and establishment of a prominent section of the Board’s website dedicated to regulation review. The Bureau is also exploring means to enhance access to the review process by those in remote locations and without Internet access.

The proposed consultative model for the proposed framework is found in Appendix B.

¹¹ Supporting documentation is seldom required for purely prescriptive regulations. This is a reflection of the prescriptive nature of the regulation – control methodology is incorporated within the regulation.

¹² A schematic of the proposed framework is attached at Appendix 2.

Appendix A1 — Draft Regulation Review Process Framework



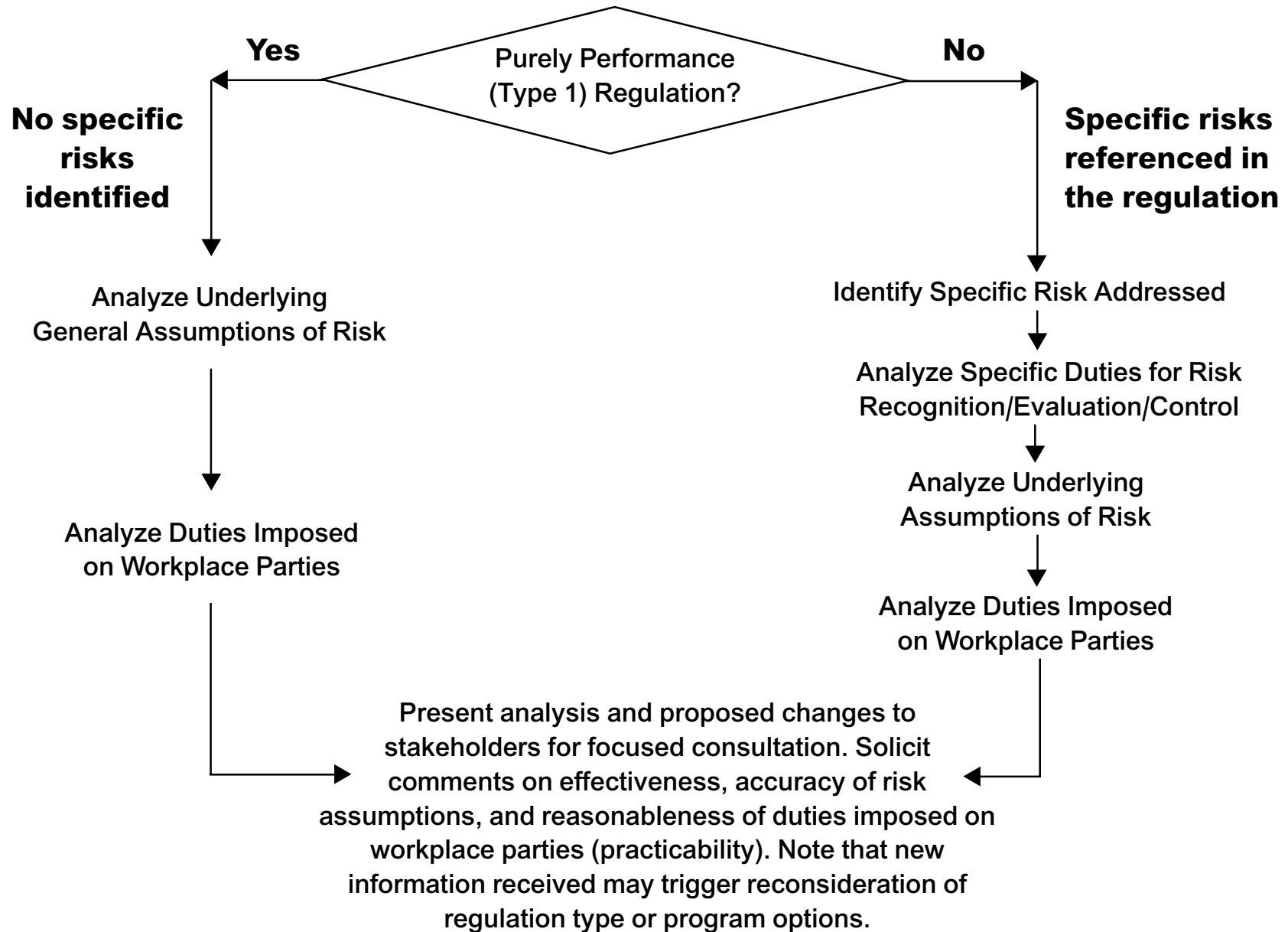
Appendix A2 — Four Categories of Regulations

Required Task	Performance (1)	Performance- Based Program Requirements (2)	Prescriptive Program Requirements (3)	Prescriptive (4)
RECOGNITION	Expected of employers and workers	Prescribed by regulation based on assumptions of risk	Prescribed by regulation based on assumptions of risk	Prescribed by regulation based on assumptions of risk
EVALUATION	Expected of employers and workers	Expected of employers and workers	Prescribed by regulation based on assumptions of risk	Prescribed by regulation based on assumptions of risk
CONTROL / WHAT IS REQUIRED	Expected of employers and workers	Expected of employers and workers	Expected of employers and workers	Prescribed by regulation based on assumptions of risk


Increasing Prescription, Decreasing Flexibility

(Shaded tasks are prescribed in Regulation.)

Appendix A3 — Analysis By Regulation (If Regulation is Appropriate then...)



APPENDIX B

PROPOSED CONSULTATION

ISSUE

Proposed consultation model for the proposed strategy for reviewing the *Occupational Health and Safety Regulation* (“OHSR”) and the *Regulations for Agricultural Operations* (“Agriculture Regulations”)

BACKGROUND

(a) History of Consultation in Regulatory Review

The Workers’ Compensation Board (“Board”) has always consulted with stakeholders in enacting and revising its regulations.¹ Prior to 1991, the role of stakeholders was a limited one whereby they would comment on Board proposals.

In January 1992, the new Board of Governors (“Governors”) issued a strategy for reviewing the *regulations*, under which the review process was directed by a subcommittee of the Governors.² To assist them, the Governors also appointed a Regulation Advisory Committee (“RAC”) that included an equal number of representatives from labour and employers.

The process used to develop the *OHSR* under the RAC was essentially consensus-based and bipartite in nature, with employer and worker stakeholders directly involved in decision-making. This process resulted in the *OHSR* on April 15, 1998.

After the *OHSR* was approved, the Panel of Administrators (“Panel”) directed that there be a process for reviewing the *OHSR*.³ The new process was similar to the one created in 1992, but was administered by the Policy and Regulation Development Bureau (“Bureau”) and the main stakeholder advisory body was called the Health and Safety Advisory Committee (“HSAC”). The process also followed a consensus model of decision making.

¹ Section 226 of the *Act* requires the Board to include “consultation” in its review of regulations, but the *Act* does not specify whom to consult. The Board has tended to consult with larger employers, associations and trade unions.

² In 1991, there was a major change in the Board’s governing structure. The Board was previously governed by government-appointed Commissioners. The new Board of Governors, though also government-appointed, largely consisted of an equal number of worker and employer representatives.

³ In July 1995, a Panel of Administrators replaced the Board of Governors.

(b) Current Regulatory Review Process

The process for developing and approving changes to the *OHSR* involved several levels of consensus-based deliberation including consultation with the Board's major stakeholders through HSAC. HSAC held its first meeting in September 1999 and was composed of the Director General of the Bureau, six employer and six worker representatives, and one senior member of the Prevention Division ("Division"). HSAC's role included:

- Conducting an annual review of priorities and providing advice on priorities for ongoing review of the *OHSR*;
- Advising the Bureau on Terms of Reference for specialty committees;
- Nominating representatives for specialty committees; and
- Reviewing specialty committee reports, providing advice on addressing implications of and including committee recommendations in regulatory amendments.

To date, HSAC has provided advice on 27 Miscellaneous Amendments to the *OHSR*. In addition HSAC has two specialty committees: Standing Committee on Occupational Exposure Limits and Designations ("OEL") and Occupational First Aid Committee (First Aid"). The First Aid Committee met for approximately one year. It made numerous recommendations for changes to Part 33 of the *OHSR* in its report provided to the Bureau in August 2001. The OEL Committee held three meetings between March and June 2001. The meetings of HSAC and its specialty committees were suspended in September 2001 due to the impending announcements from the Government on Core Review and Deregulation.

DISCUSSION

The HSAC review process has been constrained by its consensus-based approach. Major differences of opinion or unresponsiveness among stakeholders have resulted in impasse and lengthy resolution periods. Employer stakeholders involved in the process have commented that the process was slow and adversarial, and have suggested that alternative consultation models be developed.

In developing the proposed strategy for the Government's Deregulation Initiative ("Initiative") and review of the *OHSR* and *Agriculture Regulations*, the Bureau is proposing a consultative model that builds on lessons learned from the HSAC process to provide stakeholder input into proposed changes to regulations.

The proposed review framework relies on a two-level stakeholder consultation process:

- Macro-level consultation with the Board’s major stakeholders to obtain input on proposed conceptual changes to regulatory process and public policy issues; and
- Focused sector-based consultation to acquire advice of a technical nature for individual regulations.

The proposed model solicits advice from stakeholders and establishes timelines for their response. Decisions with respect to regulatory review will be informed by consultation and ultimately made by the Panel.

The Panel will be advised of regulatory matters scheduled for public consultation by regular reports of the Director General, Policy and Regulation Development Bureau.

(a) Macro-level Consultation

The Bureau proposes that macro-level consultation be conducted with the Board’s major stakeholders, supplemented by representatives from regulatory authorities in other jurisdictions. The purpose of this level of consultation is to obtain input on the public policy issues and choice of public policy instrument before proceeding with proposed changes. The Bureau proposes to structure a small advisory committee based on the Policy Development Consultative Committee (“PDCC”) model.⁴ The Bureau would also receive input from other jurisdictions to provide insight into approaches used to address similar issues in their jurisdictions.

The Bureau will provide initial analysis on public policy issues and request that these stakeholders provide their perspective and advice. For example, the Bureau would request input on the Board’s role in training and certifying occupational first aid attendants, and the suitability of performance based requirements for Occupational First Aid.

The Bureau would summarize the views articulated by these stakeholders and provide that information for the Priorities and Board Governance Committee (“Priorities Committee”). The Bureau would then proceed with sector-based consultation, which would incorporate feedback from public policy stakeholders and the Priorities Committee.

⁴ The Policy Development Consultative Committee is composed of two employer and two labour representatives. The Committee’s main function is to provide advice on the need and process for public consultation that may impact policy priorities. The Committee advises the Bureau on its view on the priority of policy issues and the most appropriate method of wider community consultation.

(b) Sector-based Consultation

Review of detailed requirements will largely rely on the technical knowledge, experience and advice of individuals active in affected industries. Consultation at this level will be on an ad-hoc basis and issue-driven and could take place at the same time as macro-level consultation. This level of consultation will not rely on committees unless circumstances dictate. Instead, input will be solicited through various media including notification on the Board's website and other avenues.

The Bureau will communicate anticipated changes under consideration to affected industrial sectors for their comments and advice on technical issues specific to the intended changes. Where necessary, the Bureau would also ask for input on more generic aspects with respect to issues under review. For example, the Bureau would inform stakeholders that performance-based regulations for provision of Occupational First Aid services are being considered and request that stakeholders provide advice on factors that should be considered in a risk assessment to determine appropriate level of Occupational First Aid services and supplies in workplaces. Generic issues that could be consulted on include whether sectoral stakeholders have experienced any difficulties implementing the existing regulation.

The Bureau would consider information received in response to this consultation and, where appropriate, incorporate this advice into proposed amendments to the *OHSR* or *Agriculture Regulations* which will be taken to the Panel for release to public hearings.

(c) Public Hearings

As required by section 226 of the *Act*, all proposed changes to regulations will be presented at a public hearing. The Bureau proposes to hold public hearings in a minimum of two locations for each group of proposed amendments. In addition to locations in the Lower Mainland and an Interior or Northern region, other venues will be included as appropriate based on the subject matter. Submissions received at the public hearing will be summarized and presented to the Panel with the Bureau's recommendations for its consideration.

APPENDIX C

WORK PLAN PRIORITIZATION

ISSUE

Work plan priorities for regulatory review of the *Occupational Health and Safety Regulation* (“OHSR”) and the *Regulations for Agricultural Operations* (“Agriculture Regulations”)

BACKGROUND

In order to comply with the Government’s directive to reduce the regulatory burden by one-third in three years, the Policy and Regulation Development Bureau (“Bureau”) developed a strategy for reviewing the Workers’ Compensation Board’s (“Board”) occupational health and safety regulations. The strategy includes a review framework, a consultation model and a work plan for reviewing the *OHSR* and *the Agriculture Regulations*. The work plan outlines the anticipated chronology of the review process and anticipated resource requirements.

The Bureau presented its review strategy to the Panel of Administrators (“Panel”) at their February 19, 2002 meeting. The Panel acknowledged the quality and comprehensiveness of the review strategy, but requested that the Bureau provide a more pragmatic two-stage approach to the work plan. This document responds to the Panel’s request by providing a two-phase prioritization scheme for the review strategy for the next 18 months.

DISCUSSION

The work plan prioritization provides for two phases of review: Phase 1 addresses work in progress, review of regulations previously identified by stakeholders as problematic, overlap and duplication within the *OHSR* and duplication with other government entities and legislation. Occupational First Aid requirements found in Part 33 and Exposure Limits found in Table 5-4 of the *OHSR* are examples of requirements to be addressed in phase 1. Phase 2 concentrates on identifying existing regulations that are problematic to industry, and where it may be appropriate to adopt more performance-based regulations in place of prescriptive requirements.

Both phases of the review will be implemented concurrently. Significant Board and external resources will be required to institute the prioritization scheme in a timely manner.

Phase 1 – Work in Progress, Overlap, Jurisdictional Duplication

When the Government announced its Deregulation Initiative, the Bureau was actively engaged in reviewing provisions within the *OHSR* that had been identified as requiring priority review. These items remain the Bureau's priority and will be addressed before systematic implementation of the Bureau's strategy for reviewing the *OHSR* and the *Agriculture Regulations*.

The Prevention Division ("Division") has assisted the Bureau with identifying duplicate provisions throughout the *OHSR* that could be deleted without compromising the existing level of health and safety in BC workplaces. As well, the *OHSR* contains provisions, which either duplicate regulatory requirements of other government entities and legislation, or provisions that have been determined to be outside the Board's inspection authority.

Phase 1 activities that will be undertaken during the next 18 months include:

- A public hearing for proposed changes to the Occupational First Aid provisions, as they currently appear in Part 33 of the *OHSR*.
- Identification of overlapping duplicated and seldom used regulations that may be immediately repealed without adversely affecting worker health and safety.
- Whether to adopt the Threshold Limit Values as recommended by the American Conference of Governmental Industrial Hygienists in place of Table 5-4 of the *OHSR*.
- Consultation on previously identified regulations posing significant difficulties to industry and the Board.
- Public hearing to delete overlapping, duplicate and seldom-used requirements in the *OHSR*.
- Review of core requirements.¹
- Transferring or relinquishing jurisdiction.²

Phase 2 – Systematic Identification of Problematic Provisions

Phase 2 will concentrate on identification of existing regulations that are problematic, but where it is less clear that elimination or the creation of more performance-based regulations would be appropriate. Phase 2 will involve considerable macro-level and consultation to ensure views are obtained on any proposed public policy instruments and or public policy issues. Extensive sector-specific consultation will also be

¹ For example, Part 3 of the *OHSR* contains somewhat generic requirements for occupational health and safety programs. Requirements for other generic occupational health and safety programs are dispersed throughout the regulations. These requirements could be consolidated into Part 3 of the *OHSR*. Note statements could then be included in relevant sections to draw attention to the application of generic program requirements.

² Most notably Part 22 – Underground Workings and Part 29 – Aircraft Operations.

conducted on the more detailed aspects of any proposed changes.³ The primary purpose of sector-based consultation is to identify regulations that are problematic to industry. Examples of questions posed to sectoral stakeholders include:

- Which regulations are problematic from your experience in working with the current regulations?
- Which regulations need to be retained because they are reasonable standards for the protection of workers?
- Which regulations could be more appropriately formatted (ie. performance vs prescriptive standards) for better results?

Significant energy will be devoted to identifying appropriate sector-specific stakeholders and means to facilitate and enhance their access to and participation in the review process. This will include enhanced web-site notification, mailings, faxes and use of direct mail.

Phase 2 activities that will be undertaken during the next 18 months include:

- Macro-level consultation with the Board's major stakeholders to obtain views on public policy issues, and instruments and on any conceptual changes to regulations for regulations which have been identified as problematic to industry.
- Sector-specific consultation to identify problems with existing regulations (Parts 5 – 9, 14, 17, 19, 20, 23, 26, and 27 of the *OHSR* and the *Agriculture Regulations*).
- Establishment of a web-based regulation review notification and comment process to increase stakeholder access to the review process.
- Classification of existing regulations.
- Analysis of regulations identified as being problematic to industry to determine their alignment with the Board's public policy objectives and whether regulation is an appropriate choice of public policy instrument.
- Drafting proposed changes to regulations based on feedback from consultation.
- Continued macro-level and sector-specific consultation (Parts 10 – 13, 15, 16, 18, 21, 24, 30, 31 and 32 of the *OHSR*).

WORK PLAN RESOURCE REQUIREMENTS

In order to meet the Government's three-year timeline, it will be necessary to implement both phases of the work concurrently plan. Implementation will also require significant resources from the Bureau, the Division and external consultants. Appendix 1 provides tables of resource estimates for public hearings, existing and anticipated Bureau resources and resources that will be required from the Division.

³ The Bureau will endeavour to better consult with previously under-represented constituents, including unorganized labour and small employers through enhanced use of the internet and closer consultation with the Canadian Federation of Independent Business.

APPENDIX 1

WORKPLAN RESOURCE ESTIMATES

PUBLIC HEARING RESOURCE ESTIMATES (FTE WEEKS) BY HEARING TYPE

Hearing Type	Policy Director	Policy Analyst	Support Staff	Legal Advisor	Tech. Writer	Financial/Admin Mgr.	Corp. Comm	External Consultant	Total FTE wks	FTE Years
Low Controversy	11	20	20	3	4	5	7	5	75	1.9
Mod. Controversy	24	34	28	3	4	5	7	10	115	2.7
High Controversy	24	38	31	3	4	5	7	12	126	3.2

Existing Bureau Resources by Position

Position	Number	Percentage of Time Dedicated to Regulatory Review
Director-General	1	30
Director, Regulatory Review	1	100
Policy Analyst	1	100
Support Staff	1	100
Director (other)	1	20

Additional Bureau Resource Estimate by Type

Type	Number	FTE – Months
OSH Specialist	2	Ongoing Throughout (36)
Legal Drafter	1	Ongoing Throughout (36)
Technical Researcher	2	Ongoing Throughout (36)
Interagency Liaison	1	Ongoing Throughout (36)
Editor/web publisher	1	Ongoing Throughout (36)

Required Prevention Division Resources by Position or Type

Position	NUMBER	WHEN REQUIRED
Director	1	Ongoing Throughout
Technical Specialist	2	Required in preparation for, and during public hearings
Support Staff	1	Ongoing Throughout

All resource estimates in the above tables are approximate. Degree of controversy and issues raised during review process may require application of additional resources.