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## ***Nanaimo, Duncan & District Labour Council***

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Subject: Proposed New Working Alone Regulations

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From: Robert Smits <labour@telus.net>

To: regquery@worksafebc.com

The Nanaimo, Duncan & District Labour Council wishes to thank Worksafe BC for giving us this opportunity to comment upon the 2007 proposed amendments to the Occupational Health and Safety Regulations.

The Nanaimo, Duncan & District Labour Council represents 65 affiliated local unions with a combined membership of 13,000 men and women trade unionists in the central Vancouver Island area, from Cobble Hill to Qualicum Beach, and the Gulf Islands north of Saltspring.

We specifically wish to comment on the proposed regulations in Part 3, Rights and Regulations, and Part 4, General Conditions, and to make some general observations.

### **General Observations**

Before we comment specifically on the regulations we wish to add the general comment that regulations are of no use unless those being regulated are regularly inspected and the regulations enforced. In a survey we did in our area prior to making this presentation, one manager of a late night gas bar told us if we wanted him to obey the regulations, then the regulations had to be enforced so that he wasn't at a competitive disadvantage because he was obeying them.

In our view, the single most lacking part of protecting workers working alone is adequate inspections and enforcement of the regulations. This means establishments that have workers working alone need to be regularly inspected to see if the regulations are being obeyed. These inspections need to be done at hours when the workers ARE working alone. If a gas bar only has employees working alone between midnight and 6 AM, that is when it needs to be inspected, not in the middle of the day.

### **Section 3.23.3 Orientation and Training**

In our view, there is no reason to wait two weeks before orienting a new employee regarding the health and safety programs. Since a new employee is the most vulnerable when hired, and before he has any experience on the job, he should undergo the orientation before he does anything else. There are far too many examples of injuries for brand new employees to allow two weeks to go by before orientation.

#### New section 4.20.1, Hazard identification, elimination and control

We agree completely with the proposed new regulations requiring that employers take the time and effort to identify possible hazards and eliminate or control them. This must not be left up to the initiative of the employees, who are often very junior in rank and experience.

We are pleased that under section 4.21, you have required that the employer maintain a log of the employee checked, who by, and at what time, so that an inspector on arrival at such a establishment could readily verify compliance.

Under Section 4.23.1, we feel there is no justification for limiting the application of pre-payment to urban areas. Nor should it be limited to 10 PM to 6AM. Workers are as entitled to be safe in rural as well as urban areas, and whether it's before 10 PM or after, and this regulation should apply everywhere and all the time. And what will you do about areas of regional districts that are immediately adjacent to a town or a city, but don't fall under the urban umbrella? Having one requirement for urban workers and a different, lower standard for rural workers just paints a big bullseye on the backs of rural workers, who will still be assaulted as they work alone.

#### New section 4.23.2, Requirements for gas bars, service stations and other retail operations

Under Section 4.23.2, we'd like to see this section strengthened by adding that employees working alone must have a readily accessible alarm or call button (sometimes called a "panic button") to summon assistance if necessary. In addition, if there are working alone situations where employees are at risk, they ought to be covered by these regulations even if their place of work is not a retail operation.

We'd also like the Board to consider changing the regulations to require either locking the doors between 10 PM and 6AM, or providing workers with a bulletproof physical barrier, or having at least two people on during late night shifts.

#### New section 4.23.3, Worker's wages

One of the main reasons employees put themselves in harms way to try to prevent theft is because employers have taken advantage of employees under these conditions. It happens in private, they'll deny it is going on, but we all know it does. It would be helpful here to have a VERY large fine for breaking this regulation, and perhaps a regulation giving an employee so coerced treble the amount deducted or withheld would encourage reporting of such matters.

In the surveys we have done in our area, many of the stations concerned have begun to meet some, but not all of the proposed regulations. It would be very unfair if business owners were given a competitive disadvantage because they complied with the regulations and those who did not got away with it because of lax or inadequate inspection and enforcement.

Workers report to us that threats to their safety when working alone are common-place and while most don't rise to the level of actual violence the potential is always there. We feel that the new regulations will be readily accepted by employers and employees alike as long as businesses subject to the regulations are adequately and regularly inspected and the regulations enforced. During our survey we noted that not one of the employees talked to could ever remember a Worksafe BC inspection.

Before closing, let me give you some examples of the kinds of difficulties employees faced in our region in the past few months.

November 1. A knife-wielding robber targeted the Payless Gas Station in Duncan on Saturday night, making it the third late-night gas station robbery in the city in less than a week when a man produced a machete and demanded cash, however police do not believe the three are connected. "This appears to be completely unrelated to the other two robberies at 7-Eleven," said Const. Susan Boyes of the North Cowichan/Duncan RCMP.

The Payless is not the only late-night gas station and convenience store to be targeted by robbers lately. The 7-Eleven store on Government Street (in Duncan) was robbed late at night last Tuesday by an unarmed man and again on Thursday

On November 2<sup>nd</sup>, what Nanaimo RCMP deemed a "quiet" Halloween night included an armed robbery. Patrol officer Const. Gary O'Brien said the armed robbery took place at the Husky gas station on Terminal Avenue at approximately 7:30 pm. The suspect was wearing a Scary Movie Halloween mask, and left with a sizable amount of money.

Thank you for hearing our submission, and we ask you to consider our points when you adopt the new regulations.

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