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To Worksafe

Working Alone Regulation

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WorkSafeBC Hearings, November 27th, 2006

My name is Cheryl Stone. I work in the retail grocery industry, here in Kelowna, B.C. I am also Vice President of the North Okanagan Labour Council.

Thank-you, for giving me this opportunity to speak to you today on the changes to the “**working alone**” regulation. I am speaking on behalf on myself, and the many other employees, at my place of employ as well as the many workers, union or non-union, who work in the retail grocery and convenience stores, hotel reservation desks, and gas bar industry, who must be on shift alone late at night.

I am here today to speak on this regulation because of my observation of the **unsafeness of working alone in any public place of employ late at night. In grocery and small convenience stores, gas bars, hotel reservation desks, that are open until midnight or later**, the clientele is different at night than it is during the day hours. There is more violence in the workplace taking place in the late hours when employees are alone. They are much more vulnerable and in most cases defenceless.

The employees at my place of employ are lucky, in that, Health and Safety and Violence in the Workplace policies are in place. I am still concerned, however, about the cashier who works from 11:00 pm to midnight, or later, alone. There **are** other employees in the store, but these people are not usually up front where this cashier is working. They are usually far down an isle or in the backroom working stock to the sales floor. I would like to see the “working alone” regulation changed in order that the employer will be forced to work two cashiers on duty together late at night.

Even though Health and Safety policies in place, including the “**no chase**” policy, training may not kept up to date and the policy is not known by newer employees because of not enough Health and Safety training hours. The Health & Safety Training regulation, concerning numbers of hours allowed for training, should be increased from 8 per month to 16 per month. I am a trainer of Health & Safety in my store and find that 8 hours per month is NOT enough time to effectively complete Health & Safety training with so many employees.

My employer does have gas bars and I am concerned about this issue as my place of employ could very well have a gas bar in the future. In 2005, 188 workers were killed at work in BC, 11 were young workers. One of these young workers was Grant DePatie, who worked alone at a gas station, late at night. Grant's death was preventable, and there is a responsibility on all of us to ensure that another family does not have to suffer such a tragic and preventable loss.

The gas station where Grant DePatie was killed had a policy in place to lock the doors and require prepayment, and it was found that if the employer had followed these procedures, Grant would be alive today.

The proposed "working alone" regulation states **"an employer must require that customers prepay for petroleum products sold in service stations in "urban areas" between the hours of 10:00 pm and 6:00 am"**. I thank WorkSafeBC for taking this very important step in recognizing the risk that workers face late at night, but I would also like to point out that this is only addressing **part of the issue**.

I would like to recommend to the Board that the current language be changed to **"an employer must require that customers prepay for petroleum products"** prepay should be in all service stations for 24 hours, and **not just urban areas**. Many incidents of Gas and dash occur during the day. The transaction occurs when individuals put petroleum into their vehicles and then instead of purchasing the goods, they leave without payment.

When a gas and dash occurs, there are repercussions such as workers feeling responsible for the loss, although Safeway does not make the employee feel responsible for this cash, there are many non-union businesses out there that do so. Although many employers may have a no chase policy in place, they are not always clear on this, due to improper or no training, and it leads workers to put themselves on the line to recover the cost.

This proposed regulation is designed to prevent gas and dashes from occurring. The result of requiring prepayment will take away any **illegal** requirement that employers will put on workers to chase after the customers who commit theft.

Requiring a worker to pay for loss of income to the employer is a clear violation of the **Employment Standards Act** and it also puts workers at risk.

We are asking for:

- 1. 24 hour pay before you pump**
- 2. the Board to also change the violence regulation to make employers**
 - a) lock the doors after 10:00 pm – 6:00 am or**
 - b) provide workers with a bulletproof physical barrier or**
 - c) have two people on during the late night shift**

We also want to acknowledge the work that WorkSafeBC has done in the gas station inspections and stepping up enforcement.

I thank the Board for acknowledging that this is not enough and for considering that it is not just the gas-and-dashes that puts workers at risk and for looking at further amendments to the violence regulation. **There are numerous hazards that are facing late night workers. I look forward to seeing the regulations that are going to put forward in the New Year.**

The WorkSafeBC publication "**Preventing Violence, Robbery and Theft**" shows that out of 1200 workers surveyed by the Retail Association 21% had been subjected to violence or aggressive acts.

Risk factors involved in retail are:

- Contact with public
- Exchange of money
- Delivery of goods and serviced
- Working alone or in small numbers
- Working late at night or early in the morning
- Working in high crime areas
- Robbery and assault
- Shoplifting
- Abusive and difficult customers
- Unwelcome members of the public

The current regulations that are in place to protect these workers from Workplace Violence, the Working Alone or in Isolation regulation and the Violence regulation are not sufficient in providing protection to all of these risks.

The **Working Alone** or in isolation regulation requires employers to check on the well being of workers and is performance based and leaves the specifics to the employer. As in all sectors, working alone puts workers at risk of violence among other things.

Check in procedures will only let people know of incidents after something has already occurred.

As part of the violence regulation, employers are required to do risk assessments in any workplace that poses a risk to workers. Once the assessment is done, they are to eliminate, and when that is not possible, they are to reduce the risk. The **employers** are left to determine what

steps need to be taken and in many instances they vary. In many businesses, risk assessments NOT even done at all.

An example of this can be two stations across the street from each other; one will have pre-pay only, a window to service customers and two people on. The other will have one person working alone, no check in procedure and the door open to customers. How can the risk assessment at each station reflect such different solutions?

In July 2006, WorkSafeBC inspected 366 gas stations and it was discovered that most of the stations did not follow the current regulations as they stand. It was stated in the media release, that "the pilot phase of this initiative has resulted in virtually every inspection documenting violations and issuing orders." This shows that the current regulations that are in place to protect workers who work in gas stations, **are not being followed.**

WorkSafeBC inspections show that most employers have not evaluated the risk involved in doing the job or develop a working alone procedure check on the workers who are working alone. Considering the results of these inspections, there needs to be more done than changing the prepay rules to ensure safety, as it may be one step to reducing risk, it does not do enough to eliminate the risk.

The current regulation allows the employer to decide on the steps that need to be taken to lessen the risk. The regulation assumes that the employer will take the responsibility to do so, yet it has been proven by the inspections by WorkSafeBC that this is an unfair assumption.

While some gas stations have taken steps to ensure high levels of protection to workers, there are others who do not even take small steps to ensure the workers are safe.

In order to deal with the rising occurrences of theft and violence at gas stations and grocery and convenience stores, hotel reservations front desk, there needs to be prescriptive regulations that clearly state what the employer needs to do in order to ensure the risks are eliminated.

I hope that WorkSafeBC will look at the introducing regulations that will ensure the safety of late night workers. Regulations requiring all gas stations to lock their doors, or have workers separated from potential violence such as a bullet-proof barrier.

Having two people on shift at all times, together, late at night, would also lessen the risk to the workers.

It would serve as a deterrent as well as having a second person there if something were to happen. While some gas stations, grocery and convenience stores, hotel reservation desks, may have a check in procedure based on time intervals, with the use of security personnel, it does not let people know that the worker is in danger until after an incident has happened.

I would like to thank you for taking the time to hear me today and I hope that you will consider these recommendations.

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