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Submission: Part 3 and Part 4 Regulatory Proposals

United Food and Commercial Workers Local 1518

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WorkSafeBC

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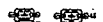
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1. INTRODUCTION

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

**3. PART 4: GENERAL CONDITIONS
WORKING ALONE OR IN ISOLATION**

INTRODUCTION

The United Food and Commercial Workers represents 28,000 workers in retail food, food processing, warehousing and community health care throughout British Columbia.

Thousands of our members are significantly affected by the two proposed amendments regarding new and young worker training and working alone or in isolation. The retail food industry is a high turnover industry and employs tens of thousands of young and new workers each year. This industry has also entered the gas retailing business, and we represent workers in twenty-four gas bars across the province, connected to Canada Safeway and the Overwaitea Food Group. The proposed amendments to Parts 3 and 4 of the regulation are long overdue, however, both need significant additions to make these regulatory requirements effective.

1. **PART 3 YOUNG AND NEW WORKERS REGULATORY PROPOSAL 3.23-3.26**

We agree there is a need for such a regulatory requirement. In general, the proposal begins to address this need with the following important qualifications:

Section 3.23 (1)

While we agree that the employer is responsible for ensuring that training and orientation occurs, the Joint Health & Safety Committee, specifically the worker co-chair and representatives need to participate in this orientation and training. They also need to be directly involved in order to evaluate the effectiveness of this training, one of their legislative responsibilities under the Workers Compensation Act.

It is our experience that new and young worker orientation and Health & Safety training is ineffective where joint Committee participation is not in place. The best practice in workplaces throughout BC has been to directly involve the co-chairs in such training. Where this occurs, new and young workers are fully apprised of hazards that the Committee has identified and is addressing, past practice and concerns identified in previous incident investigations involving the Committee and new or young workers, and the results of risk assessments performed by the Committee as part of its mandate. Where the Committee has been blocked from participating in new worker orientation and Health & Safety training, supervisors have not been able to convey the above essential information, due to inexperience, lack of time given to the task, lack of knowledge of the OHSR and the in - house H&S program. The involvement of the Committee must be made a regulatory minimum requirement, to ensure that those workplaces where substandard training occurs involve the joint Committee.

We could share with you hundreds of examples where new worker orientation has not occurred and serious incidents have occurred. The two below should be enough to help illustrate this point:

1. Overwaitea Food Store

Young and new workers assigned to degrease a meat department. Chlorinated controlled product was used to clean off the ceiling. This overhead work resulted in significant overexposure of the young workers, and no protective equipment was worn. The process was only stopped when the worker co-chair, overwhelmed by the chemical fumes, intervened and told the young workers to use proper safe procedures.

2. Safeway Food Store

A young Starbuck's coffee bar employee placed a cleaning solvent into an unmarked empty plastic container and placed it into the refrigerator. Another young employee on a following shift mistook the material for juice and drank some of the material. Oversight and follow-up by the JOHSC person responsible for WHMIS orientation would have prevented this incident.

While these two examples demonstrate poor orientation and knowledge of safe work practices, corporate programs and regulatory requirements concerning the use of chemicals, there are similar problems with respect to violence in the workplace programs and policies, and MSI prevention.

The fact of the matter is that there are many worksite employers who do not use best practices, and there must be a regulatory check and balance to ensure worker participation and joint Committee oversight.

We, therefore, propose that **3.23 (1)** be amended to include clause 1(b):

“The Joint Health & Safety Committee, worker co-chair, and where there is no Committee, the H&S worker representative shall participate in the young or new worker orientation session. “

3.23 (3)

This section needs significant revision. We do not agree that a two-week or further delay is justified in WHMIS training and in notification of Committee contact information. In fact, as the two examples above demonstrate, such a delay places young or new workers at significant risk of injury. The WHMIS regulation requires worker training and education in the hazards of controlled products, and the significance of the content on labels and MSDS prior to the use or exposure to a controlled product. This regulatory proposal violates the WHMIS regulation, a minimum cross Canada standard in place, in every province. We do not believe that the MOU with respect to enforcement of the federal HPA allows BC to significantly undercut the federal WHMIS model regulation.

We therefore propose that both WHMIS training and Committee notification be required as part of the training outlined in 3.23 (2).

3.25(2)

This section focuses on the young worker's performance rather than addressing the effectiveness of the training program and health and safety program in ensuring young or new worker safety.

We do not support this approach and propose that the clause be re-written as follows:

3.25(2) Every two months of the first six months of a young worker's employment with an employer, the employer and joint health & safety committee must assess and document the effectiveness of the orientation program to determine if the young worker is protected from all hazards associated with performing work tasks or work processes

2. PART 4: GENERAL CONDITIONS: WORKING ALONE OR IN ISOLATION

The intent of the proposed amendment is long overdue and we welcome the fact that WorkSafe BC has finally attempted to address the public's and Minister's concern for late night gas bar and retail workers. The proposal, however, does not address the actual risk factors that cause serious injury and repeated acts of violence against night and gas bar retail workers.

The UFCW represents workers in 24 Gas Bars associated with retail food supermarkets throughout BC. There have been many robberies and violent incidents in these locations. They have involved violent customers, robberies of clerks in the convenience section of the store, assaults, choking's, and exposure to biohazards.

The employers operating these gas bars under our jurisdiction include Canada Safeway and the Overwaitea Food Group.

Canada Safeway has implemented a number of safety measures, and these are attempting to address the most important hazards, from direct experience of robberies and violent customers in the retail area of the gas bar. Some of their locations ensure that all pumps are pay at the pump after dark, but most do not. They have instituted a two- person on shift at all times policy, and this has significantly helped the workers. In addition, there are regular tasks that require gas bar workers to leave the retail area and work around the pumps. Having a second person in the store, with automatic locked doors is the required procedure, and this helps protect both workers. When the doors are locked, individual customers are buzzed in, based on the worker's judgment of risk. Unfortunately, this is not sufficient, and clearly places an onus on the worker to make a value judgment that they cannot guarantee to be correct. To their credit, Canada Safeway has ensured that there is operational video surveillance, emergency alarms, and individual alarm pendants for all workers. They are considering night windows for higher risk locations, as all of the above safeguards are not adequate in such locations, and serious incidents continue to occur.

Our experience with the Overwaitea Food Group has been less responsive to the security needs of our members. They do not have a two person staffing rule in place and refuse to consider it. They do not have magnetic door locks, and they will not consider night windows or security barriers for the in store gas bar clerks. This places our member at serious risk of assault. It is unfortunate that some employers will take the steps required to minimize the risk to workers and others will not. That, however, is why we have and need minimum regulatory requirements. Workers need equal protection, and we cannot rely on the safeguards initiated by "good" vs. "bad" employers.

4.23(1)

This addition takes a micro step in the right direction. It, however, is far too little, too timid an attempt to address the violence risk. The following four recommended changes are necessary if we are to have any real impact on reducing the documented risks to these workers:

First, gas and go robberies occur at all times of day, and the 10p.m. proposal does nothing to address this, nor does it account for darkness after 4 p.m. during winter months. Pay at the pump should, therefore, be a 24-hour requirement.

Second, this amendment does not address most of the risk, which is due to robberies at the till and assaults both around the pumps and in the convenience section of the store. A two-person staffing rule is a minimum, already adopted by more responsible employers such as, in this case, Canada Safeway.

Third, the regulation must address the ongoing problem of assaults and robberies at the till. Night windows and effective enclosures for the retail area staff are required.

Fourth, operational video surveillance is required, and we are surprised that even your minimalist proposal did not require it.

We urge WorkSafe to adopt these four significant amendments to the proposal. We are available to meet with you at any time to give you further information and details of real incidents occurring in these gas bars. Incidents that would be prevented by secure enclosures, nighttime pay-windows, a two-person rule, and operational surveillance with appropriate signage.

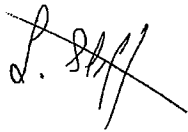
One of these days there will be another gas bar fatality...and it will be caused by not properly ensuring the security of gas bar workers, who are assaulted and robbed inside the gas bar retail area with regularity. We have an opportunity to prevent that from happening. Your proposal does not do that.

We have reviewed the brief from the BC Federation of Labour that has addressed many of these gas bar issues. We offer our complete endorsement of their brief and recommendations. They have noted in that brief that there are many practicable prevention practices that have been recommended by various jurisdictions in the past. Some have had the will and commitment to implement them.

They have noted that a comprehensive industry specific regulation preventing violence to workers in this sector is needed. We agree with that and believe it to be a much more effective approach than adding one measure at the end of the existing working alone regulation. However, it is urgent that we do not delay this any further. The recommendations we have made above would immediately address the security needs of gas bar workers today. In particular, our key recommendations of security enclosures and a two- person rule.

It is time British Columbian night and gas bar workers received the regulatory protection they deserve.

Respectfully submitted,



Larry Stoffman
Director of Occupational Health & Safety



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