

November 30, 2006

WorkSafeBC
Workers' Compensation Board of B.C.
Prevention Policy & Regulation Review Dept.
Policy & Research Division
P.O. Box 5350, Station Terminal
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Dear Sir/Madam:

Re: Proposed Amendments to the Occupational Health & Safety Regulation (OHSR) - Parts 3 & 4

The Canadian Petroleum Products Institute (CPPI) has reviewed the proposed amendments to the British Columbia Occupational Health and Safety Regulation and is pleased to be able to provide suggestions for improvement. The proposed amendments add clarity towards the protection of the health and safety of workers, especially statistically based higher injury rate employees. However, the CPPI has concerns on implementation and enforcement of the proposed amendments in Parts 3 & 4 to low risk operations and independent business operators where the application of the proposed measures will have an adverse affect in the marketplace and a non-perceptible improvement to the safety of the worker.

**PART 3: RIGHTS AND RESPONSIBILITIES
YOUNG OR NEW WORKERS**

Section 3.23 - 3.26: Young or new worker orientation and training

Statistical information provided by WorkSafeBC in the explanatory notes indicates that the 'young worker' is more likely to experience a workplace injury on the job. Statistical information provided also indicates that 'all workers' have a significantly higher incidence of injury very early (first month) in the start of employment. The implication and root cause (based on WorkSafeBC incident investigation findings?) for these workplace incidents is worker orientation and training. It is not clear if the root cause finding is the lack of a training program, the delivery of the training program, the content of the training program, or the learning retention by the worker.

The prescriptive detail of orientation and training required for all workers, proposed in the amendment, suggests that the content is lacking in the orientation and training that is currently provided to workers.

The requirement for orientation and training of all workers at the start of their employment is only good business. The proposed amendment and explanatory notes provide a detailed description of the requirements to comply with the proposed amendment. The requirements described are very onerous and imply that all new workers, regardless of business size, receive this level of orientation and training. The expectation to implement such a system will require significant resources and capabilities for an employer.

The CPPI is concerned that the requirements to implement the proposed system will create a significant burden for a number of businesses who typically attract the young worker. The statistical information provided indicates that young workers are a significant part of the B.C. labour force (15%). For young workers entering the workforce into low risk industries, on a seasonal or part time employment basis, the onerous requirements of the proposed amendment will create a bias against this category of worker.

Similarly, compliance enforcement by the regulator will be onerous. Although the public expectation is that the regulator focus on injury prevention for workers in higher risk industries, the proposed amendment does not appear to differentiate compliance enforcement requirements between low risk and high risk industries. To enable lower risk small businesses to achieve the requirements for a safe work place, the CPPI recommends that WorkSafeBC support the implementation of these prescriptive orientation and training requirements with tools and guidelines which will enable employers in small and low risk industries to meet the expectations of the proposed amendments. In addition, appropriate guidance documents for business will enable consistent execution of compliance measurement by WorkSafeBC compliance officers. There was evidence of a draft guidance document, prepared by some WorkSafeBC compliance officers during the 2006 'inspection blitz of service station operations', that would support these businesses, as well as other small retail businesses, to comply with the onerous and sophisticated requirements of the regulations.

PART 4: GENERAL CONDITIONS WORKING ALONE OR IN ISOLATION

Section 4.23.1 Mandatory prepayment at service stations

The requirement for prepayment for petroleum products sold at service stations will mitigate theft of these products during the hours mandated. However, it is not clear on how worker injury will be prevented or reduced. In fact, CPPI believes that the risk may increase for worker injury due to the behavior of a customer when the worker is expected to execute the prepayment business offer in the absence of prepayment technology and / or in jurisdictions where full service of petroleum product dispensing into the customer vehicle is mandated. Regardless of the training and orientation provided to the worker, the reactive behavior of a worker in an unexpected violent and / or criminal situation may increase the potential for worker harm.

The requirement for prepayment in 'urban areas' only is also not clear. There is no data provided to support the difference in risk to worker injury between urban and non urban areas. To ensure clarity of the mandated business offer and a level playing field, it is recommended that this amendment apply to all jurisdictions in the province of B.C. regardless of 'urban' or 'rural' definition.

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Has WorkSafeBC considered how this regulatory amendment will be communicated to the numerous businesses that will be required to comply with this regulation?

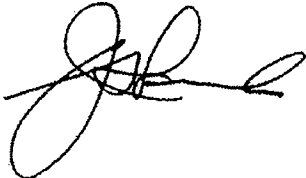
Has WorkSafeBC considered how this regulatory amendment will be communicated to the consumer? The CPPI would expect that WorkSafeBC would inform the general public of this mandated business offer change, rather than putting the individual business operator or worker in the position to inform the consumer of a potentially unpalatable business practice.

In addition, it is recommended that WorkSafeBC provide sufficient time (12 months) to enable independent business operators the opportunity to complete an assessment of the implications to implement this regulation. This will reduce the adverse impacts to independent business owners, workers, and consumers.

The CPPI is a national association of Canadian refiners and marketers of petroleum products. Our purpose is to serve and represent these sectors of the petroleum industry with respect to environment, health & safety and business issues. CPPI - Western Division members include Arco Products Canada Ltd., Chevron Canada Limited, Husky Energy Inc., Imperial Oil Ltd. - Products/Chemicals Div., Parkland Income Fund, Petro-Canada, Shell Canada Products and Suncor Energy Products Inc. This sector includes petroleum refining, product distribution and sales via retail and wholesale markets.

Yours truly,

CPPI – Western Division

A handwritten signature in black ink, appearing to read 'John Skowronski', written over a horizontal line.

John Skowronski, Director
Environmental Affairs

JSS:cfk