

WORKSAFE BC

PUBLIC HEARING

OCCUPATIONAL HEALTH AND SAFETY REGULATION

Prince George, BC

May 15, 2006

TRANSCRIPT OF PROCEEDINGS

PANEL:

Roberta Ellis
Anne Burch
Ed Bates

Chair
Vice-Chair
Legal Counsel

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THE CHAIR
(Introductory Remarks)

[PROCEEDINGS COMMENCED AT 3:00 P.M.]

THE CHAIR: So good afternoon, ladies and gentlemen. And I want to begin by welcoming you to this -- the public hearing in Prince George on the proposed amendments to the Occupational Health and Safety Regulation. And I would like to begin by introducing myself and my colleagues.

My name is Roberta Ellis, and I'm the chair of the hearing panel today. I'm the Vice-President of the Policy, Investigations and Review at WorkSafe BC. And on my left is Anne Burch who is the Director of Regulation and Policy Development. And on my right Mr. Bates who is corporate counsel to the board of directors and to WorkSafe BC.

The purpose of this public hearing is to provide you with an opportunity to comment on proposed amendments to the Occupational Health and Safety Regulation. And just before I read that in, I'll actually correct myself. This is Ms. Alanna Siemens who is the court reporter who is going to be recording the proceedings today.

For the public record I would like to indicate that the proposed amendments to the Occupational Health and Safety Regulation cover these general areas: Part 4, General Conditions, Safe Machinery and Equipment; Part 5, Chemical and Biological Substances, specifically Excursion Limits; Part 6, Substance Specific Requirements, and that's both Definitions and Control Procedures; Part 9, Confined Spaces

THE CHAIR
(Introductory Remarks)

Qualifications, Isolation and Alternative Procedures; Part 13, Ladders, Scaffolds and Temporary Work Platforms, specifically there we're looking at issues relating to testing and fall protection; Part 14, Cranes and Hoists, Operator Qualifications and Hoisting Ropes; Part 18, Traffic Control, and this is a rewrite of the complete Part Of The Regulation, and it also affects a section in Part 8, Personal Protective Clothing and Equipment with specifically High Visibility Apparel; Part 20, Construction, Excavation and Demolition, Safe Access; Part 23, Oil and Gas, the section that deals with pumps; Part 24, Diving, Fishing and Other Marine Operations, Fishing Operations, Requirements for Sensors and Alarms, and Specific Fishing Operations as well as Drums and Work Areas; and Part 26, Forestry Operations, and specifically the section that deals with Dangerous Trees.

So we're here today to listen to your remarks and we've set aside a generous allotment of time. Obviously there aren't a great many people here this afternoon, so I do want to encourage you to take whatever time you want to take to make your remarks.

And I also want to let you know that we're -- as I said, we're making a transcript of any comments that you make. If you have any written material that you would like to leave with us, you can leave that at the sign in desk which is just outside the room and both oral and written submissions will

THE CHAIR
(Introductory Remarks)

be part of the public record. And the deadline for receiving any written information that you might want to get to us is 4:30 p.m. on May 31st 2006, this year.

In the past as we've prepared for public hearings, stakeholders have asked for an opportunity to provide input to the proposed regulatory amendments prior to bringing those amendments out to a formal public hearing. In response the Policy and Research Division provided a number of avenues for stakeholder feedback prior to this year's public hearings, and I just wanted to take a minute to tell you how that was done.

So the proposed amendments were placed on the WorkSafe BC website and we advised stakeholders that they were there. They were sent to over 1,200 stakeholders via E-News, subscribers to the E-News system. They were provided to the Policy and Practice Consultative Committee and this is a committee that the board works with that has representatives of employers and organized labour. We also had some specific consultation sessions with health care employers, unions and workers on January 10th 2006; stakeholders in general on January the 24th 2006; employers on January the 26th at the employers' forum 2006; session with the BC Federation of Labour on February the 3rd. Also we met with representatives from workers and employers regarding amendments relating to traffic control on February 14th 2006 and representatives

THE CHAIR
(Introductory Remarks)

from health authorities on February 22nd 2006.

And I just would like to take a moment -- I thought that was actually going to be me. Turned mine off. I just want to take an opportunity to thank anybody who did participate in giving us feedback about the regulatory language of the proposed amendments to the Regulation. We find the sessions very useful. And I hope that any of you who did participate also found that too in preparing for these public hearing.

So these public hearing represent the formal consultation process. Once the hearing is complete, the written and oral submissions will be analyzed. And for those of you who may not be aware we have already held one session in Kelowna. We have a session today in Prince George. We'll be holding a meeting in Nanaimo and the fourth meeting in Vancouver.

And once we have received all of that information, both written and oral, the Board of Directors is the decision-making body at WorkSafe BC. They will have access to all the submissions prior to making their final decision on each proposal.

So this is your opportunity to be heard on these issues and I thank you on behalf of my colleagues, Ms. Burch and Mr. Bates as well as our board and senior executive committee, for your interest and involvement and look forward to hearing your views.

ROSEMARY GUTTERIDGE
(Own behalf)

So some individuals have already advised us that they wish to make a presentation. So what I'm going to do is call those individuals first, but then after that I'm going to open up the floor to anybody who wants to make a presentation on any matter that they would like to bring to our attention.

So the first individual I would like to call is Ms. Rosemary Gutteridge. I hope, Ms. Gutteridge, I'm saying your name properly, but you can correct me.

MS. GUTTERIDGE: Actually it's Gutteridge, but that's okay.

THE CHAIR: Gutteridge. I took a chance. I'm sorry. You can maybe just both introduce yourselves. That would be very helpful.

PRESENTATION BY MS. ROSEMARY GUTTERIDGE ON HER OWN BEHALF:

MS. GUTTERIDGE: Sure. I would like to thank you first of all for letting me make a presentation as a registered nurse from Prince George Regional Hospital. I'm Rosemary Gutteridge. And you can...

MS. CHISHOLM: My name is Tina Chisholm and I'm also a registered nurse.

THE CHAIR: Could you just say your name again?

MS. CHISHOLM: Tina Chisholm.

THE CHAIR: Tina Chisholm. Thanks, Ms. Chisholm.

MS. CHISHOLM: And working as a registered nurse also.

ROSEMARY GUTTERIDGE
(Own behalf)

(COURT REPORTER INTERRUPTS)

THE CHAIR: Absolutely. Ms. Chisholm, would you spell your name?

MS. CHISHOLM: T-i-n-a, Tina, and Chisholm is C-h-i-s-h-o-l-m.

THE CHAIR: Thank you very much.

MS. GUTTERIDGE: I'm not sure if this on.

THE CHAIR: Oh, no. It is.

MS. GUTTERIDGE: Yes. I would like to thank you for this opportunity to make a presentation to you concerning this proposed medical sharps Regulation. As a registered nurse working at Prince George Regional Hospital I'm very concerned that this regulation is very limited in its scope and implementation.

Since this regulation only covers vascular or hollow-bore devices, not intramuscular or subcutaneous or scalpels or sutures, it will miss the majority of sharps. Only 30 per cent of injuries are from vascular needles. 70 per cent of injuries are from intramuscular needles, subcutaneous needles, scalpels, sutures and other medical sharps.

It should be noted that there are many diseases transmitted by blood and body fluids. Over 33, including HIV Hepatitis B and C.

70 per cent of injuries from needles sticks occur to nurses. 81.4 per cent of percutaneous injuries are not

ROSEMARY GUTTERIDGE
(Own behalf)

reported by nurses or patient care attendants. 23.9 per cent reported having a needle stick injury in the last year.

Even if a worker doesn't contract a transmitted disease, some workers will become sick and have time loss from the prophylactic drugs.

It should be also noted that the Regulation doesn't say anything about providing the safest device. There is no mechanism to track or log injuries. There is no process to involve workers in selecting appropriate devices and the Regulation doesn't cover best practices like no hand-to-hand passing. And for those of you that may not be familiar, that would be for instance in the OR where if they're using a sharp scalpel or a suture needle, that they can put it in a recognized safe place and then the doctor can pick it up from that safe place, so they're not handing it to each other. They're handing it into a recognized safe space. And the Regulation doesn't cover best practices like no hand-to-hand passing or neutral space.

For such a crucial issue the effective date is to be delayed until January 2008, thus allowing many workers to be potentially at risk for injuries that could be prevented.

Safety needles are effective in reducing overall costs and actually save money for organizations that have implemented them.

If a worker has an injury with time loss, the average

TINA CHISHOLM
(Own behalf)

cost to WCB or WorkSafe BC, if you prefer it, is \$6,000 not including the prophylactic drugs. The cost to the worker is unimaginable.

The nurse sitting here with me today has experienced firsthand several needle stick injuries over the course of her career and how devastating it is not knowing whether or not she had contracted some deadly disease in the process. Her whole life was put on hold while she came to grips with this experience. For the sake of all the registered nurses of BC please include all the medical sharps in this Regulation to ensure the safest possible devices are implemented immediately.

And I thank you again for this opportunity to make this presentation.

THE CHAIR: Thank you, Ms. Gutteridge. Ms. Chisholm, is there anything else you would like to add?

PRESENTATION BY TINA CHISHOLM ON HER OWN BEHALF:

MS. CHISHOLM: Personally I've suffered with four needle stick injuries over my 15-year career. That would be 17 years in the training and stuff and another splash body exposure, but three of my four -- 75 per cent of my injuries were subcutaneous or intramuscular needles and not IV ones that would be covered by this. So that represented four years of my life where I had to be tested. Again, it -- I

TINA CHISHOLM
(Own behalf)

would have to use condoms or whatever. If you're planning a family, that is a lot of sacrifice to make. Yeah. Not to mention psychological trauma. And I currently work in ICU and even this week I worked with someone who has full blown AIDS and it's -- it's difficult to work when I've been traumatized and afraid. I do my job, but I'm very very careful to know where the sharp containers and this and that, but at any given point when things are going fast paced in these environments, anything can happen. And that's a risk that I think could be eliminated by a few of these policies in place. And I would really advocate for that protection for the workers.

THE CHAIR: Thank you very much, Ms. Chisholm.

Ms. Gutteridge and Ms. Chisholm, I wonder if I could just take advantage of your expertise and ask you a question. We've heard from a number of presenters on the issue of -- the concerns are of subcutaneous and intramuscular needles and the need for some kind of safe system, needleless technology or retractable technology, and I understand that. The other area that we've been hearing about is other medical sharps and two of the areas that have come up have been suture needles and scalpels in particular. And we've looked around North America to try to find examples of comparable new technologies for suture needles and sharps and having a hard time finding that and I just wondered in your experience

TINA CHISHOLM
(Own behalf)

as nurses if you've come across other devices for -- specifically for scalpels and suture needles that you are aware of and you can speak to.

MS. GUTTERIDGE: Well, I think probably -- I don't work in the OR, so I'm -- you know, I did years ago, but I can't say that I'm up to date in the OR, but I think the -- what we would like particularly is something included in the Regulation whereby the employer must introduce a safe practice, that there may be actual safety-engineered devices. I understood that there were pretty well safety-engineered devices for almost any sharp, but the best practice would be to have for instance in the OR where, as I explained before, where you have a safe space. So if I'm preparing a suture needle or a scalpel I can -- and I'm scrubbed for a surgeon. I can put it there on the sterile environment that they have, sterile space and the surgeon can pick it up.

THE CHAIR: From that neutral space.

MS. GUTTERIDGE: From that neutral space. So often they expect the nurse to actually hand it to them and that's where -- the, you know, injuries have occurred when they've been transporting or handing it from one to the other. I might add it's not just nurses. It's doctors and anybody else that is involved.

THE CHAIR: Right. That's quite helpful and I thank you for that. We have actually encountered some difficulties in

TINA CHISHOLM
(Own behalf)

identifying a technological solution for, in particular suture needles and scalpels. Not for other devices, but for those two, but we have heard from other presenters about the issue of disposal of sharps. That's another concern that's not been as well addressed as people would like. But then that's a very interesting observation on your part also that the safe handling procedures, safe neutral space procedures along with disposal, if those devices are not available, would go a long way to addressing what the concerns are.

MS. GUTTERIDGE: Yeah. For sure.

THE CHAIR: Ms. Chisholm, is there anything else you would like to add?

MS. CHISHOLM: Just again in my practice area we do a lot of procedures on the floor and where the doctor would be using sutures or scalpels to insert central lines and things like that, so if there was a best practice policy in those areas, that would be helpful as well because it's unclear at this point who gets to clean up afterwards and if I don't know exactly all the instruments he's used, then it can actually get thrown in the garbage which would impact another area of staffing if they encounter that in the garbage. So it would be really good if we were protected by some of those procedures. If say the doctor was the one to use them, then he would have to make sure that he was disposing of all of it himself. That's just one idea.

TINA CHISHOLM
(Own behalf)

THE CHAIR: Yes. The Regulation does contemplate risk assessments and risk control plans, but you're obviously addressing an issue as part of this that you feel could have a more robust solution. Anything else? Did you have -- is there anything else you would like to add?

MS. GUTTERIDGE: Well, just to emphasize that we would like it to take effect immediately. If we wait till 2008 a lot of needless injuries can occur, so that the sooner -- you know, I would like to have seen it done yesterday rather than -- so, you know, the sooner the better.

THE CHAIR: Thank you very much. Ms. Chisholm?

MS. CHISHOLM: I was just going to say processes like this and -- that facilitate protection like this really do make a difference. Like my first needle poke was when we didn't have sharp containers around. Systematically when you address these things, you will see better outcomes. I'm just encouraging you. Like, you will see benefits in the end if you invest in this.

THE CHAIR: Thank you very much, Ms. Gutteridge, and thanks, Ms. Chisholm.

MS. GUTTERIDGE: Thank you.

THE CHAIR: Could I call Mr. Eddie McMullen.

MR. McMULLEN: Hello.

THE CHAIR: Welcome.

EDDIE McMULLEN
(Own behalf)

PRESENTATION BY EDDIE McMULLEN ON HIS OWN BEHALF:

MR. McMULLEN: My name is Eddie McMullen and I would like to thank you for allowing me the opportunity to speak at this public hearing on the proposed changes to the Occupational Health and Safety Regulation. I am a health care worker at GR Baker Memorial Hospital in Quesnel and I've been working in the health care industry for ten years, two of which have been in Quesnel. And I've been active with our Occupational Health and Safety Committee, both on local level and provincial executive level. And this is all due to my strong personal belief of being proactive towards the safety of everyone especially within the health care. Being the union representative on the Joint Health and Safety Committee, our joint committee's responsibility encompasses the health and safety of all workers and long term care, the hospital community services in group homes covering over 630 workers in Quesnel alone. And with the wide range of health care services the potential for medical sharps injuries is an everyday hazard. And it can happen to doctors, to nurses, to the licenced practical nurses, to care aids, to laboratory workers, to cleaners, to kitchen workers. It can happen to laundry workers. Medical sharps injuries can happen to any worker in the health care, not just the individuals who are handling the needles.

In my presentation I would like to speak specifically

EDDIE McMULLEN
(Own behalf)

about the proposed changes to the Biohazardous Material Regulation. And I want to raise three major areas of concern that I have with the proposed changes.

One being the requirement for safety-engineered needle referred to as the needleless system for hollow-bore needles only.

And secondly, employers have until January 2008 to put the system in place.

Thirdly, there is no mention of the involvement of the Health and Safety Committee in the selection, the implementation and the evaluation of the safety-engineered system.

And as you may know, the risk of exposure to infectious disease is so real that -- to all health care workers, particularly potential for exposure to about 33 types of blood borne diseases, especially exposure to Hepatitis A, B, C and HIV, AIDS viruses which can be completely devastating to the lives of the health care worker.

Treatment and protocol health care workers must undergo after a potential exposure carries different side effects. Wrecked family lives and the likelihood of chronic diseases and a suffering that will forever haunt the worker.

The exposure to blood borne diseases are not only when health care workers are using or handling hollow-bore needles, but the use of all medical sharps, including needles

EDDIE McMULLEN
(Own behalf)

for subcutaneous purposes, suture needles, scalpels and other medical sharps all of which pose a risk. Health care workers incur their medical sharps injuries from using, cleaning, disposing of and from disposed medical sharps in areas such as the laundry department, the kitchen, within patients' bedding, the garbage. Hollow-bore needles are not the only type of medical sharps we get poked with. We are injured by all types of medical sharps instruments too.

I do not agree to the changes in Section 6.36(1.1) the proposal to require the use of safety-engineered needles when the hollow-bore needles which are used for the purpose of collecting blood or carrying or treating a person. This requirement is too restrictive and it does not make sense. The reality is health care workers get injured from all kinds of medical sharps instruments. I want you to change the section to include all medical sharps since only 30 per cent of medical procedures use the hollow-bore needles for vascular access. This Regulation does not protect workers from a very large number of medical sharps procedures which also pose potential for exposure to blood borne diseases.

The Workers' Compensation Board has a duty to protect all workers, not just those procedures regarded as high risk. The board does not have a responsibility for risk management, but to make regulation which protects all workers. Safer safety-engineered medical sharps devices will protect the

EDDIE McMULLEN
(Own behalf)

health care workers from deadly viruses like HIV, AIDS, Hepatitis D and C. And as a health care worker we should not have to put our lives at risk especially when safe devices are available.

When health care workers are exposed to sharps injuries with the potential for blood borne diseases regardless of the medical procedure, he or she will have to endure months of testing and anxiety as they are tested and treated with harsh and costly drugs in case they get infected. At the same time many fear they'll have infected their family. This and death is too high of a cost for the health care worker. And I want to urge you again to change all proposed regulations to include all medical sharps.

The proposed Regulation gives employers until January 1st to comply with the new change. This compliance date is too far away.

When legislation was enacted -- was enacted in Saskatchewan, the employer had eight months from October 25th '05 to July 1st of '06 to comply. Manitoba had only six months from June 9th '05 to January 1st '06 to comply. In BC all health authorities, including Interior Health Authority, have embarked on the process to select and implement new systems. In fact, with -- now Vancouver Health Authority started their process in 2002.

Since there are facilities across the province currently

EDDIE McMULLEN
(Own behalf)

involved in these pilot projects, Terrace, just naming one, within the Northern Health Authority, and plus the statistics and the device systems, the previously-mentioned provinces and the facilities we have and we could reference from, BC Health Authorities should not need another 19 months to comply.

We would like you to change the compliance date to April 1st 2007. And being a member on the Health and Safety Committee, I am disappointed that there is no explicit regulation to involve the Health and Safety Committee in this selection, the implementation and the evaluation of safety-engineered medical device system. You must agree that the -- joint with Health and Safety Committee is a critical component of workers' health and safety. Involving the Health and Safety Committee members not only educate us on the issues, but will also become strong advocate to ensure workers buy into the new system and ensure that the employers are not simply purchasing the cheapest available alternatives which in the end may not be the safest.

By involving the Health and Safety Committee it will create transparency and accountability in the process for selection, implementation and evaluation and we hope the board will make changes to include involvement of the Health and Safety Committee in every step of the process.

I thank you for your time and I hope my effort and

EDDIE McMULLEN
(Own behalf)

everything that -- put in is not put in vain.

THE CHAIR: Thanks, Mr. McMullen. I wonder if you would take a minute just if you wouldn't mind, me just raising the same issues with you that I raised with Ms. Gutteridge and Ms. Chisholm. The issue of sharps in particular has been a concern to us because we have tried very hard to look at suture needles and scalpels. And I just wondered if I could ask you the same question. Do you have any experience with devices that are engineered?

MR. McMULLEN: Personally, no. You know, it's one of those things that would have to be researched long and hard.

THE CHAIR: Right.

MR. McMULLEN: It would have to be kind of scoped out.

THE CHAIR: Well, I repeat the offer. As I mentioned there's a deadline of 4:30 p.m. on May 31st for written materials. So I would just make that request to you and any of your colleagues who obviously are medically-trained and that's your profession, if you do have any information on that, we would really appreciate hearing from you. So I thank you for your presentation today.

MR. McMULLEN: Thanks very much.

THE CHAIR: Thank you very much, Mr. McMullen.

So I'm going to now open up the proceeding to any other members of the community from the north who have taken the time and trouble to be with us here today to present on any

ANN GANO
(Own behalf)

aspect of the Regulation. So is there anybody else who would be interested in making a comment or a presentation?

Yes, ma'am. Please come forward.

MS. GANO: I think it's more of a question. I don't really have answers right now except for past experience to carry on with this.

THE CHAIR: Okay. Could I ask you to give us your name?

MS. GANO: My name is Ann Gano.

THE CHAIR: Hi. Could you spell your name, Ms. Gano?

MS. GANO: A-n-n G-a-n-o.

THE CHAIR: Thank you very much.

PRESENTATION BY MS. ANN GANO ON HER OWN BEHALF:

MS. GANO: I'm in the flagging industry here.

THE CHAIR: Yes.

MS. GANO: And we were told that our jobs are in danger of being taken away from us and we don't have all the information that we need to satisfy ourselves on what's happening. We weren't given any notice of any kind except for a phone call of fear, and I sort of would like to have some integration on what it is exactly that is set up that you have in mind here with Workers' Compensation and the flagging industry.

THE CHAIR: Certainly. I can do that. And I can give you some information about that now. And I can also suggest

ANN GANO
(Own behalf)

to you that something that you might be interested in doing is actually getting a copy of -- there's a bit of an overview that sums up what the proposed amendment does, and there's some language that explains what the Regulation would say.

So in response to your question, let me give you a little bit of information. Then we'll see if you have anything else that you would like to ask.

So there are two proposed amendments that would deal with what we call Traffic Control and obviously you're a flag person in that industry.

One is in Part 8 and that's Protective Clothing and Equipment and it's the section that deals with High Visibility Apparel.

And the other is a rewrite of the whole of the part of the Regulation.

So we're proposing that we would delete Section 8.24 sub 1 and we would reposition that requirement in the proposed Section 18.9 as part of the whole flagging regulation. And it would -- as that applies only to a person directing traffic which by definition is a Traffic Control Person.

So part 18 of our Regulation requires that a person assigned to be a Traffic Control Person be trained and instructed in a course acceptable to the board. And we have had some discussion about whether or not that should be a course or a standard and what would you need the course for

ANN GANO
(Own behalf)

and what would you need just some general on site training for. So that's been an issue that's been raised with us.

The BC Road Construction and Maintenance Safety Network worked with WorkSafe BC to try to establish and did establish a course acceptable to the board. The course was recognized in a guideline document as the only course that was acceptable to the board. The only reason for that was because it was the only course that was there. There wasn't another one that we were aware of.

The course is comprehensive and it works well for the industry group that makes up the safety network. And, as I say, those are the BC Road Construction and Maintenance folks.

So other employers, primarily the municipal sector, but also some other general construction sector employers find that the accepted course that the board accepts covers many traffic control situations that they don't ever run into. And so their position was it exceeds what they need.

To accommodate this the proposal that was taken to public consultation proposed permitting the use of a qualified worker to do the Traffic Control Person function for less complex traffic control operations. When we took that initially out for public consultation some stakeholders indicated that approach was confusing to them and they didn't like that approach. So we brought some more people back in

ANN GANO
(Own behalf)

for further consultation and that was in February of this year to discuss the public consultation feedback and see if there could be any consensus on changes. Reference to a qualified worker acting as a Traffic Control Person was removed and a new definition section was added and responsibility for overall supervision of Traffic Control Operations was more specifically set out. Each person assigned to be a Traffic Control Person must still be trained in a course acceptable to the board, so that's the issue that's really before members of the public and interested parties in the construction sector right now. And so my assessment of what the debate is is does every set of circumstances require that you be trained in a course, or are there some situations that are less high risk where the Regulation already requires for proper training, proper work procedures, proper supervision? Would that be sufficient? So that's the debate. I would be very interested in hearing from you on that.

MS. GANO: Is this in regards to the 15-minute duration that's offered to workers that have to help people get the machines off the trucks in the middle of the road for a couple minutes, potholes, repairs?

THE CHAIR: It could be. It could be. It could be something like that. It could be -- should there be a delineation between the kind of training that you would have

ANN GANO
(Own behalf)

to have as a Traffic Control Person when you're dealing with potentially high hazard situations on highways, as an example, as opposed to some situations that might be less hazardous if they're on suburban roads or urban roads. So the issue is what would the delineation be and what would the necessity for the training be depending on the hazard in the situation and that really is what is before the public for input.

MS. GANO: Well, to be honest with you I think that the two-day course is way shorter than what it should be. It's like teaching a child to learn how to drive. You don't do it overnight. And these courses that are offered are effective to a point, but they don't cover anything close to what a real person is going to run into once they start the jobs that they are going to be asked to do. So this is, you know -- is a good thing to have, but it's not long enough. It needs to have another week altogether with the teaching and the ability for the people to go out there and actually feel it for their own self, what it's like, because you can tell somebody anything and it will last for ten minutes. But once you get out there and you really get into the situation of it, it's gone. If you have a chance to work with it more, it will be more effective and your safety is at a higher quality than it is on a two-day course because you only spend a couple hours out on the road.

ANN GANO
(Own behalf)

THE CHAIR: Thank you.

MS. GANO: But the 15-minute duration thing is a neither here nor there because it is a quick one and if you have your wits about you, then you can deal with it. But if your traffic is massive and I don't care if it's 15 minutes, it only takes two seconds for an accident and we all know what that's like.

THE CHAIR: Thanks.

MS. GANO: So things were not really clear on what the actual changes were that -- there were going to be changes in the 2007 manuals that would be coming out, so that's what I was trying to figure out. What exactly the changes were.

THE CHAIR: That was the reason for -- as I said at the beginning of my introduction to these hearings, we've tried very hard in response to what the stakeholders have told us to do as much consulting as we can ahead of time. So that we've at least got it before we bring a proposed amendment. Sometimes however there's not always consensus, so now what we have before the public clearly is this issue of a mandatory course or a hierarchy of different training needs depending on the sets of circumstances and having the input on that. So I think what I heard you say very clearly is that you support the two-day mandatory training course. And in fact you also added that it could be lengthened in some circumstances.

GLEN DUNN
(Own behalf)

MS. GANO: Yes. Very much so.

THE CHAIR: Thank you very much.

MS. GANO: Thank you.

THE CHAIR: Please make sure you get copy of that material so that if anything else does occur to you and you want to add anything by the date, you're very welcome to do that. Thank you very much.

Any other interest from members who have attended today or presented on any aspect of what they've seen? Yes, sir.

PRESENTATION BY MR. GLEN DUNN ON HIS OWN BEHALF:

MR. DUNN: Thank you for your time. I really haven't prepared anything written down. It will be a little off the top of my head. My name is Glen Dunn, D-u-n-n. One "n" in the first name.

THE CHAIR: Thanks very much, Mr. Dunn.

MR. DUNN: I am a certified move truck instructor and forklift instructor. I don't do this full-time. It's a thing I'm kind of heading to as I get a little older and I'm a licenced heavy-duty mechanic with a bunch of other certifications. So to do with your cranes and hoists policy, if I understand it -- involves -- you've taken over basically. A few concerns I have is these -- the way I read these rules is they apply to British Columbia and it sounds like strictly British Columbia.

GLEN DUNN
(Own behalf)

THE CHAIR: Mm-hmm.

MR. DUNN: When you get into equipment it's quite transient especially in the northern part of BC when you deal with the gas and oil. And I had a call from a friend a while ago asking about certification on a boom truck, but he phoned from Alberta. I said you better go check with those people. I think that the rules and the regulations that we're supposed to teach these people should be a Canadian or a national set of rules. It would be just like you going on holidays and you get to the Alberta border and you have to renew your driver's licence. It doesn't work well within the country. We have people going to the Yukon, Northwest Territories, wherever. So that's one of my concerns with the rules.

Another thing that I haven't seen in any rules is once you give somebody their certification as an operator, you can't repeal it. You can see them do a dangerous act. You can't repeal it. And I'm not saying that somebody else should be able to repeal it. Somebody should be able to say let me see your card and on the cards it tells that person where they got their certification. Then they contact the person that certifies and says, hey, this is what's going on. That person can contact that operator and say listen, you're going to have to come in and redo this or I'm taking your licence and certification away. I'm a little bit safety

GLEN DUNN
(Own behalf)

minded. I've seen some nasty things. I work for this railway. I call it this railway. I'm not impressed by it. I worked for the better railway that was sold. B.C. Rail is where I worked. Now it's CN. CN is covered under HIBC. Do you have any pull with them? We run a lot of boom trucks on hiaps. And this was a question -- it was actually brought up earlier today, the lights come on, because even on BC Rail, WCB was not on the property, but we followed the WCB rules. I don't know what CN does, but we have a lot of these around. And so that's a question that I would actually like answered. There's a few questions in there for you. And -- okay. The board of directors that you've mentioned in here, are you going to accept the current certified instructors or are we going to have to jump through a bunch of hoops again, basically pay for a lot of courses? Right now it's still recognized, but the way this is written, it's got to be approved by the board of directors.

THE CHAIR: Would you like me to try and answer some your questions, Mr. Dunn? Because I see you looking at me and I don't want to interrupt your flow.

MR. DUNN: I'm -- off the top of my head here a little bit here, but that's the gist of where I'm headed with this.

THE CHAIR: Okay. On the issue of jurisdiction, you're quite right, sir, that the Workers' Compensation Board of British Columbia WorkSafe BC is limited in its jurisdiction

GLEN DUNN
(Own behalf)

by provincial law and also obviously by federal law. The Government of Canada is responsible for what we would call federally regulated industries. And so any operation that falls under that federal authority is regulated by the Government of Canada and anything that falls under provincial, British Columbia jurisdiction, is regulated by WorkSafe BC largely. There are a couple of exceptions, but largely. And so we have a practice where we have shared jurisdiction of working with our colleagues in the federal government as they have a practice of working with us, but legally we're bound by whichever statute governs us. So your comment about the desire that this be a national system is one that certainly we've heard on a number of topics before. The answer to it would be we're constrained by law, our employer jurisdiction is. What we do try to do in those circumstances is work with our counterparts to develop what are called best practices. And maybe at the end or if you have time in the break when I can do is provide you with some contact points so you can have a better understanding of how we try to tackle that. Of course you're right. It can be a challenge. I can give you a little more information about that.

And then with regard to this particular proposed amendment to the -- to the Regulation with regard to the issue of certification, generally speaking certifying bodies

GLEN DUNN
(Own behalf)

will themselves set up procedures whereby they can both grant the certification and remove the certification if matters are brought to the attention that would indicate there's a problem. Officers of the board would be governed by a different set of procedures. So an officer of the board for example that saw anything in a work site that he felt was sufficiently concerning to him or her, including whether or not person was competent to do that job, could actually ask for proof of certification if that was something that was in the Regulation, could examine and if they weren't satisfied, could stop that work and then refer the matter back to the certifying body. That's generally speaking how those sorts of processes work. But again on those issues I would more than happy to give you my card or connect with you on practice issues and try to give you as many of those answers as we possibly can.

MR. DUNN: Just sounds to me like there's a loophole if, you know, a company wanted to just run across the country and say well, I don't need certification. It sounds like there's a loophole in there to me if you're going to push people that work in BC and live in BC to do this, rather than say okay, well, okay, you run across three or four provinces, now you're national. Now, there's a loophole and I think that's got to be...

THE CHAIR: Thanks very much, Mr. Dunn. And I

HERB CONAT
(Own behalf)

appreciate you going to the time and trouble to come and share your thoughts with us today.

Mr. Herb Conat has indicated he'd be interested in making a presentation. I hope Mr. Conat, I'm saying your name properly.

MR. CONAT: Absolutely.

THE CHAIR: Okay. It's Herb, H-e-r-b. Conat, C-o-n-a-t. Mr. Herb Conat. Thanks, Mr. Conat. Go ahead when you're ready.

PRESENTATION BY MR. HERB CONAT ON HIS OWN BEHALF:

MR. CONAT: Thank you. I'm pleased to have this opportunity to speak to you on behalf of the International Union of Operating Engineers Local 115. Our local has 10,000 members working throughout BC and the Yukon, and 40,000 across Canada. Many of our members operate or work around cranes and hoisting equipment in the construction industry. Making sure that each one of them goes home safely at the end of the working day is one of our top priorities.

The IUOE has a long history as an advocate of mandatory crane operator crane certification in the province and across Canada. It is for this reason that the IUOE would like to commend the board for recognizing the importance of crane operator qualifications. Proposed amendments to Regulation 14.34 the result of rigorous consultive process bringing --

HERB CONAT
(Own behalf)

bringing industry and labour together with the board in an effort to reach consensus. We encourage the board administration to continue its collaboration with industry and labour in developing and implementing a model that leads to the certification and licensing of operators as prescribed by the proposed regulatory amendment.

The IOUE strongly endorses any proposal that requires a mandatory certification and licensing of crane operators to a national or provincial standard and moves forward in a timely manner.

We believe, however, that the Red Seal National Accreditation for mobile crane operators should be the minimum standard and integrated into any new operator certification model as a basis for good public policy.

Many provincial jurisdictions already have mandatory certification and licensing requirements in place. For BC not to have similar regulations consistent with the standards of other provinces lacks good judgment and foresight.

To ensure that the health and safety of workers as well as the public along with the protection of property we urge the board to move forward with implementing proposed regulatory amendments in tandem with an enforceable certification and licensing policy without any further delay.

And that would be my submission.

THE CHAIR: Thank you very much, Mr. Conat. If you want

BRAD BENSON
(Own behalf)

to leave a written copy of it too, you can just leave it too.

MR. CONAT: The front?

THE CHAIR: Thank you. Just at the desk. Thank you so much.

Are there any other members of our audience that would like to make a comment or a presentation or simply get your views on the record? If you don't feel that you want to make a formal presentation, that's okay. We -- we're really interested in hearing what you have to say. Yes, sir.

MR. BENSON: Just make a comment, that's all.

THE CHAIR: Yes. Absolutely.

PRESENTATION BY MR. BRAD BENSON ON HIS OWN BEHALF:

MR. BENSON: Hi. My name is Brad Benson. I'm the Trade and Development Supervisor at Cariboo Pulp and Paper in Quesnel.

THE CHAIR: I was just going to ask you, sir. Could you spell your name for her.

MR. BENSON: Brad Benson, B-e-n-s-o-n. I'm here today to support the proposed amendment to Part 14 of Cranes and Hoists on behalf of Cariboo Pulp. We believe that this -- this process has allowed us to have the input that we need to develop the standards that we need on site. The idea that we can provide our own internal training, but to the provincial-wide standards under the assessment of third party

ROD GALAN
(Own behalf)

is welcome. That's it.

THE CHAIR: That's very helpful though. Thank you very much, sir. Thank you.

I think I noticed you were already going to speak too, sir. Thanks.

PRESENTATION BY MR. ROD GALAN ON HIS OWN BEHALF:

MR. GALAN: Rod Galan, G-a-l-a-n.

THE CHAIR: Thanks, Mr. Galan.

MR. GALAN: Hi. I'm crane and rigging supervisor for Bid Construction. First of all, I would like to applaud the board for finally getting something done about crane certification. For the last eight or nine years it's been kicked around. There's been regulations passed, rescinded, passed, rescinded over and over again. I hope that now that this is in place, we can move forward and start getting some decent people trained in this province because right now with the labour market the way it is, it's impossible to get people. The people you get aren't trained and there's a serious safety issue that needs to be addressed. Everything that is in this amendment addresses those issues. Thank you.

THE CHAIR: Thanks very much, sir. Thank you.

Any other presentations or comments, or just statements for the record?

So what I'm going to do at this juncture because we've

BRIAN FEHR
(Own behalf)

set aside time and we're going to be here, is I'm going to temporarily adjourn our proceedings and it will give us an opportunity perhaps to also pass on some information. We will resume in about 15 minutes and at that juncture any other remarks, presentations or comments can be made or if there are other individuals who are coming along a little later, we can do that also, so I'll temporarily adjourn the proceedings for the next 15 to 20 minutes.

[PROCEEDINGS ADJOURNED AT 4:00 P.M.]

[PROCEEDINGS RECONVENED AT 4:20 P.M.]

THE CHAIR: I'm going to reconvene. Sir, I think you're ready to make some remarks. I just ask you to come forward and give us your name.

PRESENTATION BY MR. BRIAN FEHR ON HIS OWN BEHALF:

MR. FEHR: My name is Brian Fehr, F-e-h-r. And I'm from Vanderhoof and I own Bid Construction. And we have over the last 15 years done 52 apprentices, maybe 53 in machinists, welders, fabricators and carpenters and never have we had a forum or a way to apprentice crane operators. We have nine cranes from 20 ton to 300 ton and we were always tied to either using operators that we knew had experience or hiring operators that had an Alberta certificate or hiring 115 operators and never did we feel comfortable and although we were very proud of our 52 to 55 -- whatever the number is,

BRIAN FEHR
(Own behalf)

it's above 50 -- people that were apprenticed, never did we feel we had a forum for training our crane operators properly and this is the first place that I have come, although we've had a couple of different employees -- Rod Galan that just spoke works for us, and we've been pushing this as hard as we could through your mysterious ways. And now it seems like we're at a place where we might be able to actually have our own training programme for our own cranes. And it's really good for us to see this and hopefully it goes through the -- Fraser. I don't think he's in the room right now. Fraser, it seems like he's doing a good job. We need a way of certification in our province that's not 115 oriented. Our company is not in the building trades. We're an IWA company. We build sawmills and -- which is now the wood -- I forget. They changed the name from the IWA last year, but we're a union -- a Canadian union -- CLC approved union, but not building trades. And we do a lot of construction, so we feel that the 115 training school in Vancouver isn't really a forum that we should be using or we feel uncomfortable with it. And that's not calling them down at all. They've done a good job in our province, but it's not exactly what we need, so it's very important that we get this through so that we have a third party, non-affiliated training programme. And that's all.

THE CHAIR: Thank you, sir.

BRIAN FEHR
(Own behalf)

MR. FEHR: Thank you. Did you get all that?

THE REPORTER: Yes, I did. Thank you.

THE CHAIR: She's good.

MR. FEHR: She's having a hard time so I thought I'd speak up.

THE CHAIR: Anybody else who hasn't had a chance to make a statement or a presentation? Okay. Well, I'm quite comfortable just to readjourn for a few minutes until we get to the end of the allotted time which is five o'clock and also we're having a -- we actually have booked time tonight from seven to nine in case any members of the public come by.

I can tell you that so far we haven't had anybody registered, but as you could see from this afternoon even though people haven't necessarily formally registered, they're still interested enough to come out and make their comments and/or statements and we'll be here tonight too from seven until nine.

We'll adjourn the proceedings for now. And as I say you're welcome to visit and have a cup of tea or coffee. Thank you. So temporary adjournment. Thank you very much.

[PROCEEDINGS ADJOURNED]

[PROCEEDINGS RECONVENED AT 7:05]

THE CHAIR: Hello, ladies and gentlemen. I'm going to -- because these are formal public hearings, I'm going to go through once again the introduction. I know you've heard

THE CHAIR
(Introductory Remarks)

it once already, so I apologize for repeating it. But just for purposes of the public record it is important to put it on record.

And I understand, Mr. Forbes, that you're going to think about whether or not there might be something that you want to speak to.

So let me just begin by saying these are public hearings on proposed amendments to the Occupational Health and Safety Regulation. And I'll begin by introducing myself. I'm Roberta Ellis. I'm the chair of the panel. I'm Vice-President of Policy Investigations and Review and the WCB. On my left is Anne Burch who is Vice-Chair and Anne is the Director of Regulation and Policy Development. And on my right is Mr. Ed Bates who is legal counsel to the Board of Directors and the organization.

The purpose of this public hearing is to provide you with an opportunity to comment on proposed amendments to the Occupational Health and Safety Regulation. And I'm going to again for the record simply read these in: Part 4, General Conditions, Safe Machinery and Equipment; Part 5, Chemical and Biological Substances, Excursion Limits; Part 6, Substance Specific Requirements, which includes Definitions and Control Procedures; Part 9, Confined Spaces which is Qualifications, Isolation and Alternate Procedures; Part 13, Ladders, Scaffolds, and Temporary Work Platforms, Testing and

THE CHAIR
(Introductory Remarks)

Fall Protection; Part 14, Cranes and Hoists, dealing with Operator Qualifications and Hoisting Ropes; Part 18, which is a complete rewrite of the part and also speaks to an amendment in part 8 which has to do with High Visibility Apparel; Part 20, Construction, Excavation and Demolition, Safe Access; Part 23, Oil and Gas, which is a section dealing with pumps; Part 24, Diving, Fishing and Other Marine Operations and Fishing Operations and its requirements for Sensors and Alarms and Specific Fishing Operations as well as Drums and Work Areas; Part 26, which is Forestry Operations, and the section deals with Dangerous Trees.

So this is an opportunity for us to listen to anybody who wants to come along this evening and make presentations on any of these proposed amendments. We are making a transcript of any comments that are made. And if there's any written material that anybody would like to leave with us, you can do that just at the sign out desk which is outside.

And the oral presentations, any remarks you want to make or anything that's written become part of the formal public hearing record. If you have some written remarks that you would like to leave with us and you're not ready or you don't want to do that tonight, as long as we receive them by 4:30 p.m. on May the 31st, then they would be part of record of these hearings and amendments.

In the past stakeholders have asked us for an

THE CHAIR
(Introductory Remarks)

opportunity to provide input to the regulatory amendments prior to public hearing and in response staff of the Policy and Research Division have provided a number of ways for stakeholders to give us feedback before we get to these public hearings. And the proposed amendments were placed on WorkSafe BC's website and we advised stakeholders of that. We sent the proposals to over 1,200 individuals as part of our E-News subscriber's list. We provided a copy of the proposed amendments to members of the Policy and Practice Consultative Committee. And that's a committee that's composed of representatives and employers and of organized labour. And then we had consultation sessions with health care employers, unions and workers on January the 10th; stakeholders in general on January 24th; employers as part of the employers' forum on January 26th; with the BC Federation of Labour on February the 3rd; and again with representatives of workers and employers regarding the amendments relating to traffic control on February 14; and then another meeting was held with representatives on February 22nd. And I did -- I formally previously thanked anybody who helped us with these consultations. We find that very useful and we're very grateful when people take time to give us that input.

So these are the public hearings and they are the formal consultation process. Once the hearing process is complete and I'll just mention that we've had hearings in Kelowna,

THE CHAIR
(Introductory Remarks)

here in Prince George, this week we'll also be in Nanaimo. And we'll have a final hearing in Vancouver next week and then the written and oral submissions are analyzed and our board of directors who are the decision-making body of WorkSafe BC will have access to that analysis and all the submissions prior to making their final decision on each proposal.

So this is an opportunity for you or for any other member of the public who wants to visit with us between seven and nine tonight to be heard and we look forward to hearing your views. So if you have a -- anything that you do want to place before us, I would invite you to do that. Thank you.

MS. GANO: I think everything that I said earlier -- everything I had said was pretty well what I had -- was meaning to bring up.

THE CHAIR: Is there anything you would like to add though? Because if there is you're more than welcome to come back to the microphone and make another comment. You've taken all the trouble to be here and you're certainly welcome.

MS. GANO: Ann Gano.

THE CHAIR: If you are going to though, you should probably just come to the microphone and then it will be captured for the record because and as I say, you've taken all the trouble to come back here this evening after having

ANN GANO
(Own behalf)

spoken to us this afternoon and these are public events. You can say anything you like. So if you can just repeat your name for the record. You can say what you said before again if you want to.

PRESENTATION BY MS. ANN GANO ON HER OWN BEHALF:

MS. GANO: I think that the only thing that I brought up with Anne here just before starting was that the 15-minute duration that is on some of the teaching and also on some of the actual books of the Workers' Compensation where you can be without a flag person on site if you are just going to take a machine off a truck or drop a tree or fill a manhole or something to the effect, hey. And I'm saying that that's a good thing. You know, I understand that totally, but the only thing that bothers me in regards to that are some of the expectations that can be extended. And when that's done it means that they say, oh, well, they said we don't have to if we're just going to do this and if nobody is coming, we'll just do this. Still nobody is there. And we'll go on like this, hey. And what I was saying to Anne is that it only takes that long for problems to happen and arise that are devastating or can be...

THE CHAIR: So your concern would be that that 15-minute dispensation, if you like, can become eroded because it gets pushed further than you think it's meant to be?

ANN GANO
(Own behalf)

MS. GANO: The only reason I say that is because money is the thing these days. If you can get around spending money on business that you want to do, it will be done that way. And we've seen it time after time begin with different issues of -- anything that happens or in this -- in our days now. With fuel going up everybody's cost of everything is rising and with that, the cost of living is going to go up and with it if they can save their selves some money on projects, they want to do in regards to that. Those are things that would -- make me give second thoughts to how -- you know, if you're going to take -- if you're going to do the 15-minute duration thing, then have some kind of short course, you know, that they have to take and that they cannot override that 15 minutes for their safety and the goodness of the safety of the workers involved with it and the public that, you know, could be affected with this.

I think that having young people come out and do their lessen for two days and then sent out in extremely busy traffic is also a bad deal because they're not -- they don't have the experience. It's like when you get your driver's licence, you have to go for a certain amount of time before you're really certified ready to go to work. Well, flagging is not that much different because you do run into the same amount of things problem-wise that you would in any other situation and without the actual knowledge that will help

ANDREW FORBES
(Own behalf)

make it a safe thing that everybody is aiming for, it kind of puts you on the edge of grey. I think the more that traffic control is done in the future at any time it needs to have people that know what they're doing on the site for those reasons because we don't want to have to pay more money to our insurances. We don't want to pay more money for people suing us for problems that can happen that can be avoided by proper teaching and up kept on ongoing things that are offered. We're not -- it's just an unknown thing when you get out there because you don't know what you're going to run into. You just don't.

THE CHAIR: Thank you.

MS. GANO: I think that was the only thing that I would like to bring up.

THE CHAIR: Thank you. That's very helpful. Thanks.

MR. FORBES: Is this an opportunity to ask questions?

THE CHAIR: Yes. Mr. Forbes, if you want to just come up and be -- just say who you are and the part of the Regulation that you're interested in.

MR. FORBES: Okay.

THE CHAIR: You can certainly ask questions and make observations, of course.

PRESENTATION BY MR. ANDREW FORBES ON HIS OWN BEHALF:

MR. FORBES: I'm Andrew Forbes and I'm a business owner

ANDREW FORBES
(Own behalf)

here in Prince George utilizing cranes and particularly mobile cranes being on rubber tire as well as crawlers.

THE CHAIR: Mm-hmm.

MR. FORBES: So the section that I have questions about I guess would be Part 14, Equipment Operation. And in particular Operator qualifications.

I apologize. I'm not as up to speed on this as I probably should be and as you mentioned this is all available to us. I just have not reviewed it up until now, but just from breezing through here quickly, if I understand correctly because ITAC has been dismantled or is no longer in place we have -- I guess, we decided to put another sort of a qualification type agency in place which -- is that BCACS or...

THE CHAIR: British Columbia Association of Crane Safety. Yeah. I think that's the actual -- what it's called.

MR. FORBES: And who is it?

THE CHAIR: So my understanding, Mr. Forbes, of that and again the Workers' Compensation Board WorkSafe BC in introducing this kind of amendment to the Regulation is essentially suggesting that this is a sufficiently important function that the qualifications of the persons involved is important. And there had been an amendment to the Regulation sometime ago that suggested that the -- you're quite right.

ANDREW FORBES
(Own behalf)

The organization called ITAC, the Industry Training and Apprenticeship Commission should in fact be the organization that handles this programme.

MR. FORBES: Yes.

THE CHAIR: And that amendment to the Regulation was introduced and ITAC was then dismantled. So that left the situation where there seemed to be a consensus that it's a sufficiently important and can be quite a complex and potentially hazardous industrial process, that having some organization handle this would be useful.

MR. FORBES: Yes.

THE CHAIR: So the board was asked -- the staff of the board were asked to explore with representatives of industry whether or not they would get interested industry coming together and developing an association that was representative of the interests of employers and workers and others and developing the kind of programming that would be the underpinning for a standard.

MR. FORBES: Yes.

THE CHAIR: Generally speaking the board has tried not to be the organization that develops the programme itself unless it's a very core basic programming.

MR. FORBES: Yeah.

THE CHAIR: So turns to industry or could be to community colleges or to industrial colleges to develop the

ANDREW FORBES
(Own behalf)

programming and my understanding from the staff at WorkSafe BC is that the British Columbia Association of Crane Safety is an organization that is in -- that's growing right now. It's -- it's in a developmental phase and it's representative of both employers and unions I believe also. We had a representative from unions here earlier today speaking in support of this idea.

MR. FORBES: Mm-hmm.

THE CHAIR: So it -- I think at this point it would be premature to say that the courses and all of the work is done. So the board is introducing the proposal and really it would then turn to industry to develop the programming.

MR. FORBES: Yeah. I guess my question why is the government not involved? I guess my concern is if we set up this BCACS group to look after the training of crane operators and we have another industry-based group that's looking after the training of truck drivers and another one looking after the training and qualifications of carpenters and so on, we have a real piecemeal -- there is no -- there's no consistency between all the different trades. I'm wondering why the government is not -- the provincial government is not -- I don't -- I guess quite frankly I don't understand why ITAC was abolished or dismantled and why has it fallen to industry to now self-regulate them and potentially have a piecemeal from trade to trade to trade.

ANDREW FORBES
(Own behalf)

There's no consistency.

THE CHAIR: And that one I can't really answer for you. But what I can maybe say to help you with that somewhat is that an organization like WorkSafe BC generally speaking will set standards in such a fashion that any programme that's developed, whether it's in blasting and diving or the certification of crane operators.

MR. FORBES: Yeah.

THE CHAIR: The role of the board would be to say here are the standards and this is what we would expect to see in any programme.

MR. FORBES: Okay.

THE CHAIR: So whether that programme is run by a community college or a government organization or an association that industry puts together, the board would -- the board's position would tend to be that we would not create any kind of monopoly whether it's the government or anyone else, but that we would say these are the types of standards you could expect to see in that programme or that course. Another example of that was the amendment to the Regulation that dealt with faller bucket certification. The board worked with industry to say these are the elements that we would expect to see there, but turn over the -- if you like, the expertise and the knowledge to industry. So that's the sort of approach that's being taken here. If at some

ANDREW FORBES
(Own behalf)

junction -- you're quite right -- another organization albeit whether it's a purely public sector organization or another organization said, you know, we believe we could also offer a course, the board's role would be to say does it meet the standard? Is it sufficiently good that we could say, yes, that's a reasonable standard?

MR. FORBES: So if I hear you correctly, you're saying that right now we have this organization called BCACS which I'm not saying is neither good nor bad, but potentially a month from now or a year from now we could form another company which would be the Prince George Crane Safety Company and maybe Nanaimo would want to set up their own organization. And we could have 30 different organizations all administrating crane operators and I -- we can have a crane operator from Prince George who is registered with the one company as a qualified crane operator and go work in a different jurisdiction and now he doesn't meet that qualification. There's not a -- yeah.

THE CHAIR: Conceptually, yeah. I get your point, sir. And I think you're right because essentially that's always a bit of a challenge and a risk. All I would say to you is it usually works the other way around.

Generally speaking -- and we've certainly heard this from industry before, is when you have a gap like this where usually industry is quite keen to see a standard and a

ANDREW FORBES
(Own behalf)

programme, the problem usually isn't that there are ten competing organizations willing to do it. It's actually getting it going, so that there's one that's willing to do it. And I think your point is very well taken that the -- my understanding from the industry representatives that have spoken is that there's a real desire to see this be a provincial programme to address the very point that you're suggesting is an important one. You don't want to see something so fragmented that there's 12 different people -- there's a programme maybe because it is a free society that maybe others -- but right now I think the concern was that there was nothing.

MR. FORBES: Yes. The other concern that I have and again I don't know who is behind BCACS. I don't -- but, for instance, they could be controlled strongly by the union sector and there could be other companies such as ourselves which are non-union and will be unbiased -- treated or you know, some jurisdictions -- I've seen other provinces where the training and certification is administered by the union sector and the non-union companies are completely left out of the system. They're not allowed to participate or be part of that. Again, I'm not -- I don't know that that's the case. I'm not implying that that's the case. I'm just saying that the potential is there that -- even over time as an organization such as this could be -- gradually come under

ANDREW FORBES
(Own behalf)

the control of, you know, say specifically union organized labour control and the non-union sector can be pushed out and not be able to participate.

THE CHAIR: You and I are somewhat in the same set of circumstances here. Like you I couldn't -- I wouldn't be able to speak to that. What I might say to you is that certainly those are concerns that as we've consulted on this language we've heard and overall what would appear to be the motivation of this is to in fact deal with the very point that you're suggesting, that no one group or organization should, if you like, have a monopoly or own that, but rather that the various parties who have an interest in seeing this work should come to the table together and try to find a way to go forward without getting to that. That's certainly at this juncture in our consultations what we've been hearing. I think your concern is well taken and it's one that's come up in the pre-consultations to get this language out for more formal public hearings.

MR. FORBES: Okay. I think that's all I have to say.

THE CHAIR: So you, yourself, in fact might I ask you a question?

MR. FORBES: Yeah.

THE CHAIR: It would be interesting for us to hear from you about what you think the need is for having a programme that trains and certifies and makes sure the operators are

ANDREW FORBES
(Own behalf)

well qualified.

MR. FORBES: It's imperative. Yeah. It's think it's very important and under the ITAC programme, we as a company, we sent employees down to Vancouver for schooling and we found is very valuable and very beneficial to have a standardized test and a standardized, you know, regulation, how many hours were required. We found all of that very beneficial and we backed that all the way. We want there to be a standard where people must meet certain criteria before they can run cranes. We're in favour of all that. We just don't want the union sector to be controlling that so we can't get in and we can't send our employees to get trained because we're not a member of the union. We find that -- we've seen that. We've experienced that through other trades. You know, the pile driver abridgement trade, which we also -- I'm ticketed in both of those trades myself and yet to get those tickets in the past was very hard if you were not a member of a union. And yet there needs to be a recommendation that non-union companies can do the work every bit as well and in many ways perhaps better.

THE CHAIR: I think that's a very important point, Mr. Forbes. So I actually am appreciative of your willingness to come here and take the trouble and time to share your views with us. Certainly in the pre-consultation a point that's been emphasized and I think the point you're making to us is

TERESA JARVIE
(Own behalf)

that any programme or any approach that WorkSafe BC indicates is acceptable has to be open to all and that your point is can't be a closed shop and really has to be something that anybody can access.

MR. FORBES: Exactly. Yeah.

THE CHAIR: That is a very important point that you're making and I'm glad to have that on the record. You've made that point really well.

MR. FORBES: Thank you very much.

THE CHAIR: Thank you, sir. Thank you very much.
Thanks, Mr. Forbes.

Again just for the benefit of the three of you who are here, generally speaking what Ms. Burch and Mr. Bates and I have been doing is we've advertised that we're here from seven till nine and we're going to be here and we'll wait. But what I do for just ease, is I will call a temporary adjournment to the formal proceedings, which let's us visit with you. And then should anybody else wish to make a statement, we'll resume the formal hearing, so we'll temporarily adjourn for now.

[PROCEEDINGS ADJOURNED]

[PROCEEDINGS RECONVENED]

PRESENTATION BY MS. TERESA JARVIE ON HER OWN BEHALF:

THE CHAIR: So just tell us your name for the record.

TERESA JARVIE
(Own behalf)

MS. JARVIE: Teresa Jarvie.

THE CHAIR: And how do you spell your second name, Ms. Jarvie?

MS. JARVIE: J-a-r-v-i-e.

THE CHAIR: Great. Thanks.

MS. JARVIE: On the explanatory notes there where you kind of explain what's going on...

THE CHAIR: And this is Part 18, Traffic Control?

MS. JARVIE: Part 18. A couple different places you -- it basically says that signs and other devices should be used in place of Traffic Control People personnel. So I'm just concerned that when people read this they're just going to -- well, it has happened that people are -- my traffic control personnel think that they're -- WCB or WorkSafe is trying to get rid of them, TCPs, and replace them with traffic control devices instead. And at 18.6, the language in the old or -- or now -- that's written right now is basically the same thing as what is here, but number 2 is actually in number 1 place and number 1 is number 2 place. So they don't first see a Traffic Control Person may be only used and then go on to that, so when they read this, it says the only time you should use a Traffic Control Person is if you -- you know, this right here. So they're thinking that WorkSafe is trying to get rid of Traffic Control People and try to pursue just using, you know, devices, signs and other things rather than

TERESA JARVIE
(Own behalf)

Traffic Control People. That's been the concern that's been -- I've been approached with.

THE CHAIR: Okay. So that's an important point. So maybe let me -- I want to make sure that we're capturing what your concern is. So I did notice that to your point, under 18.1 even in the general -- the general requirements, it would -- the explanatory note is just explaining the language in the Regulation. It says people often think of traffic control as the use of a Traffic Control Person when most traffic control requirements can and should be met by use of signs and other devices and procedures. So use of that word most is part of what you're flagging?

MS. JARVIE: Well, can and should be met with other devices sends up red flags.

THE CHAIR: Right. So just to turn to your point about 18.6 so in the general department, the intent of the proposed amendments was to say there are some situations which would be less hazardous than others and it would be appropriate to match the requirements to that -- to the circumstances. So that's an important point, but your concern is that the -- the language in the explanatory notes .1 and the order of 18.6 is leaving the impression that the preference is for removing Traffic Control Persons?

MS. JARVIE: Yes.

THE CHAIR: So let me assure you that isn't the intent

TERESA JARVIE
(Own behalf)

of the language, so it's helpful to us to hear that that's the flag, the red flag for you. The intent of the amendments was to -- was to get at the scenarios where not every situation is as dangerous as every other. And that there may be some, not most, but some circumstances where you would want to look at that and make an appropriate decision about what is required.

MS. JARVIE: Which is basically in the regulations now.

THE CHAIR: Right. Yes.

MS. JARVIE: So my question too is why is there this rewording of things?

THE CHAIR: Okay. That's a good question. One of the concerns that we heard in the pre-consultations was almost the other end of that spectrum, that there were people that believed that -- that it was mandatory to take a course -- a two-day course for every set of circumstances that you might encounter in the area of traffic control. So from some large employers, municipalities for example, the point that we heard was there are some situations where we believe we can properly train our employees to deal with traffic control situations. It may be two hours or maybe 15 minutes or maybe an hour or it may be proper instruction, written procedures, proper supervision for a set of circumstances where you really are only -- we've heard those examples -- you might be blocking off an entranceway because something is being

TERESA JARVIE
(Own behalf)

delivered, but it would not necessarily mean you had to take a full two-day course for those types of circumstances.

MS. JARVIE: Right.

THE CHAIR: So I think you're making a very good point because really the point you're making is, I believe, that in addressing the concern that there needs to be an assessment of the risk or the hazard, your concern is that the impression that the amendment is giving is that there's a preference on the board's part not to have Traffic Control People.

MS. JARVIE: Yes.

THE CHAIR: So that is not the intention. The intention is to have the appropriate or -- the appropriate controls for specific situations depending on the hazard.

MS. JARVIE: Okay.

THE CHAIR: So I think that that's a really important point that you're making.

MS. JARVIE: Another quick question I have is in here you refer -- they refer a lot more to the traffic control manual for work on roadways.

THE CHAIR: Yes. This is the Department of Highways Manual?

MS. JARVIE: Yes. In here. And I've seen that it's much more prevalent in this new proposal than it was before.

THE CHAIR: Right.

TERESA JARVIE
(Own behalf)

MS. JARVIE: They're changing that in 2007, so are these going to -- you know, is it all going to encompass and be all as one or -- because it says in here that this will actually supercede the Traffic Control Manual if there's a conflict. So is it going to be, you know -- is there going to be those conflicts, or have you looked into that?

THE CHAIR: Anne has actually been looking after that issue so I'm going to ask Anne to answer that for you.

MS. BURCH: Okay. So the Regulation always supercedes a course or a manual. So whatever happens is that this -- this Regulation, the Occupational Health and Safety Regulation will always supercede a manual. The people who worked on the development of this Regulation were in very close contact with the Ministry of Transportation and Highways who actually is responsible for the manual and they don't foresee that there's going to be any conflicts really whatsoever with the changes that they're proposing to the manual and this Regulation.

MS. JARVIE: Okay.

MS. BURCH: So we've worked very closely with them.

MS. JARVIE: Okay.

THE CHAIR: But to your point and it is a good one the point we're making is should there be a change to that manual, what would take precedence and the answer is the Regulation would.

TERESA JARVIE
(Own behalf)

MS. JARVIE: Okay. All right.

THE CHAIR: Does that answer your question?

MS. JARVIE: Yes, it does.

THE CHAIR: Okay. Thank you. Thanks very much. So
again, I'm going to call for a short adjournment.

[PROCEEDINGS ADJOURNED]

I, Alanna L. Siemens, Official Reporter in the
Province of British Columbia, Canada, BCSRA No. 391, do
hereby certify:

That the proceedings were taken down by me in shorthand
at the time and place therein set forth and thereafter
transcribed, and the same is a true and correct and complete
transcript of said proceedings to the best of my skill and
ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name
and seal this 17th day of May, 2006.

Official Reporter

Alanna L. Siemens