



**Business Council  
of British Columbia**

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May 31, 2006

WorkSafeBC  
Workers' Compensation Board of British Columbia  
Prevention Policy & Regulation Review Department  
Policy and Research Division  
P.O. Box 5350 Station Terminal  
Vancouver BC V6B 5L5

**Via email - Original in mail**

Dear Sirs:

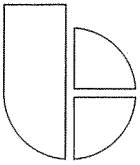
The Business Council of British Columbia would like to thank you for the opportunity to comment on the proposed amendments to the *Occupational Health and Safety Regulation*.

By way of background, the Business Council of British Columbia, established in 1966, is an association representing approximately 200 large and medium-sized enterprises engaged in business in British Columbia. Our members are drawn from all major sectors of the provincial economy, including forest products, mining, manufacturing, transportation, agri-food, telecommunications, information technology, financial services, energy, tourism, retail, construction, healthcare, education and the professions. Taken together, the corporate members and the associations affiliated with the Business Council are responsible for one-quarter of all jobs in British Columbia.

The Business Council has reviewed the proposed amendments to the *Occupational Health and Safety Regulation* and wishes to comment on only one of the proposed changes – Part 14: Cranes and Hoists. While the Business Council supports the proposed amendment to Section 14.34 of the *Regulation*, we are concerned with the proposed guidelines covering this section as they relate to large industrial sites.

Reviewing accident statistics supplied by WorkSafeBC reveal that there is no question there have been a number of accidents involving crane operators over the last several years. The vast majority of these incidents have occurred in the construction industry. What is very unclear from the data, however, is how many of these accidents have involved the employees of large, industrial employers. Business Council members have indicated that very few of the accidents on industrial settings have been caused by their

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employees. Rather, most of the incidents involving cranes on industrial sites involve a contractor and not the employees of the industrial employer.

Section 14.34 (2) of the proposed amendment reads:

“A person must demonstrate competency, including familiarity with the operating instructions for the crane or hoist and the code of signals for hoisting operations authorized by the Board before operating the equipment.”

Section 14.34.1 of the proposed amendment reads:

“On and after July 1, 2007, a mobile crane, tower crane or boom truck must be operated only

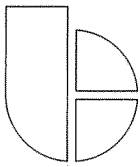
- (a) by a person with a valid operator’s certificate issued by a person acceptable to the Board, and
- (b) in accordance with any conditions stipulated on the certificate.”

Reading these two sections, it is clear that to operate a mobile crane, a tower crane or a boom truck, the operator will have to possess a valid operator’s certificate issued by a person acceptable to the Board. The vast majority of workers covered by this section and the guidelines are employed in the construction industry. In the proposed guidelines, under the heading “Person acceptable to the Board”, the BC Association for Cranes Safety (BCACS) has been deemed an acceptable “person” to WorkSafeBC to issue operator certificates. Almost all representatives of the Board of Directors of the BCACS are engaged in construction of some form.

The proposed guidelines also state that WorkSafeBC “would also consider as acceptable, other persons under section 14.34.1 if they meet evaluation criteria established by the Board”. It is this part of the guidelines that the Business Council has concerns about as it relates to large industrial settings. We believe the regulation and the guidelines may work well for the construction sector, but they do not adapt themselves well to large, industrial undertakings.

The Business Council represents such employers as Teck Cominco, Alcan, Kinder Morgan, Duke Energy, Canfor, and West Fraser. They all have large industrial worksites. Many of these employers, in cooperation with their unions, developed a crane operator training program through Malispina College in Nanaimo several years ago to meet their particular needs. Many of them have also developed site specific training

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programs for the type of equipment unique to their operations. To now impose on these employers a third party evaluator seems to be an unnecessary expense and, therefore, counter-productive. These employers are aware of their responsibilities and have trained their employees accordingly. They carry large liability insurance and do not want to see their premiums increased by accidents caused by their employees.

It is our view that WorkSafeBC should be concerned with the outcome of the safety programs, not who is delivering them. These employers have already developed their own safety programs. WorkSafeBC Safety Officers should be able to assess an operator's competency when they do site visits. A valid operator's permit may mean nothing – witness the number of traffic accidents caused by drivers with valid operating certificates.

This being the case, the Business Council recommends that WorkSafeBC not impose a construction industry solution onto the heavy industrial setting. Rather, these employers should be permitted to train crane operators for their specific site with their own fully qualified employee/trainers. A third party examiner is not necessary in these cases.

To reiterate, noting the number of accidents involving cranes over the last several years, the Business Council recognizes the need to ensure operators of such cranes be fully trained. We support the proposed amendments to Part 14. However, we do believe that the amendments were designed more for the construction industry than for large industrial settings. These employers should be allowed a regulatory exemption where they can show that their employees can demonstrate their competency to operate their cranes in a safe manner.

If you would like to discuss this in further detail, please do not hesitate to contact me.

Again, thank you for the opportunity to discuss the proposed amendments.

Yours truly,

Douglas M. Alley  
Vice President - Human Resources

DMA/ktw