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Canadian Restaurant
and Foodservices
Association

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January 31, 2007

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



Dear Workers Compensation Board Members and Regulatory Review Staff:

On behalf of the Canadian Restaurant & Foodservices Association (CRFA), I appreciate the opportunity to respond to the proposed young worker amendments to Part 3: Rights and Responsibilities in the Occupational Health and Safety Regulation.

The Canadian Restaurant and Foodservices Association is the largest hospitality industry trade association in Canada and British Columbia representing more than 33,000 members nationally including more than 3,200 British Columbia based members as well as numerous member national and regional chain restaurants and bars in the province.

British Columbia's \$8 billion restaurant and foodservice industry employs roughly 168,000 British Columbians of which 71,000 or 42% of industry employees are under the age 25. Our employees make up 21% of all youth employees in the province making our industry one of British Columbia's largest youth employers. Our industry also includes many voluntary part-time and seasonal employees who may return to their employer after taking extended periods of time off to pursue their education and other personal or family interests. Many of these employees may be defined as new workers although they are not.

CRFA supports efforts to improve the health and safety of all foodservice industry employees and has worked with WorksafeBC in the past on initiatives to help improve the health and safety of our employees and reduce our industry and young worker injury rate. We hope our collaborative working relationship has contributed to the significant drop in both our industry's and the young worker injury rate over the past few years.

We appreciate WorksafeBC's efforts over the past few years to reduce unnecessary regulatory burden on the thousands of small foodservice industry businesses in the province. We also appreciate that WorksafeBC is working on becoming more sensitive to the fact that small businesses are not the same as large businesses when it comes to how regulations are implemented and enforced.

Unfortunately, while CRFA supports WorksafeBC's intention to improve young worker health and safety orientation and training as outlined in section 3.23 (1), we do not support the associated compliance measures listed in 3.24, 3.25 (2) and 3.26 as these record keeping compliance provisions would be impractical and unnecessarily onerous for small foodservice operators to comply with given their limited resources. Small businesses do not have dedicated human resources personnel to deal with prescriptive documentation that larger companies have. Furthermore, section 3.24 does not have any time limit on how long the employer must keep these records forcing small employers with little office space to keep these records indefinitely.

The requirement in 3.25 (2) for employers to re-assess and document a young or new workers safety performance every two months for the first six months of employment is also unnecessarily onerous for many small businesses. Most small business operators work closely with their staff and monitor their staff's performance on an ongoing basis.

CRFA believes that effective regulation should be results focused rather than prescription focused. In order to enforce these proposed new regulations officers would be enforcing the prescribed documentation instead of health and safety results. Small businesses and different industry sectors must be given the flexibility to demonstrate regulatory compliance in a way which best suits their businesses' unique health and safety risks. Prescriptive one size fits all regulations such as the proposed young worker regulations do not provide that flexibility. Creating and retaining records will not result in greater health and safety training compliance or improved health and safety outcomes for young and/or new workers.

Therefore, CRFA recommends that sections 3.24, 3.25, and 3.26, of the proposed regulation be eliminated.

CRFA is also concerned with the definition of new worker especially with respect to a new worker returning to work or being relocated to new workplace. For example, does a contract catering employee need to receive new health and safety orientation and training at each site they are sent to perform contract catering services? What about the student or seasonal employee returning to work after being away for several weeks or months? What about the employee who works at different locations of the same business such as a restaurant chain employee? Also many of these new workers are experienced and have transferable health and safety skills. Young workers and new workers are not necessarily the same and often require different health and safety orientation and training.

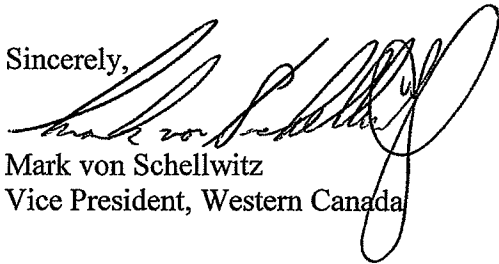
Therefore, CRFA recommends that the proposed regulation more practically redefine young workers and new workers for the application of the regulation recognizing that young workers are often not the same as new workers and often require different health and safety orientation and training.

CRFA also has a number of questions related to the implementation and enforcement of the proposed regulation that require further consultation to answer. For example, how and when does WorksafeBC plan to implement the new regulation? How does WorksafeBC plan to inform employers of the new regulation? Will the new regulations be phased-in? How will the new regulation be enforced?

CRFA recommends that WorksafeBC consult with CRFA and small foodservice operators to amend the draft new worker regulation in way that will improve health and safety outcomes without adding unnecessary prescriptive regulation that will unnecessarily lead to high levels of non-compliance for small foodservice businesses.

Thank you for the opportunity to comment on the proposed young and new worker amendments to the Occupational Health and Safety Regulation. Please contact me if you have any questions or would like any further information with respect to the above.

Sincerely,



Mark von Schellwitz
Vice President, Western Canada