

The View from the Roadway

Submission to

WorkSafe BC

regarding proposed amendments to Part 18 (Traffic Control)
of the Occupational Health and Safety Regulation

Presented by

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I am pleased to make this submission on behalf of the more than 300 members of our Union who work as Traffic Control Persons (TCPs) on the streets and highways of British Columbia. We also make this submission on behalf of the thousands of workers whose safety we protect as we control the flow of traffic at and near construction sites, and also on behalf of the many millions of pedestrians and motorists whom we assist in safely passing through these construction sites every year.

Before we go through a detailed commentary of the Board's proposed amendments to Part 18 of the OHSR, we offer three preliminary observations.

First, WorkSafeBC (WSBC) has a mandate to protect the health and wellbeing of workers in British Columbia, and the OHS regulations reflect that mandate. However, the members of our union who are Traffic Control Persons have a much broader mandate. Certainly, they ensure to the greatest extent possible that the men and women working on the roadways in BC can work safely; but they also carry a responsibility to ensure that pedestrians and motorists are also kept safe as they wind their way through what can often be a highly chaotic situation on the roadway, situations which can be fraught with unseen and unpredictable dangers.

We make this observation at the outset because some of our comments in this submission will touch on safety of the public in addition to issues of worker safety.

Second, we appreciate the opportunity to comment on these proposed amendments. Representing as we do the women and men who stand in traffic every day of the year, we bring an unique perspective on the role



and responsibilities of traffic control around construction activity. It is simply not possible to achieve this perspective by sitting around a board table reading documents. A false step, a moment of inattention, a rushed motorist, a distracted equipment operator can spell death or serious injury in the blink of an eye.

We believe the perspective *'from the roadway'* of the changes you propose to these regulations is arguably the most important view you will hear, bringing as it does a relevance and a saliency which would be extremely difficult for you to achieve from any other source. This is not an academic or a bureaucratic exercise here; we're literally talking life and death.

For these reasons we are distressed that the people who can bring the *'view from the roadway'* did not appear to be consulted in any meaningful way on these proposed changes.

To quote from your Policy Consultation statement:

The Board of Directors governs WorkSafeBC and sets the policies and direction for the Board. The policy development process includes extensive consultation with stakeholders. The results of the policy consultation process are included in thoroughly researched public interest policy and regulation options, which are then considered by the Board of Directors.

We believe we are one of the stakeholders on this issue. Our union was never formally notified of these important public hearings by WSBC; we only found out that these amendments were going to be the subject of public hearings on May 10, one day before the first public hearing was held in Kelowna. Nor were we contacted or consulted in the initial stages when changes to these regulations were drafted, and we know of no Traffic Control Contractors for whom our members work, who were invited to sit down with the board when it first began consideration of changes to these



regulations. As the people who bring the *View from the Roadway*, we would have thought that our perspective would have been valued and helpful.

We note with dismay in the Overview to these proposed amendments that the precipitating cause of this review was that employers felt that the training program for TCPs mandated by WSBC was too detailed and therefore exceeded their needs.

WSBC wisely did not buy in to that employer-driven argument. We are dismayed, however, that WSBC instead proceeded to re-draft the entire regulation to water down important safety aspects of traffic control. And by so doing, the board has given employers the relief which they originally sought when they asked for a 'TCP Light' version of the TCP training program. We understand the board has a role to be responsive to the needs of employers as well as to workers; but in this case, trading worker safety for employer convenience is much too high a price to pay.

We believe WSBC made a serious error in not inviting people who are directly involved in traffic control to have input to these changes at the earliest stages. We fear we are now in a position of being invited to argue an issue which has largely been decided.

Third, we find it wrong-minded for WSBC to be re-jigging the Occupational Health and Safety Regulations to cut corners on safety by limiting the use of Traffic Control Persons on the roadways of BC in favour of signage. We will have more detailed comments later in our submission but want to make the point that this is not the time to be saving a few bucks by cutting corners



on effective traffic control. Our roads are getting more and more crowded and today's drivers are getting increasingly impatient behind the wheel. In this environment, to reduce safety on our highways is simply the wrong way to go.

Detailed commentary

The following is a more detailed, section-by-section discussion of the changes from our perspective. We have re-quoted your proposed amendments (in bold) for ease of reference.

Part 18.1 – Definitions

“traffic control person” or “TCP” means any person designated or assigned by the employer to direct traffic.

This section as it's worded above does not require a TCP to be trained. Though the point regarding required training is made in 18.4 (c), it needs to be reinforced here by adding the words 'properly trained' after the word 'any'.

18.2 responsibility

The employer must ensure that effective traffic control is provided and used whenever traffic could be hazardous to a worker.

This section signals the limits of WSBC's mandate in that it only refers to hazards to a worker. There are many situations where workers are not at risk on the roadway but pedestrians or motorists are, and your regulation does not require a contractor to accommodate the safety needs of the public.

18.3. We have no issues with this section.



18.4 Supervision

This section properly calls for a supervisor to be appointed to ensure that all aspects of traffic control are met. However, there is no mention of the training required of this person. At minimum, this person should have completed the same course of training as a TCP if he/she is expected to supervise them. Supervision requires at minimum observation of the work patterns and methods of the worker, followed by correction of the worker if approved procedures are not being followed, etc. If the supervisor has no knowledge of the standard procedures, they have no ability to supervise the work.

Inexplicably, 18.4 (2) specifically relieves the supervisor of the responsibility of making the traffic control procedures known to the rest of the crew. It would seem a logical extension of that person's responsibilities.

We also note that, in the Explanatory Note to this section, the question of complexity of the training program arises once again. To quote:

"The WCB (sic) is also aware a number of employers find the Safety Network training exceeds their requirements, providing training for procedures and techniques not required in their operations. The WCB wants to ensure there is flexibility for alternative courses to be recognized, and believes the OHSR allows for this. Employers or industry associations are encouraged to bring forward alternative courses for review"

This note is directly contradictory to the comments made in the Overview mentioned at the outset of this submission. It indicates that while the notion of a "TCP Light" training course was taken off the table, it is still very much alive in the minds of the drafters of notes to the proposed amendments. In the absence of any specific examples of the over-training of TCPs, we need to assume that some employers are interested in having a junior member of a road crew be able to take a two-hour seminar, slip on a



high-viz vest and start waving a STOP paddle. The 'View from the Roadway' is that an innocent situation can turn deadly in an instant, which is no time to have a minimally-trained and unmotivated worker directing traffic.

18.5. We have no issues with this section.

18.6 Use of a Traffic Control Person

(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.

We are totally opposed to this section.

This section is prescriptive. It specifically prohibits an employer from exercising his discretion in using TCPs to protect his/her workers. This section opens the door to unscrupulous employers who are looking to shave a few dollars off the bid cost or the project budget by substituting signs for people, and compromising safety in the process.

We recognize there are many situations where signage alone is adequate to control traffic around a construction activity. It happens every day in this province. We are curious to hear what other situations which now utilize TCPs are being targeted by employers who want to switch to signage alone. We object in the strongest terms to degrading safety on BC's roadways in this manner. WSBC has the experience to know that unscrupulous employers will take advantage of this relaxation of safety requirements, and the result could be serious injuries or death on our roadways. There is no compelling



need to weaken the safety standards of traffic control in this province and the Board of WSBC should not institute this change.

We also note that certain sections in the existing regulation which required TCP under specific situations have been dropped from the proposed regulation. The following sections have been dropped:

Existing Regulation 18.5

(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 traveled roadway;

(b) workers or equipment are employed on the traveled 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;

These highly hazardous conditions for both workers and motorists have been left out of the proposed regulations, which seems unreasonable in the extreme. By any measure, these hazards need to be dealt with by a trained TCP who can effectively control traffic in the interests of the safety of the work crew.

In the absence of any detail regarding situations which certain employers argue do not need TCPs, the fact these high-danger sections were specifically removed leads one to believe these are typical of the situations contemplated. If this is the case, the Board of WSBC is advised to take a second look at this further dilution of the safety standards which govern work on our roadways.

18.7 to 18.17 We have no issues with these sections.



Summary

Workers in BC look to WSBC to protect their lives. WSBC does not meet this objective by watering down safety measures to placate a minority of employers who want to cut corners on safety.

These regulations not only protect workers, they protect the traveling public. Our roadways are becoming more and more congested and motorists are becoming more and more impatient. We need to maintain the highest standard of safety on our roads as conditions worsen.

In treacherous road situations signage is no match for a trained Traffic Control Person who can adjust the flow of traffic to suit the changes in conditions.

We ask that WSBC withdraw these amendments in the interest of safety at work and on the road.

The WSBC needs to widen its consultation process to give greater weight to *The View from the Roadway* when it contemplates any changes to traffic control regulations.

Thank you for providing us with the opportunity to respond to these proposed changes.

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