



B.C. Government and Service Employees' Union
A component of NUPGE (CLC)

May 26, 2006

VIA FACSIMILE (604 279-7599)

WorkSafe BC
Workers' Compensation Board of BC
Prevention Policy and Regulation Review Department
Policy and Research Division
PO Box 5350 Station Terminal
Vancouver, BC
V6B 5L5

Dear Sir/Madam

Re Proposed Changes to Regulations

On behalf of the members of the BC Government and Service Employees' Union, we wish to advise you of our support for the position of the BC Federation of Labour. The health and safety of our membership and other workers, is directly linked to the regulations governing the industry they work in and the work they perform.

The BC Federation of Labour recognizes the importance of appropriate regulation for workers and industry and we fully endorse the recommendations made by the BC Federation of Labour.

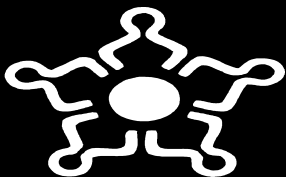
Sincerely

George Heyman
President

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Submission to the Public Hearings WorkSafeBC

May 26, 2006



B.C. Government and Service Employees' Union
4911 Canada Way, Burnaby, BC V5G 3W3 Tel (604) 291-9611

The B.C. Government and Service Employees' Union (BCGEU) represents 60,000 workers in a broad range of occupations throughout British Columbia. Our members work for the provincial government, Crown corporations, colleges, private and publicly-funded health care, social service and home support agencies, child care centres, legal services, and highways maintenance contractors.

The Unions' focus in these hearings are dedicated to two particular areas; Traffic Control and Substance-Specific requirements.

The Union submits that the proposed changes to the traffic control regulation places workers at increased risk of injury. The BCGEU represents many workers in traffic control and those who work on the roadways providing the public safe highways. Roadway construction workers will be at increased risk of injury and death by the proposed changes to Part 18 of the Regulation.

Since the year 2000, we have seen a steady increase in fatalities for flag persons struck by vehicles. In the year 2000 five fatalities, in 2001 seven fatalities, in 2002 nine fatalities, in 2003 six fatalities, and in 2004 thirteen fatalities. These statistics are derived from the claims statistics provided by WorkSafeBC, and only representative of flag persons. Highway construction workers have a higher incident of fatalities and injuries than TCP. This is as a result of exposure to the movement of construction vehicles and equipment within the work zones in addition to the passing motor vehicle traffic. Highway workers routinely work in proximity to construction vehicles and motor vehicle traffic. Workers, regardless of their assigned task, work in conditions of low lighting, low visibility and inclement weather, and often work in congested areas with exposure to high volumes of traffic and speeds.

Highway and street construction workers are at increased risk of serious and fatal injury when working in the vicinity of passing motorists, construction vehicles and equipment. Each year workers are killed and injured in the highway and street construction industry. Vehicles and equipment operating in and around the work zone are involved in a large number of worker fatalities in this sector.

The proposed regulation to reduce vehicle-related worker injuries is focused on improving traffic control devices and work zone configurations to minimise confusion of motorists passing through work zones to limit collisions involving motorists. Unfortunately this will not result in a

decrease of fatalities or injuries, and instead may lead to increased risk of injuries and fatalities of our highway workers.

Traffic control 18.6 proposed language states:

- (1) *A traffic control person **may only** be used*
 - a. *if the use of signs and other traffic control devices and procedures alone cannot provide effective traffic control, or*
 - b. *during emergency or brief duration work if it is not practicable to control traffic with signs and other devices and procedures.*
- (2) *Without limiting the generality of subsection (1), one or more traffic control persons must be used if*
 - a. *it is necessary to institute a one-way traffic system by or through a work zone and the circumstances do not allow self-regulating single lane traffic controlled by signs and other devices as specified in the Traffic Control Manual, and a traffic signal system is not used,*
 - b. *work-related traffic cannot safely self-regulate to move in or out of the work area or safely coordinate with other traffic,*
 - c. *an existing traffic control system, or an existing traffic signal light system, is not adequate to regulate traffic,*
 - d. *the work encroaches into an intersection so as to interfere with regular traffic movement,*
 - e. *traffic speed or volume is a hazard to workers while setting up or removing other traffic control devices, or*
 - f. *other traffic control devices are not available in an emergency situation.*

18. 5 stated:

When required

*(1) Except as permitted by subsection (2) traffic control persons **must be used** when any of the following conditions prevail:*

- (a) traffic is required to pass a worker, equipment or other obstruction which may block all or part of the travelled roadway;*
- (b) workers or equipment are employed on the travelled way over the brow of a hill, around a sharp curve, or at any other location where sight distance is not adequate for oncoming traffic to have adequate warning of their presence;*

(c) it is necessary to institute a one-way traffic system through a construction zone where traffic volumes are heavy, approach speeds are high, and a traffic signal system is not used;

(d) construction vehicle traffic is not coordinated with an existing traffic control system, or an existing traffic signal light system is not adequate to regulate traffic, or the work encroaches into an intersection so as to interfere with regular traffic movement;

(e) traffic speed or volume is a hazard to workers while setting up or removing other traffic control devices;

(f) other traffic control devices are not available for emergency protection;

(g) workers are not adequately protected by other traffic control devices.

(2) The requirements for traffic control persons may be waived where

(a) adequate protection for workers is provided by other traffic control devices or procedures, or

(b) circumstances allow self-regulating single lane traffic controlled by signs as specified in the Traffic Control Manual.

Note: Circumstances where subsection (2) applies may include emergency or brief duration obstruction (usually less than 15 minutes) of one traffic lane where traffic is light and sight distance is adequate. Typical activities would include: unblocking catch basins, removing fallen tree limbs, water valve operation, cleanup of material spills or filling isolated potholes.

The significant change in the proposed regulation is, deleting that a traffic control person “**must be used**” and changing the intent of a requirement of ensuring a traffic control person is used in certain circumstances. The change is to a regulation that is permissive in nature and has no requirement to have a traffic control person, the focus is on signage and only if the signage is inadequate can you consider having a traffic control person. The question is, what is adequate and how and why is this determined? The Union submits that the proposed regulation takes away protection currently afforded workers.

The proposed new provision states that you can only use a traffic control person if the use of signs and other traffic control devices and procedures alone cannot provide effective traffic control. The problem is what is effective and why is the regulation be so limiting? Why isn't there concern for the protection of workers instead of solely providing the control of traffic?

(2) While two does contain provisions where traffic control persons are mandatory, circumstances that are in the current regulation have been deleted.

(1) in the current regulation has been deleted so when traffic is required to pass a worker, such as a crew working on the roadway, the employer will not have to use a traffic control person, not having traffic control in these situations places highway workers at increased risk of being struck by a vehicle.

1 (b) has been deleted so a traffic control person does not have to be used when workers or equipment are employed on the traveled way over the brow of the hill, around a sharp curve, or at any location where sight distance is not adequate for oncoming traffic to have adequate warning of their presence: The idea of the old regulation was where workers are employed and sight lines were not adequate that these workers would have additional protection, taking away a traffic control person place highway workers at increased risk of injury. Drivers often fall asleep at the wheel or because of long hours driving may simply miss the signs. The other issues are intoxicated drivers, drivers on drugs and a whole range of other issues.

An employer involved in traffic control made following comments, *"Is it not reasonable to assume that like so many drivers dealing with the challenges of highway driving that it is quite possible that the safety officer simply failed to see the traffic control sign as he drove by? This is certainly the shared experience of virtually all other drivers especially when the sign is not one that the driver is looking for."* The Union agrees with the employer signage is not always adequate for the general public and that being the case is not adequate protection for crews working on roadways.

(g) of the old or current provision is entirely deleted which states, *"workers are not adequately protected by other traffic control devices."* D is also deleted, *"construction vehicle traffic is not coordinated with an existing traffic control system, or an existing traffic signal system is not adequate to regulate traffic, or where the work encroaches into an intersection so as to interfere with regular traffic movement"*. What is missing is the construction vehicle traffic not being coordinated, it is simply this removal that in the Union's view creates a greater risk. The proposed regulation (c) and (d) cover the second part of where work encroaches on the intersection, but is inadequate where there are two traffic control systems as contemplated in the current regulation and the provision for a traffic control person to be used.

Substance-specific Requirements

The BCGEU does not believe that the proposed regulation change is adequate to protect workers from needle stick injuries. We submit that the regulation should protect all workers from being needlessly subjected to exposure of infectious disease. The Union also submits that the process of establishing this particular change had no prior consultation to the drafting of the proposal for regulation review.

The proposed regulation in the Union's view does not go far enough in protecting workers and only specifies that hollow bore needles in workplace settings would be covered. This, in our view, will continue to place B.C. workers at increased risk of becoming exposed to an infectious disease. Limiting the regulation to hollow bore needles is too narrow and should be written to encompass all sharps, not just needles. The proposed regulation does not compel the employer to use safety engineered devices and instead enables to do very little in protecting workers health and safety in the workplace. There is no requirement for preference of safety devices such as blunts and retractable, it does not include provisions for logging injuries from medical sharps, and has no process of consultation with joint committee in selecting devices.

It is our view that the WorkSafeBC proposal should contain the following:

1. There needs to be hierarchy for selection of safety devices giving preference to the types that are most effective.
2. That a process should be required for the logging of medical sharp injuries and close calls.
3. Devices be selected in consultation with workers through the local health and safety committee.
4. There should be a requirement to train and educate workers in the use of the new devices.

We would like to thank WorkSafeBC for the opportunity and time to participate in the public hearing process.