



CONSTRUCTION LABOUR RELATIONS ASSOCIATION OF BC

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

**Attention:** Ms. Anne Burch, Director, Policy and Review Division

Dear Ms. Burch:

We are writing on behalf of CLR's member contractors, many of whom will also be providing written responses to you regarding the proposed changes to the WCB Occupational Health & Safety Regulation ("The Regulation").

Construction Labour Relations Association of BC (CLR) is an incorporated society, which, since 1969, has worked to bring labour relations stability and security not only to its member contractors, but also to British Columbia's construction industry as a whole. CLR members have been a mainstay in the construction industry during this time, and have played an important role in the development and maintenance of BC's existing infrastructure. They have been involved in every facet of construction, from mega projects to industrial construction, and commercial and institutional buildings. For over 36 years, CLR has endeavoured to ensure that the needs of the unionized sector and indeed, the ever-evolving needs of the industry at large are recognized by governments and policymakers. This has included significant participation in improving health and safety in the workplace in our unionized sector, our industry and other employer groups. Our comments regarding current proposed revisions are as follows:

**Part 4, General Conditions - Section 4.3: Safe Machinery and Equipment.**

This proposed change addresses the fact that all manufacturers of tools and equipment do not always provide recommendations, and/or instructions, regarding the use(s) of their product. Further, a specific manufacturer's instructions may require or recommend the exclusive use of their product/product parts, when a generic, but just as acceptable product/product part may be as safe and more cost effective. This proposed change removes the requirement to follow manufacturer's recommendations.

In our view, the emphasis is correctly placed on safe work practices of a contractor, and provides needed flexibility with which to manage the workplace in today's economy. We, and our members, understand that with this flexibility, comes the responsibility to be able to demonstrate that employees are knowledgeable of, and adhere to such safe work practices.

**This proposed change appears reasonable and we support it.**

**Part 5, Chemical and Biological Substances - Section 5.49: Excursion Limits.**

This proposed change appears to correct an inconsistency in the current Regulation, which has come to light since the last Regulation review. The current Regulation (in certain situations and exposure scenarios) sometimes permitted contradictory exposure limits.

**The proposed change should prove less problematic and we support it.**

**Part 6, Substance Specific Requirements:****Sections 6.33 - Definitions Section and 6.36 - Excursion Limits.**

The proposed changes in this section apply primarily to the health care sector including residential care, and assisted living care facilities. The proposed changes emphasize that a combination of both engineering controls and safe work practices are needed to control exposures to biological pathogens. It deals specifically with the requirement for self-sheathing needles, and more generally, with the work environment in what is defined as a "medical facility" of any kind.

Our members have been advised that when bidding this type of work, especially renovations in a medical facility of any type, a medical facility client's plan to control exposures to biological pathogens may well have a significant impact on how the "construction scope of work" is to be performed in such an environment. This could include a clinic, hospital, cancer treatment centre, dental office, rehab facility and industrial first aid facility. A contractor's historical safe work practice may well have to be altered to meet the client's requirement. Our members have been so advised.

**We support this measure to control exposure to biological pathogens in the workplace.**

**Part 9, Confined Spaces:****Section 9.11: Qualifications, Section 9.18: Isolation & Section 9.22: Alternate Procedures.**

Section 9.11 adds the requirement that a "qualified person" for the purpose of writing a Confined Space Plan, must, in addition to academic qualifications, have demonstrated experience with confined space entry. This is logical and important, given the nature of higher risk work associated with confined spaces. Current Regulation only requires the "qualified person" to have the academic training, which may/may not include actual experience. This is inappropriate.

Section 9:18 removes an "artificial distinction" between pressure within piping systems that exceed 15 psi and those that do not - either can be a hazard. This change appears reasonable.

Section 9:22 will provide more flexibility for contractors in meeting isolation measures required by 9:18. Flexibilities include the change of the *task performance* words, "not possible" to "not practicable". Proposed change replaces "equivalent" with "acceptable". Both word changes give contractors flexibility and options with which to meet the health and safety requirements.

**We support these proposed changes to Confined Space requirements.**

**Part 13, Ladders, Scaffolds and Temporary Work Platforms:****Section 13.23: Testing and Section 13.33: Fall protection.**

Section 13.23 appears proposed for clarity. Current Regulation requires a "structural inspection" which has led to a wide range of interpretations, by both contractors and WorkSafeBC field officers alike. Interpretations and subsequent actions have/could result in unnecessary full *teardowns* to examine critical parts. This could obviously result in costs (including schedule interruptions) of \$5000 for a small elevating platform, to over \$100,000 for large work platforms. **Deletion of this proposed section would not diminish worker safety.** Existing Regulation requires that work platforms of this nature must be inspected "in accordance with good engineering practices at least every 12 months" and "certified as safe for use."

Section 13.33 would change to confirm workers on self-propelled elevating work platforms wear a fall arrest system. It would qualify the requirement by adding that a worker on a scissor lift or on an elevating work platform with similar characteristics to a scissor lift, does not have to wear a fall arrest system, provided the work takes place on a firm, level surface and that all manufacturer's guardrails are in place.

**The proposed changes are reasonable; provide needed flexibility and we support them.**

**Part 14, Cranes & Hoists:****Section 14.24: Operator Qualifications and Section 14.91: Hoisting Ropes.**

Proposed changes to Section 14.34 would require documented proof of competency for operators of mobile cranes and boomtrucks. This proof of competency is to be forthcoming from an agency acceptable to the Board (WorkSafeBC). This proposed requirement is scheduled to come into effect **July 1, 2007**. It is proposed that there be various levels of competency required for the different kinds of equipment.

Section 14.91 is a technical change to recognize that the newer 3-layer non-rotating rope load lines are more durable than the previous 2 (two) layer lines. Only the 2-layer line systems will have to be removed periodically to reduce wear and tear on pressure points.

**These proposed changes are long overdue and we support them, but we caution that the July 1, 2007 deadline for Operator Competency Programs does appear ambitious.**

**Part 18, Traffic Control:**

The previous proposal in December 2005, which CLR and members supported, established a "qualified worker" status regarding a traffic control person. That proposal was an important addition due to the deaths occurring on highways to these persons, but also recognized that a range of hazards exists while directing traffic. The proposal recognized that there should be two categories of traffic control situations recognized: **High and Low Hazard**, and affected employers should have the flexibility to train a worker in **Low Hazard** situations.

The proposed regulation has the effect of forcing affected contractors to take a WorkSafeBC approved course, and does not clearly distinguish between High and Low Hazard situations.

This would not permit an affected contractor to do the training. Instead a contractor must send an employee to a **WorkSafeBC** approved course. This is an unwarranted reversal.

The current proposal will most likely result in **WorkSafeBC** being deluged with applications for "course approvals" from any number of "trainers". This is not a productive use of employers' premium funds, employees' time, nor **WorkSafeBC** staff time and resources.

This proposed Regulation should be changed to allow the employers (contractors) the flexibility to train employees for Low Hazard traffic control situations – as is indeed the case for other unrelated, but "higher risk" workplace scenarios involving fall protection, excavation work and confined space work.

The lower level traffic control training requirements should be restored as contained in the 2005 proposition. Employers should be provided the flexibility to train as appropriate, without seeking **WorkSafeBC** approval for the course in advance.

**We do not support this proposed change and the Section should not proceed as written.**

**Part 20, Construction, Excavation and Demolition:**

**Sections 20.4 to 20.14: Safe Work Areas and Safe Work Access.**

This proposed amendment is intended to apply solely to construction sites and adds a provision for a safer work environment for workers, and, a defined access point or station, for the delivery of construction materials.

**This proposed change appears reasonable and we are in support of it.**

This concludes our comments on the current proposed changes to Regulation.

Sincerely,



Bud W. Britton, Director  
Health, Safety & Training