

WORKERS COMPENSATION BOARD OF BC

PUBLIC HEARING

OCCUPATIONAL HEALTH AND SAFETY REGULATION

Prince George, BC

November 20, 2006

TRANSCRIPT OF PROCEEDINGS

PANEL:

Roberta Ellis

Chair

Anne Burch

Vice-Chair

Mark Powers

Legal Counsel

Alanna L. Siemens
PO Box 22 Station A
Prince George, BC
V2L 4R9

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THE CHAIR
(Introductory Remarks)

1 THE CHAIR: So good afternoon, ladies and gentlemen. I
2 would like to welcome all of you this afternoon to
3 this public hearing, the first public hearing that
4 we're holding in Prince George on proposed
5 amendments to the Occupational Health and Safety
6 Regulation.

7 And the first order of business for me is to
8 introduce ourselves. We are the public hearing
9 panel. My name is Roberta Ellis. I'm the
10 Vice-president of the Policy and Research Division
11 at WorkSafe BC, and I'm the chair of this hearing
12 today.

13 On my left is Anne Burch who is the director
14 of prevention policy and review and Anne is our
15 Vice-chair.

16 On my right is Mr. Mark Powers who is legal
17 counsel to WorkSafe BC and the Board of Directors.

18 And I'm also going to introduce Alanna who
19 said give me a minute because I'm not quite switched
20 on and she is now switched on. Alanna Siemens is
21 our court reporter and she's going to be taking
22 verbatim notes from our proceedings today.

23 The record that she makes assists the Board of
24 Directors of WorkSafe BC in the decision-making
25 process and the recorded notes from all of these

1 hearings are made public after the Board of
2 Directors has made a decision around these proposed
3 regulatory amendments.

4 I also want to let you know the media are
5 welcome to attend our public hearings and that means
6 what is said in public hearing, including any of
7 your comments, can be recorded by the media,
8 including television and radio reporters.

9 And with regard to this particular hearing by
10 way of background further to public hearings which
11 were held in May, the Board of Directors of WorkSafe
12 BC approved an additional public hearing as part of
13 the 2006 regulatory review process and they approved
14 that additional hearing in order to consider
15 expanding the scope of requirements that had been
16 introduced in Section 6.36 of the regulation to
17 include safety-engineered devices for all hollow
18 bore needles and other medical sharps.

19 As well the Minister of Labour and Citizens
20 Services made a request to the Board of Directors
21 under Section 229 of the Workers' Compensation Act
22 that WorkSafe BC address through regulation
23 prepayment for gasoline at service stations in urban
24 areas during late night and early morning hours.

25 And you will probably all know that in

1 introducing this request, the Minister of Labour
2 stood with the family of young Grant DePatie and
3 introduced this request as Grant's Law.

4 The Minister of Labour also asked the board of
5 directors to include in this 2006 hearing a
6 regulation that would address the orientation and
7 training needs of young and new workers. Now
8 WorkSafe BC had already developed a regulation,
9 proposed amendments to the regulation, for hearings
10 to take place in May 2007. In light of the request
11 from Minister Illich, the Board of Directors agreed
12 that that section of the proposed amendments could
13 be heard now. So accordingly proposed amendments
14 have been drafted to Parts 3 and 4 of the
15 Occupational Health and Safety Regulation and the
16 purpose of this public hearing is to provide you
17 with an opportunity to comment on the proposed
18 amendments to the regulation as follows: Part 3
19 rights and responsibilities that relates to the
20 orientation and training needs of young and new
21 workers. Part 4 general conditions, working alone
22 or in isolation relating to prepayment at service
23 stations in urban areas during late night and early
24 morning hours. And part 6 substance specific
25 requirements relating to safety-engineered devices

1 for all hollow bore needles.

2 These proposed amendments and along with their
3 explanatory notes have been placed on our WorkSafe
4 BC website and an E-news notification was sent out
5 to over 1,600 stakeholders advising them of the
6 proposed amendments on the website and inviting
7 comments. Just so you know, obviously, as well as
8 our public hearings, we do receive emails, faxes,
9 written submissions and those are all obviously also
10 part of the formal record that are brought before
11 our Board of Directors.

12 As you probably already know copies of
13 proposed amendments are available just at our front
14 desk outside.

15 Now, before we go much further I also want to
16 let you know that WorkSafe BC is working on further
17 amendments to Part 4, general conditions. That's
18 the part of the regulation that deals with working
19 alone or in isolation.

20 These proposed amendments are not part of this
21 public hearing process. The intent though is that
22 they would further strengthen the working alone or
23 in isolation section of the Occupational Health and
24 Safety Regulation recognizing that all workers who
25 work in these types of situations, working alone or

THE CHAIR
(Introductory Remarks)

1 in isolation, should be afforded safe workplaces.

2 We'll be proposing explicit requirements that
3 hazards be identified and steps taken to reduce the
4 risks from the hazard when a worker is working alone
5 or in isolation. Further requirements under
6 consideration would strengthen protection for
7 workers in a broader range of workplaces in all
8 retail and service operations open late at night or
9 early morning hours. So I just wanted to make
10 members of our hearing process today aware of that,
11 that we are contemplating some further amendments in
12 that area.

13 Today though we're here to listen to your
14 remarks. To ensure that we proceed in a timely
15 manner, I would ask that you, to the extent that you
16 can, keep your presentation to the time you've been
17 assigned. And I give a little leeway on that
18 obviously. Sometimes our hearing are packed. And
19 in fact, I don't know if I mentioned it, but we'll
20 be holding public hearings as well as a hearing in
21 Prince George, Nanaimo, in Vancouver and in Kelowna
22 and I think a couple of our venues are already --
23 all the slots are taken, so we'll be extending the
24 time. We have a little more time today to hear what
25 you have to say.

DOUG DePATIE
(Own Behalf)

1 If you have written information that you would
2 like to leave with us, then you can do that at the
3 sign up desk outside. The oral and written
4 submissions will form part of the public hearing
5 record and the deadline for receiving any written
6 material is 4:30 p.m. on Friday December the 1st.

7 The public hearings represent the formal
8 consultation process. Once the hearing process is
9 complete, the written and oral submissions will be
10 analyzed and the Board of Directors, the
11 decision-making body at WorkSafe BC, will have
12 access to all of the submissions prior to making
13 their final decision on each proposal. So this is
14 your opportunity to be heard on these issues.

15 I do want to thank everybody who is here today
16 for taking the time and the trouble to spend time
17 with us today. And I'm particularly honoured to
18 call upon Mr. Doug DePatie who is the father of
19 young Grant to be our first presenter today.

20 Welcome, Doug.

21

22 PRESENTATION BY MR. DOUG DePATIE ON HIS OWN BEHALF:

23 MR. DePATIE: Thank you very much. My name obviously
24 Doug DePatie, father of Grant DePatie, the gas
25 station attendant who was horrifically killed in the

DOUG DePATIE
(Own Behalf)

1 workplace in Maple Ridge Esso Station.

2 It all started for Grant and myself when Grant
3 felt that he needed some money to enjoy his life a
4 little bit better. He decided to go down the street
5 and get a job at the gas station. I believe that
6 the payment policies at the gas station Grant chose
7 to work at from that time on infringed on his human
8 rights. He had the right to safety and security and
9 he had the right to life. I believe those payment
10 policies also infringe on our human rights. When me
11 and my children are walking on the sidewalk to go
12 get a slurpee at the store, their rights are
13 diminished when gas and dashers rip out of the
14 driveway endangering the public and motorists and
15 pedestrians.

16 At the gas station where Grant was killed, it
17 was found through WorkSafe BC's investigation that
18 there was some major deficiencies in their safety
19 programme, in Grant's training, in the magnetic door
20 lock policy, in supervision, supervision of working
21 alone. I believe that investigations and -- of that
22 gas station and other gas stations would have
23 prevented this fatality as well. I believe
24 supervision of Grant and proper training to address
25 his traits of being a young man. He was -- acted

1 quickly and -- and impulsively. I believe that
2 magnetic door lock would have stopped him from doing
3 that. They had a magnetic door lock policy at that
4 gas station from 11 till 6. That was never
5 implemented or enforced.

6 Me and my father-in-law Chett Crellin were
7 wondering what we could do to stop this from ever
8 happening to another worker in a workplace or to
9 another family. We thought about prosecution, but
10 we wanted a constructive approach that would save
11 lives, so we took on Grant's Law to try to get pay
12 before you pump, like it is in the States and like
13 it is in so many gas stations in our community
14 already. We lobbied through municipalities, through
15 the government and with WorkSafe BC. We joined with
16 the BC Federation of Labour who was instrumental in
17 helping us to address the issues, co-ordinating us,
18 and having several meetings with WorkSafe BC on the
19 same issues. I'm glad to hear that the minister is
20 bringing in, through WorkSafe BC of course, Grant's
21 Law, pay before you pump.

22 I still believe that workers, pedestrians and
23 the general public are at risk in the hours that
24 Grant's Law does not protect them. Grant's law
25 protects workers and addresses Grant's death. It

1 addresses the time Grant was killed. It addresses
2 how one of the major laws that was being broken at
3 the particular time that Grant worked. He was a
4 night shift worker working alone. I am glad that
5 we're taking one of the steps to prevent a further
6 fatality and like steps we will hopefully be taking
7 more of them as we have heard so far tonight, other
8 public hearings.

9 I spent some of my time this year at a coffin
10 March, 188 coffins in my background. We have to
11 knock these numbers down and I think that this
12 orientation of young workers and the dealing with
13 the issues regarding working alone and educating and
14 making employers accountable for not living and
15 abiding by the regulations set out before them.

16 In 1986 there was a police officer at the
17 Calgary Airport investigating a gas and dash. I
18 realize it's not in the Province of British
19 Columbia, but I think it's kind of -- went kind of
20 -- he went to a call to a gas station gas and dash.
21 He pulled a pick-up truck to the side of the road
22 just outside the Calgary Airport and received six
23 shotgun blasts. First shotgun blast point-blank to
24 the face. Five followed to the body. He died on
25 the side of the road. I think that should have been

1 heads up.

2 Gas and dashes are nothing new. Violence in
3 the workplace for gas stations and convenience
4 stores is nothing new.

5 To move from here and not continue addressing
6 gas and dashes for a 24-hour period and violence in
7 the workplace would be a loss of our momentum. It
8 could lead to losses of more lives. It will lead to
9 losses of more lives.

10 And me and my father-in-law Chett and the BC
11 Federation of Labour are looking forward to working
12 on further initiatives to address these issues.

13 Thank you very much.

14 THE CHAIR: Thanks, Mr. DePatie. I just want to clarify
15 one thing because I want to make sure it's not lost
16 for the record. Just to be clear what you are --
17 what you're articulating is that this regulation
18 proposes ten till six. Your position is that this
19 should be a 24 by 7?

20 MR. DePATIE: Absolutely. I thank you for the step in
21 the right direction. I think that WorkSafe BC
22 should one up the minister and bring into
23 legislation.

24 THE CHAIR: I just wanted to make sure I had captured
25 that very clearly. Thanks, Mr. DePatie.

CHETT CRELLIN
(Own Behalf)

1 Our second presenter today also has a family
2 connection. Mr. Chett Crellin is the grandfather of
3 young Grant DePatie. We welcome you.

4

5 PRESENTATION BY MR. CHETT CRELLIN ON HIS OWN BEHALF:

6 MR. CRELLIN: As I was introduced, I'm Chett Crellin
7 from Abbotsford. I'm the grandfather of Grant
8 DePatie and I do want to compliment and thank that
9 the work that we've had done by those that have
10 assisted us, starting off with -- number 1 with the
11 former Minister of Labour, Michael DeJong, the now
12 Minister of Labour, Olga Illich.

13 The -- it was imperative for us that if we're
14 going to work within the working industry is that we
15 would approach the BC Federation of Labour to bring
16 in the scope of -- and have an understanding that
17 how all employees, all workers within the province
18 can take a look at this and they can bring their
19 input to this -- to this forum. And we definitely
20 do appreciate the fast tracking that WorkSafe BC has
21 gone and done for this. There are things that I
22 have taken a look at over the past year that
23 indicates to me and others that the ten to six being
24 as a good start, it's tantamount that we bring it in
25 right from the very beginning as 24 7s.

1 We must also take a look at -- at the
2 dividing, the splitting up, the cutting up, of the
3 province. I use that terminology, you know, like we
4 in suburbia and those out in the rural area. And I
5 think that's totally unfair. Number 1, I take a
6 look at WorkSafe's regulatory powers now that will
7 have a -- the regulations within the logging
8 industry, but then they'll take a specific
9 regulation that refers to only this area because
10 it's not going to be anywhere else. So what we're
11 saying is in this incident we're going to take it to
12 the urban areas, but not to the rural. Is it
13 because it doesn't happen there? Is it because
14 these young workers in that area should not be
15 afforded the same protection as the ones in Prince
16 George, Kelowna, Nanaimo, Penticton, Maple Ridge,
17 Surrey, all of these areas. I take it too also the
18 fact that the RCMP a short time ago they -- I
19 believe you have probably a document passed on to
20 you, but in a meeting of the police -- I shouldn't
21 say the RCMP. In a meeting of the police chiefs and
22 the superintendents of the RCMP just back a ways
23 they brought a motion forward that in all fairness
24 throughout the whole province 24 7s. I think that
25 these fellows given the vast ability they have in

1 looking at safety -- I say that quite candidly
2 because you see in some of the matters in industry,
3 the RCMP are there. Is it because of the fact that
4 they're brought in or whatever -- they're still
5 there. Their idea of safety in the work force or
6 the workplace when the person is walking down the
7 street or the gentleman cutting across to go and pay
8 is gassing and a guy takes off. So we have a whole
9 avenue of things. When these guys come to me and
10 talk about safety, they tell me, Chett, the law is
11 going to be you stop for red lights everywhere in
12 the Province of British Columbia. We don't tell you
13 we're going to have it in suburbia, but not in rural
14 because then we would be again making it, well,
15 heck, you don't have to worry. I don't think that's
16 fair. I don't think it's fair to the young people
17 that are working, the young people I've talked to
18 throughout the province to see how they feel. It
19 happens. Unfortunately my grandson was dragged to
20 death between the hours of ten and six. Does that
21 mean it happens only then? No. This is one of the
22 incidents that brought it to light that these things
23 can happen. They can happen with a tumultuous
24 effect. We can't only take a look at just the fact
25 of gas and dashes bringing death in by that manner.

1 We have got to take a look at gas and dashes as
2 being an overall robbery. We again, as my
3 son-in-law pointed out, that we're endangering the
4 community as a whole. We're endangering the lives
5 of young people that are working to become legal
6 counsels. We are endangering the people that are
7 working that can become in the positions that you
8 people have in other venues. So I believe in my
9 heart that we have to take a look at 24 7s.

10 I'll give a little run down. I got this just
11 quickly was the part that in Ottawa last year alone,
12 in the City of Ottawa, there was 679 reported gas
13 and dashes. Okay. That's only reported. If I take
14 that to what I found out in the Province of British
15 Columbia, that's horrendous. If I take the figures
16 of that 675 reported gas and dashes to be multiplied
17 to be -- a -- of a quarter million dollars in money
18 lost at the pumps is what it says here. I take that
19 to where it is and I talked to many police forces.
20 They tell, yes. Abbotsford where I live, I talked
21 to them. 150 gas and dashes in a month reported and
22 I said to them -- the reason I say reported is I
23 says, well, did you have a gas and dash reported
24 yesterday? \$106 somebody ran with. He figures --
25 we both took a look at it. There's another 150 to

1 200 unreported. That's horrendous. That -- we
2 can't take that lightly. Every one of them is a
3 traumatic effect on that youth and I say this
4 because it's not a case of injury. It's a case of
5 intimidation on the youth to pay that money back.
6 You know the law says they can't. I'm afraid that
7 the service station owners out there, not given all
8 of them, but a good portion of them intimidate those
9 children, those youth, to pay that money back. They
10 have no idea how to fill out one of them kits they
11 get from -- from the...

12 THE CHAIR: Employment Standards.

13 MR. CRELLIN: Employment Standards. Thank you.

14 THE CHAIR: You're welcome.

15 MR. CRELLIN: Employment Standards. It befuddles me. I
16 looked at it. And then they have to take it to the
17 owner. Guess what? I'll see you later young
18 fellow. So you see we got to simplify it. We can
19 no longer take the attitude -- when I take a look at
20 and see I read something of this a little earlier
21 was that a lot of these service stations are
22 following the dictates of safety from the large oil
23 companies. If this is the case I think -- I'm not a
24 real legal eagle, but I got this -- I think this is
25 a good case of a Bill C-45. In incidences where

1 there's death, where there's policies being laid out
2 to protect, and these companies are lax on doing it,
3 like this service station owner, a door lock policy
4 not enforced. He put money ahead of life. He
5 allowed that door to be left open. No consequences
6 to those kids on any shift that work nights, on the
7 staff that work nights. That's a horrendous thing
8 to do. A pay -- a pay windows that's supposed to be
9 operated in youths not used. Product stored in
10 front of it. Your own pictures showed me that. The
11 service station was wanting this instead of life.
12 He was looking for money. I would like to be able
13 to say on the other hand we've got situations where
14 we've got two communities in the Province of British
15 Columbia that have full service. One is Richmond.
16 The other one is Coquitlam. I look back on the
17 records of Richmond bringing it in. It had nothing
18 to do with making employment. We're going to have
19 employment in our community. I believe if I can
20 recall the by-law in Richmond was enacted in 1966.
21 And you know what it said? The reason they enacted
22 it was the safety aspect of the service station
23 employee. But even then it hasn't worked because
24 they still have gas and dashes.

25 Even then when I look at it, the monitory

1 system, they have them complaining they're not going
2 to get people in the stores. Malarchy. Full
3 service service stations in the City of Richmond
4 bring in approximately \$1,600 gross a year on
5 groceries and knick knacks that people take the time
6 to go in and buy.

7 A self serve in Burnaby is grossing 64 to
8 \$65,000 and better a year. So you see if I have a
9 service station operator in the oil industry,
10 usually the operator is saying this is going to hurt
11 my business. Not so. Pay before you pump, you're
12 still going to have that 20, 30, 40 per cent that
13 are going to pay at the pump. You're always going
14 to have that 60 per cent that's going to go inside
15 that pay for their gas and buy the chocolate bar.
16 And because of the fact that we have the beauty of
17 having another hearing this evening and another one
18 later on, I'm going to step down and let somebody
19 else have a chance. Thank you very much.

20 THE CHAIR: Mr. Crellin, thank you very much.

21 MR. CRELLIN: Thank you.

22 THE CHAIR: So our next presenter is Ms. Heather
23 Erxleben and I hope I have said it correctly. Ms.
24 Heather Erxleben? No.

25 Ms. Rosemary Gutteridge. Ms. Rosemary

1 Gutteridge? No. We can call the names again later.

2 I also have on my list a Mr. Cabral.

3 Mr. Cabral? Or a Ms. Michal Ilderton.

4 Ms. Ilderton, well, you're here. We'll take
5 you first. Just for the benefit of the members of
6 the hearing process who are here today, we advertise
7 these hearings from three till five, so we will be
8 here from three till five, so any of these
9 individuals that are caught in traffic or are a
10 little late, we'll be here to hear them, so
11 Ms. Ilderton.

12

13 PRESENTATION BY MS. MICHAL ILDERTON ON HER OWN BEHALF:

14 MS. ILDERTON: Hello. My name is Michal Ilderton. I'll
15 be speaking on Section 3 and 4. Thank you for
16 giving me the opportunity to speak to you today
17 regarding changes to the working alone regulation.
18 I currently work for Prince George Regional
19 Correctional Centre as a young worker where I
20 obviously work with criminals, the individuals who
21 commit the offences in a gas station -- sorry -- the
22 individuals who commit the offences in which gas
23 station workers need to be protected from. I want
24 to thank the board for putting the regulation
25 forward and acknowledging. That is a great step,

1 but it's not enough. Being a correctional officer
2 we are constantly at risk of harm, often having one
3 to four inmates on a unit together with no barrier
4 between staff and inmates. Our job includes
5 breaking up fights, dealing with uncooperative
6 inmates, stop and prevent riots, searching for drugs
7 or weapons, enforcing discipline, being a person to
8 talk to if the inmates are having a difficult time
9 in their lives and the list goes on.

10 The inmates to staff ratio is seriously
11 outnumbered, meaning that we are working alone. The
12 double staff was replaced for one staff member and a
13 surveillance camera, meaning that our double staff
14 member is now a camera. However one staff member
15 may not be enough, but at least the environment in a
16 correctional centre is controlled, whereas in a
17 public setting it is not controlled. But many gas
18 station attendants are dealing with the same
19 individuals. But what is changed now in those
20 individuals is that they have the resources and
21 connections to get drugs or alcohol, putting the
22 public at a potential risk of being hurt because
23 they're mind frame is not quite the same as it
24 normally would be if they were sober. It is a
25 proven fact that having two staff members in one

1 area can be beneficial and safer because each
2 employee can add to different aspects of knowledge
3 from training.

4 I believe that being a young worker myself
5 there should be a change -- an age limit implemented
6 for working graveyard shifts. At least someone who
7 has a lot more life skills than a person who is 19
8 years or less. Another attribute which may be
9 beneficial to a worksite may be the lock door policy
10 between the hours of ten p.m. to six a.m. enabling
11 criminals or someone with a criminal intent to --
12 sorry -- enabling criminals or someone criminal
13 intent to commit their vicious acts on society.

14 It is a known fact the streets are unsafe
15 after dark because this is when criminals run
16 rampant in the cities for many various reasons such
17 as after dark it can be impossible to get a good
18 look at the criminals' face, clothing or all around
19 appearance as many criminals or street people look
20 the same in a dark alley to a police officer who may
21 have been called out -- to the scene of the crime
22 that had just taken place. It is exactly like --
23 sorry. It is exactly like it is at the jail. We
24 lock the doors so the public cannot get in without
25 staff members being aware of what they are there for

1 between certain hours of operation. This restricts
2 staff members from being hurt. This could help the
3 gas stations prevent theft, robbery, violent
4 situations and keep workers in that certain area
5 safe and without fear that their life may depend on
6 reactions to a certain situation.

7 I put forward my opinions because I work
8 closely with the individuals who cause the grief.
9 If a person should get hurt by loss of a job from a
10 gas station or a gas and dash of a person who is
11 injured or even killed at a worksite. Many of the
12 criminals who are captured by the police or
13 committing the crime often have no remorse or even
14 not aware that they have committed the crime because
15 they are intoxicated by drugs or alcohol or believe
16 that their need was greater than the worker's.

17 I believe that the working alone regulation or
18 the isolation regulation and the violence regulation
19 are not sufficient to provide protection for workers
20 who face many of the same job aspects as a
21 correctional officer would do, but with many more
22 dangers.

23 I hope that WorkSafe BC will look at
24 introducing regulations that will ensure the safety
25 of late night workers, regulations require all gas

1 stations to lock their doors or even have workers
2 separated from potential harm and having two people
3 on shift at all times which will serve as a
4 deterrent if something were to happen.

5 I believe that the check procedure may be
6 beneficial to a worker. It does not stop the danger
7 of anything from happening.

8 Thank you for your time and I hope that you
9 will consider these recommendations.

10 THE CHAIR: Thanks, Ms. Ilderton. I just wonder if I
11 could ask you a quick question too. In your
12 presentation you had mentioned that you thought that
13 young workers working alone were particularly at
14 risk in certain situations and you reference
15 graveyard shifts.

16 MS. ILLDERTON: Yes.

17 THE CHAIR: In this new regulation, we've defined young
18 worker as any worker under 25 years of age. I just
19 wonder what your thoughts are about that because you
20 are a young worker I believe.

21 MS. ILLDERTON: That's right. I read over the young
22 workers' regulation that you had made out, but I
23 believe that young workers are still at serious risk
24 because they're not worried about what could happen.
25 They're worried about the here and now, the cash

1 that's coming in, what they're going to spend it on.
2 And I believe young workers should have the right to
3 say no. Even though they do, they're not sure if
4 they do or not. They don't want to lose their job.

5 THE CHAIR: Thanks very much for your presentation, Ms.
6 Ilderton. Thank you for being here today.

7 I'm just going to go back to our roster and
8 ask if Rosemary Gutteridge is here. Ms. Gutteridge,
9 welcome. Please come forward and make your remarks.
10 And you have lots of time.

11 MS. GUTTERIDGE: Thank you.

12 THE CHAIR: I think, Ms. Gutteridge, you were
13 particularly going to address Part 6 of the proposed
14 amendments which was the safety-engineered needles
15 and other sharps?

16 MS. GUTTERIDGE: That's right. Yeah.

17 THE CHAIR: Good to hear.

18

19 PRESENTATION BY MS. ROSEMARY GUTTERIDGE:

20 MS. GUTTERIDGE: I would like to thank you first of all
21 for being able to make this presentation to you and
22 I'm -- as you realize I'm Rosemary Gutteridge, a
23 registered nurse.

24 Thank you for this opportunity to make a
25 presentation to you concerning this proposal for

1 regulating protection from unsafe medical sharps.

2 As a registered nurse working at Prince George
3 Regional Hospital I support the extension as the
4 regulation to include all medical sharps which will
5 decrease the rates of injuries and associated trauma
6 and stress to workers.

7 The inclusion of other types of medical sharps
8 besides hollow bore needles is a positive move to
9 protect all workers. These include scalpels, suture
10 needles and anything else that might produce a
11 puncture wound that would expose a worker to blood
12 or other potentially infectious material. However
13 devices need to be selected in consultation with
14 those workers that will use them. The joint health
15 and safety committees include management and workers
16 from the very sectors of the work force and it is
17 through these committees that consultation can
18 occur. Devices need to be chosen on the basis of
19 those that most effectively do the job, whilst
20 providing the highest level of protection. Failure
21 to include provisions for consultation will result,
22 in some circumstances, devices being chosen on the
23 basis of cost by persons who have no knowledge or
24 appreciation for their use.

25 Two, there is no provision in the WCB proposal

1 for logging medical sharps injuries. It should be
2 noted that WCB itself, and WorkSafe BC if you
3 prefer, has no idea what the total number of
4 injuries is. The only information they have in
5 their systems is the number of wage loss injuries.

6 The implementation period for this regulation
7 is far too long. In this time period over 6,000
8 workers will be injured from sharps. If one of
9 these workers contracts Hepatitis C the cost will be
10 over one million dollars to WorkSafe BC.

11 Most health authorities have implemented
12 safety devices for their needles already. The
13 implementation date should be July 2007. The cost
14 to WorkSafe BC in dollars is very significant, but
15 to the nurse injured and possibly exposed to one of
16 the many diseases transmitted by blood and body
17 fluids, over 33, including HIV, Hepatitis B and C,
18 it is devastating. Even if a worker doesn't
19 contract a transmitted disease some workers will
20 become sick and have time loss from the prophylactic
21 drugs. It should be noted that 70 per cent of
22 needle sticks occur to nurses. 81.4 per cent of
23 percutaneous injuries are not reported by nurses or
24 patient care attendants. 23.9 per cent reported
25 having an injury in the last year. Allowing the

1 implementation date to be so delayed for such a
2 crucial issue is allowing many workers to be
3 potentially at risk for injuries that could be
4 prevented.

5 Thank you again for allowing me to make this
6 presentation.

7 (COURT REPORTER INTERRUPTS)

8 THE CHAIR: Thanks very much. So returning to the list
9 of individuals who have identified themselves.

10 Ms. Heather Erxleben?

11 MS. ERXLEBEN: Yeah.

12 THE CHAIR: Come up, Ms. Erxleben. I hope I'm
13 pronouncing your name -- you can perhaps repeat it
14 for everybody so we get it right.

15 Are you going to come with mom? Good.

16

17 PRESENTATION BY MS. HEATHER ERXLEBEN ON HER OWN BEHALF:

18 MS. ERXLEBEN: It's Heather Erxleben.

19 THE CHAIR: Heather, can we ask who is accompanying you
20 today?

21 MS. ERXLEBEN: Yeah. This is my daughter Isabella.

22 THE CHAIR: Hi, Isabella. Welcome.

23 MS. ERXLEBEN: So I'm also doing it on the sharps.

24 THE CHAIR: Yes. Of course.

25 MS. ERXLEBEN: So I have a story to tell. It was -- I'm

1 a registered nurse for everybody here who doesn't
2 know me. It was three o'clock in the morning and I
3 had to administer medication to one of my patients.
4 As you know we work the 12-hour extended shifts, two
5 days and two nights. So I had to go to one of my
6 patients and I needed three syringes. I had two
7 small syringes for flushing and I had a 10 ml.
8 syringe like this one with an inch and a half needle
9 on it to administer the medication, so I flushed the
10 IV line. I administered the medication. There was
11 no sharps container within easy reach. We do not
12 recap, so I put the sharp on the bedside table. I
13 then continued to flush the line once more and I
14 moved and I knocked the table and the syringe
15 flipped over and stuck into my leg like this, an
16 inch and a half into my muscle. Needless to say
17 that is -- it's a horrific experience.

18 I have many reasons why I -- there -- I should
19 not be at risk when I'm at work for things like this
20 when we have -- when we have the equipment to have
21 the devices safe. And there's many reasons why I
22 need to stay healthy. And one of them is Isabella,
23 so I brought her here today.

24 Thank you for your time.

25 THE CHAIR: All right. Can I just ask you a quick

1 question just also for our education. So that
2 needle that you were using for flushing purposes,
3 the retractable needles that are really the highest
4 standards safety would work for that procedure? You
5 know the ones that actually -- not the butterfly
6 which we've seen, but the retractable needles would
7 work in that particular scenario?

8 MS. ERXLEBEN: Yes, they would.

9 THE CHAIR: I did want to -- Ms. Gutteridge mentioned it
10 too that and in 1.4 we wanted -- so again as you
11 leave your written remarks commenting on this
12 language will be useful for us. We said if more
13 than one type of safety-engineered hollow bore
14 needle or safety-engineered medical sharp is
15 available in commercial markets, the needle or sharp
16 that provides the highest level of protection from
17 accidental contact must be used. So go forward and
18 I hear your comments about the time frames noted,
19 but our interpretation of that is that in those
20 types of a situation, the highest level of
21 protection would be the needle that perhaps is the
22 --

23 MS. ERXLEBEN: Retractable.

24 THE CHAIR: -- retractable.

25 MS. ERXLEBEN: I would agree that that would definitely

1 be the best, but any one which would have protected
2 the needle point...

3 THE CHAIR: Would have been better than what you had?

4 MS. ERXLEBEN: Would have been much better.

5 THE CHAIR: So even those butterfly shield ones that you
6 showed us before would have worked better than that
7 because you could have at least flipped it up.

8 MS. ERXLEBEN: I could have flipped it up. It would
9 have been safe on the table.

10 THE CHAIR: Yeah.

11 MS. ERXLEBEN: Okay. Thank you.

12 THE CHAIR: Isabella, thank you very much for coming
13 with your mom today.

14 Mr. Cabral. Mr. Cabral? No.

15 So is there anybody who is with us who does
16 intend to make a presentation now because we can
17 certainly entertain additional presentations.

18 THE CHAIR: Yes. Mr. Puchmayer. It's an honour to
19 welcome Mr. Puchmayer with us today. Mr. Puchmayer,
20 as some you have may know, is the labour critic in
21 the BC legislature. Welcome, sir.

22

23 PRESENTATION BY MR. CHUCK PUCHMAYER ON HIS OWN BEHALF:

24 MR. PUCHMAYER: Thank you very much. And I was going to
25 leave my comments until the end, but I know that

1 there's something that I've worked on in my
2 community with regards to safety on the worksites
3 and safety in the new developments and it's
4 something that's called CPTED, Crime Prevention
5 Through Environmental Design. And I think maybe it
6 would be better to have this sort of brought forward
7 earlier so that maybe the board can look at it and
8 people can have some discussion with it. There are
9 two components of it. One of them is replacement of
10 cameras. The quality of the video forensics that's
11 available that needs to be a standard that is a
12 minimum standard of a high quality. We have seen
13 new developments in my community that use antiquated
14 equipment. They use inferior equipment and so after
15 the event of an incident, it would be more difficult
16 to -- to have police forensics look at the data, so
17 that may be a direction that this panel could go in.

18 With regards to Crime Prevention Through
19 Environmental Design, we use it in all new
20 construction in New Westminster, commercial --
21 commercial construction, multi-family condominium
22 construction. There's an independent analysis of
23 CPTED that is -- that takes place and has to be part
24 of the planning of the development of those
25 properties and so there has to be a CPTED audit done

1 of the facilities especially underground parking
2 lots, things of that nature. Lighting,
3 identification of faces and how many metres away you
4 should be able to identify someone's face at
5 night-time when walking on a street or in a parking
6 lot or in a gas station, for instance.

7 So the fact that 60 per cent of all crime is
8 opportunistic when you have a high quality of CPTED
9 on a project, you will deter or can deter a lot of
10 that criminal activity. So I think it would be
11 appropriate to look at that, to look at an analysis
12 of CPTED on new developments. It's something that
13 I'm going to be pushing through the -- our municipal
14 affairs, our municipal critic can to get other
15 communities to buy in and the other that I'm still
16 working on with the Vancouver Police and also with
17 the New Westminster Police is the quality of
18 forensics and the quality of video standards in gas
19 stations and convenience stores and areas where
20 people would be working alone.

21 THE CHAIR: Mr. Puchmayer, just so we quickly make sure
22 that we've captured that, when you say CPTED, could
23 you just spell that.

24 MR. PUCHMAYER: CPTED stands for Crime Prevention
25 Through Environmental Design.

1 THE CHAIR: So that's the acronym, CPTED?

2 MR. PUCHMAYER: That's the acronym for that and it's a
3 -- an engineered science that's being used all over
4 North America. It's starting to be used here in
5 British Columbia more and more all the time. I
6 think that would certainly help taking away some of
7 the opportunities of crime through having that
8 available and certainly having -- people having a
9 knowledge that there are cameras in strategic
10 placements around gas pumps would also assist.

11 Now, that doesn't take away from anything that
12 the community is doing and the direction that the
13 different presenters are going and we totally
14 support -- support the 24 7. We certainly support
15 anything that can be done to ensure that employees
16 working alone are protected and to take that just
17 one final step further the fact that employment
18 standards regulations are no longer required to be
19 posted in places of employment, I think is an error.
20 Many new -- new employers need that information and
21 certainly all new employees need that information.
22 So workers' rights need to be available again in a
23 place of employment, so I hope that certainly my
24 work in Victoria will be to convince the minister
25 to -- to reduce those legislations and make those

1 mandatory to have those available in the workplace
2 so workers know their rights and employers know
3 their obligations. Those are my comments.

4 THE CHAIR: Thank you very much, Mr. Puchmayer. Much
5 appreciated.

6 Again just in case I have missed anybody
7 entering the room. Mr. Cabral?

8 Anybody else in our audience today who would
9 like to make some comments?

10 Okay. So we're about halfway through these
11 proceedings and what I just want to advise at this
12 point in time is I'm going to temporarily adjourn.
13 We're not going anywhere. In fact it gives us an
14 opportunity to come and visit with you, but there's
15 some coffee and tea in the room. So what I'm going
16 to do is temporarily adjourn and then we'll resume
17 in a few minutes. Thanks everybody.

18 (PROCEEDINGS ADJOURNED)

19 (PROCEEDINGS RECONVENED)

20 THE CHAIR: I keep surprising Alanna Siemens who is our
21 recorder, so she needs a little bit of warning, so
22 she's recording everything before I say so.

23 Ladies and gentlemen, we're going to reconvene
24 this public hearing on proposed amendments to the
25 Occupational Health and Safety Regulation.

1 And at this point in time I have the privilege
2 of asking Mr. Ed Cabral to speak to us. And I think
3 if you could just identify yourself and who you
4 represent and on you go.

5

6 PRESENTATION BY MR. ED CABRAL ON HIS OWN BEHALF:

7 MR. CABRAL: Thanks. My name Ed Cabral and I'll be
8 speaking on the proposed changes of working alone.

9 THE CHAIR: Mm-hmm.

10 MR. CABRAL: I'll be representing myself today. I would
11 like to start by thanking you for the opportunity to
12 speak today on the proposed changes. I am speaking
13 on behalf of myself. However I am a union
14 representative for UFCW, Local 15. And as a union
15 representative we deal with about five -- actually
16 there's five out of the Prince George office which
17 is my region, five gas bars. And there is several
18 safety concerns that I'm -- that I -- I would like
19 to raise up today.

20 Of course looking into some history in the
21 2004 Stats Canada Report, the crime -- on crime
22 stated that 60 per cent of all commercial robberies
23 occurred in convenience stores or gas station gas
24 bars. And I have -- I actually have quite a few
25 concerns. My concerns as a rep are today that the

1 laws and regulations that are currently being --
2 that are in place today are not being enforced
3 properly. And these same laws are just simply not
4 enough to protect those who are working in the gas
5 bars today. Last night I visited one of the gas
6 bars and I found quite a few concerns just in the
7 one -- on one gas bar alone. I do have some photos.
8 May I approach and give them to you?

9 THE CHAIR: Yes. Absolutely. In fact tell you what.
10 We'll make it a little easier for you. We'll come
11 to you. This is our chance to get up and have a
12 look.

13 MR. CABRAL: There's only three photos here. So
14 there's -- there's one or two, so...

15 THE CHAIR: So this is the gas bar that Mr. Cabral
16 visited last night, right, Ed?

17 MR. CABRAL: That's correct.

18 THE CHAIR: Okay. Okay.

19 MR. CABRAL: And while we were there last night I found
20 that -- the first thing we noticed right away was
21 the individual was working alone.

22 THE CHAIR: Right. So this is their stations that are
23 right back here.

24 MR. CABRAL: That's right. That's their station. This
25 is the front counter where the customer can walk up

1 to. Over here is the end part of the counter right
2 here.

3 THE CHAIR: Right.

4 MR. CABRAL: There's a public washroom. And as you can
5 see here -- sorry.

6 THE CHAIR: Yeah.

7 MR. CABRAL: From this angle here looking down, it's
8 open.

9 THE CHAIR: Yeah.

10 MR. CABRAL: Anybody can just go there and...

11 THE CHAIR: Oh, right. So the point that Mr. Cabral is
12 making is that access to this worker working in this
13 space here...

14 MR. CABRAL: That's right.

15 THE CHAIR: Who is working alone is entirely free and
16 entirely open and there's nothing to protect that
17 worker.

18 MR. CABRAL: Absolutely.

19 THE CHAIR: Okay. Thanks, Mr. Cabral. You know what
20 we'll do is we'll take a set of these with us.

21 MR. CABRAL: Yeah. Please do.

22 THE CHAIR: And we'll scan them into the proceedings.

23 MR. CABRAL: Absolutely. Also on the photos you'll
24 notice that there's no barriers to protect -- to
25 protect the workers. Also in this particular gas

1 bar there was actually no alternative exit. So even
2 if there was a barrier there would be no way out if
3 they can get in.

4 THE CHAIR: Mr. Cabral, can I just ask out of interest
5 since you visited -- was this particular service
6 station gas bar open 24 by 7?

7 MR. CABRAL: It was not open 24 hours. No, it is not.
8 It is open till I believe 11.

9 THE CHAIR: Okay. Thanks very much.

10 MR. CABRAL: We visited a couple actually. This was not
11 the only gas bar that we service as reps to have
12 employees working alone. This particular store
13 also -- just already current laws in place to do
14 hourly checks on individuals that work alone and
15 when we asked the question does anybody check up on
16 you, it was no.

17 THE CHAIR: No.

18 MR. CABRAL: So they're not being --

19 THE CHAIR: They're not doing the man checks.

20 MR. CABRAL: No, they're not. So the current laws that
21 we have in place today are not being enforced. It's
22 simply they're just not enough. The ones that are
23 place. They simply need to get better.

24 These violent acts are not only a criminal
25 matter, but it's also an occupational hazard. And

1 I'm here today in hopes that the directors of the
2 WorkSafe BC take our concerns and changes -- sorry.
3 And change the current regulations that we have in
4 place today. We simply need better -- better rules
5 in place to protect these individuals. As a rep, as
6 a father, I would not want to see a daughter or son
7 of mine working in an atmosphere that has little
8 protection for -- for my child. There needs to be
9 barriers, so I would like to see -- what we need to
10 put in place is pay before a pump 24 hours would
11 be -- would be something that I would like to see.
12 Would also like to see the doors locked between ten
13 and six, ten p.m. to six a.m.

14 THE CHAIR: Mm-hmm.

15 MR. CABRAL: Also what I would really like to see,
16 especially in one like, this is a bullet proof
17 barrier, physical barrier, to protect the people on
18 night shift.

19 THE CHAIR: Okay.

20 MR. CABRAL: Something that I think is -- is needed. I
21 visited another one last night. They did have a
22 barrier in place, but it was made out of glass.
23 That barrier, really the only thing that it can
24 really stop is probably spit. I mean bats,
25 crowbars, you name it, it would go through that, no

1 problem.

2 I think, you know, in talking to the
3 individuals that work in these gas bars -- last
4 night I had a good chance to talk to one and she
5 was -- she felt that there was a threat and that --
6 that, you know -- there's gas and dashes at least
7 twice a week on her shift. She's had angry
8 customers for not getting the right brand of smokes
9 and there's nothing protecting her at all. We never
10 know what's going to happen, you know, not to paint
11 everybody in the same brush, but to have a barrier
12 or something in place would be, I think, crucial to
13 help save lives in the future and I don't want to
14 see it here in my stores or the ones that I
15 represent, I don't want it to be too late. I want
16 those barriers and those procedures to be in place
17 before it's too late.

18 THE CHAIR: Just with your indulgence, Mr. Cabral,
19 because I think from the point of view just making
20 sure UFCW is aware. I did make the comment at the
21 beginning of these public hearings that while we're
22 hearing this -- the fairly large regulation on
23 orientation and training for young and new workers
24 which is entirely new, we're hearing a fairly narrow
25 amendment to prepayment between ten and six in what

1 are defined as urban areas. I did let everybody
2 else know so with everybody else's indulgence I just
3 want to make sure UFCW is aware as well. I will
4 just read back into the record what I said earlier.

5 Further amendments on Part 4 general
6 conditions working alone or in isolation are under
7 consideration.

8 MR. CABRAL: Okay.

9 THE CHAIR: So we do recognize that this element
10 addresses one issue. While these proposed
11 amendments are not part of this public hearing, they
12 would further strengthen the working alone or in
13 isolation section of the Occupational Health and
14 Safety Regulation recognizing that all workers who
15 work in these situations should be afforded safe
16 workplaces. We will be proposing explicit
17 requirements that hazards be identified and steps
18 taken to reduce the risk from the hazards when a
19 worker is working alone or in isolation. Further
20 requirements under consideration would strengthen
21 protection for workers in a broader range of
22 workplaces and all retail and service operations
23 that are open late at night and early mornings. And
24 the principle behind that is that old hierarchy of
25 control within the regulation in any case which is

1 substitution, engineering control and administrative
2 control. So a barrier, for example, is an
3 engineering control. That is what it is. So I just
4 wanted to make sure that you're aware that while
5 we're not addressing these today, we have taken note
6 of the concerns that have been expressed and we will
7 be putting further language up on the WorkSafe BC
8 website to address a further strengthening of the
9 working alone or in isolation. So we'll make sure
10 that we keep you aware of that and everybody else
11 aware.

12 MR. CABRAL: Thank you. And just for the record UFCW
13 didn't ask me to come here today.

14 THE CHAIR: Oh, you just came.

15 MR. CABRAL: Yeah.

16 THE CHAIR: It's a two for one then.

17 MR. CABRAL: Yeah. But I can pass the message on.

18 Also on a night shift I would like to see two
19 or more employees. I think for a number of reasons
20 and one would be just having two people on would be
21 a deterrent to anyone that would like to rob the
22 place. I think would be helpful any way. Not
23 necessarily would stop it, but just having them
24 there.

25 Anyway I think I'd love to see some of these

1 changes and I know you're looking at them and I
2 would hope that you do get some of these changes to
3 pass through and I would like to see them enforced,
4 you know, somehow. Maybe the employer could be
5 fined a little more or something there to be -- to
6 make sure that the employer -- I mean I'm sure
7 WorkSafe BC can't go in there every day and check it
8 out, so I would like to see some kind of fine system
9 or something in place to keep the employers in
10 check.

11 I would like -- at this time I guess I would
12 like to thank you for your time and would just
13 like -- would just like to see things happen from
14 here.

15 THE CHAIR: Thanks very much, Mr. Cabral. Much
16 appreciated.

17 MR. CABRAL: Thank you.

18 THE CHAIR: Thank you. So that actually would be the
19 list of individuals that have contacted us and taken
20 the time and trouble to be here today to speak, but
21 I just do want to make sure that everybody who is
22 the audience has had an opportunity to say what they
23 want to say. Okay.

24 Again my intention at this point is to adjourn
25 temporarily. As I said earlier we will be here till

1 five o'clock in case anybody does come by who just
2 saw the note and decided they wanted to be here and
3 so the temporary adjournment just let's us get up
4 and visit with you a little bit.

5 (HEARING PANEL RECEIVES FOUR PHOTOGRAPHS FROM MR.
6 CABRAL)

7 (PROCEEDINGS ADJOURNED)

8 (PROCEEDINGS RECONVENED)

9 THE CHAIR: Ladies and gentlemen, being five minutes to
10 five I'm going to adjourn the public hearing process
11 and that will allow our court reporter also to pack
12 up. Thank you very much. Thank you.

13 (PROCEEDINGS ADJOURNED)

14 (PROCEEDINGS RECONVENED)

15 THE CHAIR: Good evening, ladies and gentlemen. And
16 again thank you for spending some time here with us
17 this evening as we open the evening session of the
18 public hearing on proposed amendments to the
19 Occupational Health and Safety Regulation.

20 And my first pleasure is to introduce the
21 people that are part of the panel.

22 My name Roberta Ellis. I am chair of the
23 panel and I'm the Vice-president of the Policy and
24 Research Division and to my left is Anne Burch who
25 is our Vice-chair. Anne is the director of

1 prevention policy and review of WorkSafe BC and on
2 my right is Mr. Mark Powers who is legal counsel to
3 WorkSafe BC and to our board of directors. And it
4 is our pleasure to be here with you this evening in
5 Prince George.

6 I also want to take a minute to acknowledge
7 Alanna Siemens who is the reporter who is recording
8 the proceedings at this public hearing. And that's
9 an important part of the public hearing process
10 because this record assists the Board of Directors
11 at WorkSafe BC in the decision-making process and
12 the recorded notes are made public after the board
13 of directors makes their decisions regarding the
14 regulatory amendments that are being proposed here
15 tonight.

16 So the other thing I noted this morning and I
17 would like to note again this evening is that
18 members of the media are always welcome to attend
19 our public hearings. And I can tell you that they
20 were certainly here earlier today. And that means
21 that what is said at the public hearings, including
22 any of your comments, can be recorded by media
23 including television and radio reporters.

24 So a little bit of background to these public
25 hearings. WorkSafe BC held public hearings in May

1 this year and following those hearings, the board of
2 directors approved an additional public hearing as
3 part of the 2006 regulatory review process to
4 consider expanding the scope of requirements in
5 Section 6.36 to include safety-engineered devices
6 for all hollow bore needles and other medical
7 sharps.

8 At the same time the Minister of Labour and
9 Citizen Services made a request of our board of
10 directors which is contemplated under Section 229 of
11 the Workers' Compensation Act that WorkSafe BC
12 address through regulation prepayment for gasoline
13 at service stations in urban areas between late
14 night and early morning hours. The Minister of
15 Labour also asked the board of directors to include
16 in the 2006 hearing a regulation that would address
17 the orientation and training needs of young and new
18 workers.

19 Now, WorkSafe BC had already developed this
20 regulation for hearings that were contemplated in
21 May of 2007, but the board of directors agreed that
22 in light of the seriousness of these issues that we
23 would accelerate that hearing process and that we
24 would hear that particular amendment to the
25 regulation at these hearings in November.

1 So amendments have been drafted to Parts 3 and
2 4 of the Occupational Health and Safety Regulation.
3 And the purpose of this public hearing is to provide
4 you and other members of the public with an
5 opportunity to comment on the proposed amendments to
6 the regulation as follows: Part 3 which is rights
7 and responsibilities relating to the orientation and
8 training needs of young or new workers. Part 4
9 which is the general conditions part of the
10 regulation, working alone or in isolation and that
11 relates to prepayment at service stations in urban
12 areas during late night and early morning hours, and
13 Part 6 which is a substance specific requirement
14 relating to safety-engineered devices for all hollow
15 bore needles. These proposed amendments along with
16 the explanatory notes have been placed on the
17 WorkSafe BC website and we also as an E-news
18 notification, sent out these messages, to about just
19 over 1,600 stakeholders advising them of the
20 proposed amendments on the website.

21 I should say just to let you know, that as
22 well, obviously, these proceedings being recorded
23 and being part of the public record, anything we
24 receive whether it's by email or fax or written
25 submissions and I even recorded calls that people

1 have made to just let you know their views on that
2 matter, they all compose part of the public record
3 and the public review process. You're probably
4 aware that copies of these proposed amendments are
5 also available at the front desk.

6 And I also want to let members of the public
7 know that WorkSafe BC as well as the amendments that
8 we're considering now for change are also
9 considering further amendments to Part 4, general
10 conditions, working alone or in isolation. These
11 proposed amendments are not part of this public
12 hearing, but they would further strengthen the
13 working alone or in isolation section of the
14 Occupational Health and Safety Regulation,
15 recognizing that all workers who work in these
16 situations should be afforded safe work places. We
17 will be proposing explicit requirements that hazards
18 be identified and steps taken to reduce the risks
19 from the hazards when a worker is working alone or
20 in isolation and further requirements are under
21 consideration to strengthen protection for workers
22 in a broader range of workplaces, in all retail and
23 service operations open late at night and also in
24 the early morning hours.

25 So tonight we're here in Prince George and

1 delighted to be here to listen to your remarks.

2 To ensure that we proceed in a timely manner
3 I'm always asked to ask you to keep to the
4 presentation time that you've been assigned. And of
5 course I'm going to say that's more of an issue when
6 we are in public hearing situations where we are in
7 fact oversubscribed and we are going to have some
8 situations where more people have said they wanted
9 to speak to the hearing panel than we have time for.
10 Rest assured we never turn anybody away. We just
11 extend the time. But tonight obviously there are
12 not quite so many people here, so you can all feel
13 free to take as much time as you like.

14 If you've got written material that you would
15 like to leave with us, please just leave it with
16 Leley outside at the sign up desk and both oral and
17 written submissions are -- form part of the public
18 hearing record. The deadline for receiving any of
19 your written materials is 4:30 p.m. on Friday
20 December the 1st 2006.

21 So the public hearing process represents the
22 formal consultation. Once the hearing process is
23 complete the written and oral submissions are
24 analyzed. The board of directors, which is the
25 decision-making body at WorkSafe BC under our

1 legislation, have access to all the submissions
2 prior to making their final decision on each
3 proposal and this then is the opportunity of the
4 public and yourselves to be heard.

5 I do want to thank you on behalf of Mark and
6 Anne and the whole organization for having the
7 fortitude and the respect for this process to be
8 here this evening. We look forward to hearing your
9 views and it's a great pleasure for me now to call
10 on our first presenter, Mr. Doug DePatie, and as you
11 probably know Doug is the father of Grant DePatie
12 who died a very tragic death last year while working
13 alone as a gas station attendant. And in fact it
14 was Doug and Chett and the family have been the
15 motivating force in ensuring that what we're now
16 looking at is thought of as Grant's Law. So I'm
17 just proud to invite Grant's father to speak to us
18 now. Thank you.

19

20 PRESENTATION BY MR. DOUG DePATIE ON HIS OWN BEHALF:

21 MR. DePATIE: Thank you very much. I'll save some of
22 the introduction seeing as how I've been here once
23 already today.

24 I would like to thank again WorkSafe BC and
25 all of those others who are involved, BC Federation

1 of Labour, other people who -- municipalities,
2 school districts and so forth that have provided us
3 with letters and so on.

4 I would like to bring up an inspection
5 WorkSafe BC did preliminary results from gas station
6 enforcement and compliance initiatives. They found
7 that most worksites inspected by WorkSafe BC have
8 fallen short on site specific procedures and needed
9 to address unique situations present at work
10 locations and found employers were relying solely on
11 generic policy and procedures supplied by oil
12 company head offices.

13 I think that that earlier mentioned by Chett
14 Crellin, my father-in-law, about Bill C-45 holding
15 those accountable, the higher-ups, I think that bill
16 stretches to those who are providing gas stations
17 with these generic policies and procedures. I
18 understand that gas stations need to have policies
19 and procedures that they have brought into place to
20 protect workers, but I think that these big oil
21 companies need to be held accountable for not having
22 and enforcing policies and procedures and not having
23 owners, supervisors educated in safety. These
24 supervisors and owners are expected to do a hazard
25 assessment of their work location but they have

DOUG DePATIE
(Own Behalf)

1 generally no education in safety, no course taken in
2 hazard assessment. I think that they have not in
3 the past made a honest effort to do that. I would
4 like to see some accountability for all of those
5 people as well as employees. The magnetic door lock
6 policy from some peoples' view was overlooked by
7 Grant and the other employee. Apparently from word
8 of mouth he was told to use the magnetic door lock
9 policy. I would have rather Grant be fired from his
10 job than the result I have today. That's
11 accountability. It goes from the bottom to the top.
12 Employees, supervisors, owners and as high up as the
13 oil companies.

14 Preliminary results from these inspections
15 support the finding that an effective system or
16 policy for injury prevention while working alone is
17 only as good as the training implementation and
18 follow up done by the employer. I think that this
19 also goes to the follow up done by WorkSafe BC. I
20 think inspections in these workplaces especially
21 businesses that are first coming into operation or
22 change owners get their permits from the city, their
23 business licences should be checked to be sure. I
24 know that they have to -- a fire inspector comes in
25 and takes a look to see that they have an inspection

DOUG DePATIE
(Own Behalf)

1 for fire safety. Why do they not have to present
2 perhaps a safety infrastructure?

3 I think that the inspections show that the
4 current regulations that are in place to protect
5 workers who work in gas stations and convenience
6 stores is not being followed. Employers are
7 lacking. They're lacking in the working alone.
8 They're lacking with regards to violence and
9 robbery. Grant -- I believe that section was
10 completely missing from Grant's file from his
11 orientation. I think that the orientation and
12 training needs to be something that is immediate in
13 the workplace. Before work commences, orientation
14 and training is finished. I understand that some
15 people will have to be trained in their tasks as
16 they work, sort of an apprenticeship kind of a
17 thing, but they should be orientated prior to doing
18 any work and it says in your -- it says whenever
19 practicable as far as orientation and training.
20 It's within 15 days or when practicable. Practical.
21 I don't think it's practical to train someone after
22 -- to orientate them after they've started working.
23 I think that orientation needs to take place prior
24 to the first day's work.

25 When a gas and dash occurs there are

DOUG DePATIE
(Own Behalf)

1 repercussions such as workers feeling responsible
2 for loss. They -- they don't want the company to
3 suffer the loss, or they feel that they will be
4 perceived as bad workers for allowing this to
5 happen. Although employers have a chance to --
6 sorry. Although employers may have a chance to --
7 may have no -- sorry.

8 THE CHAIR: That's okay, Mr. DePatie. Just take a
9 minute.

10 MR. DePATIE: Policies and procedures are not always
11 clear to employees. They are pressured by loss of
12 shifts, loss of employment, loss of a good
13 recommendation for the next job being they're young
14 workers. Those things are very important to them.
15 Grant would not speak to me of gas and dashes. He
16 would go to his grandfather because he knows the way
17 that I viewed employment. Go there. Don't stir
18 anything up. Get your day's work done and move
19 on to the next day and eventually perhaps move on
20 from working at gas stations into a job that pays
21 more. That's really what it's all about. I think
22 those opportunities were taken away from Grant.

23 I think that accountability in the workplace
24 needs to be stressed and some fines need to be given
25 to those when inspections are done. Not a knee jerk

JASON MANN
(Own Behalf)

1 reaction to a death or a compliance order. I think
2 at this point when this law is brought into place a
3 fine should come with the compliance orders. I
4 think that these laws and -- and regulations were in
5 place to protect workers. Employers were asked to
6 protect the workers -- take reasonable care and
7 measures to protect the workers. If they were fined
8 and held accountable for it workers today would be
9 protected.

10 We can lay rules and regulations on rules and
11 regulations, but if employers don't follow them,
12 employees are unprotected.

13 Thank you.

14 THE CHAIR: Thanks very much, Mr. DePatie.

15 We have a slight change in order tonight and
16 I'm going to invite Mr. Jason Mann -- Mr. Mann to
17 join us and make his remarks to us. Thanks very
18 much, Mr. Mann. And just for the purposes of the
19 court reporter if you can just say who you are and
20 who you're representing.

21

22 PRESENTATION BY MR. JASON MANN ON HIS OWN BEHALF:

23 MR. MANN: Right. Okay. Okay. So hi there. My name
24 is Jason Mann. Tonight I'm speaking just on behalf
25 of myself. This is something that concerns me a

JASON MANN
(Own Behalf)

1 lot. I've lived in Prince George for quite a while.
2 I'm 22 years old. I've had lots of jobs here. I've
3 worked in retail type jobs. I've never worked in a
4 gas station. My first job was I worked -- I worked
5 for my neighbour. My neighbour's name is Kent
6 Cartel (phonetic). And my first job was Kent had
7 three cows and my job as a kid was to look after
8 these three cows to make sure that they were okay.
9 And the first thing I had to do was Kent first
10 needed a fence to put the cows in. So first job is
11 here you go, Jason. Here's the chicken wire.
12 You're going to build a fence for the cows. I
13 thought this is something -- I can do this. All
14 right. So all right. I built the fence.

15 Kent was a really neat guy. I liked him a lot
16 because he was -- he was a little eccentric. He
17 would always tell me all sorts of crazy stories they
18 had. He would want to tell me about how he
19 discovered secrets in perpetual motion and if we
20 could just really grasp on to that, so I learned a
21 lot about Kent. And I also learned a lot about
22 cows. That was something I thought was pretty cool.

23 The first thing I learned about cows -- the
24 first thing I learned about cows is that cows are
25 very afraid of thunder, lightening and rain. I

JASON MANN
(Own Behalf)

1 learned this about cows because that night after
2 going home after we just constructed this fence my
3 mother woke me up to tell me that, Jason, you have
4 to wake up because all of Kent's cows are in our
5 basement.

6 And the second thing that I learned about cows
7 is that cows are very good at walking downstairs,
8 but they're not very good at all at walking
9 upstairs. That's right. So I had to -- we had to
10 spend all night with my dad trying to get the cows
11 upstairs. But the point being what I'm really
12 getting at is when I was thinking about what to say
13 today I thought a lot about Kent because in a way it
14 was a good idea to build this fence, but really it
15 didn't go far enough. It was only kind of getting a
16 little bit into the problem and I kind of think that
17 too about reading through some of the proposed
18 legislation about working alone that it deals with
19 very important things, but it's -- it's also kind of
20 limited. I would love to think that -- I would love
21 to think that criminals who might like to gas and go
22 read the WCB Regulations and would respect the fact
23 that they shouldn't do gas and dashes in the 16
24 hours a day when the regulation isn't in place, but
25 I also kind of think that that's maybe probably not

JASON MANN
(Own Behalf)

1 the case. And then in a way it doesn't really solve
2 the real problem. Really if you're determined to
3 steal gas, you can do it at quarter to six -- sorry
4 you can do it at quarter to ten or quarter after six
5 and really it doesn't change the whole situation, so
6 I don't see why we want to limit times when workers
7 are protected to only eight hours a day. And I
8 don't see why we want to limit the types of
9 protection that's given only to workers who work at
10 urban settings. It seems that those two clauses
11 aren't really needed. Probably the other thing that
12 I would really like to see expanded on is -- is --
13 working alone is really just getting rid of the
14 concept of working alone.

15 Currently right now I work at a liquor store,
16 small liquor store, and quite often there we end up
17 working alone and it's not -- it's not a very safe
18 situation. You see all sorts of people coming into
19 a liquor store late at night and I often -- they are
20 kind of what you might call undesirable people.
21 They are people who are on something or drunk. And
22 of course you can't serve people who are drunk. You
23 can't serve them liquor. And trying to stand up to
24 somebody who is -- I'm only like 5 6. Trying to
25 stand up to somebody who is inebriated, and telling

JASON MANN
(Own Behalf)

1 them I'm sorry, sir. I can't serve you tonight,
2 you're far too drunk. It's really a scary thing to
3 work alone in these places especially with problems
4 of theft and -- I would like personally to work with
5 other people, but I also kind of -- you know, the
6 reality is that unless there was some sort of
7 measures put in place there's no way that my
8 employer would go for that because really the only
9 cost is maybe we lose a couple more bottles of booze
10 in the night, but it's probably still less than what
11 they might have to pay for a wage, so I think that
12 those two parts should be expanded. One we should
13 get rid of the notion of limiting the type of
14 protection provided only at night. We should get
15 rid of the part only to urban areas and we should
16 probably expand it to getting rid of working alone
17 altogether. Thank you.

18 THE CHAIR: So, Mr. Mann, you're working alone in that
19 environment that you're describing?

20 MR. MANN: Yes.

21 THE CHAIR: You are? A lot of -- what we've certainly
22 heard is a lot of workers are reflecting that they
23 are afraid of that. That's it a fearful thing and
24 that's what you're certainly confirming.

25 The other thing is I have to say, Mr. Mann, I

JASON MANN
(Own Behalf)

1 hope as well as everything else you do that perhaps
2 you write some of this down for other reasons.

3 MR. MANN: Lessons I've learned about cows.

4 THE CHAIR: Well, yes. Yes. For reasons other than
5 making presentations. I have to ask you whether you
6 actually ever got the cows out of the basement?

7 MR. MANN: We did get the cows out of the basement. It
8 did take the entire night and I would like to say of
9 course that's not the end of the process. The end
10 of the process is then cleaning up after the mess
11 that the cows make in your basement and then having
12 to rebuild the new fence which was...

13 THE CHAIR: I do. I thought that was a delightful
14 story. I want to say that I think it in many ways
15 captured with a lot of vigor and not just
16 metaphorically, the point that you're really making,
17 which I think, if I've captured the essence of what
18 you're saying is that while you were pleased to see
19 some steps being taken, from your point of view,
20 much like the fence, they didn't go far enough.

21 MR. MANN: That's correct.

22 THE CHAIR: Thank you very much, Mr. Mann. That was
23 just a delightful presentation. Thank you so much.

24 Just before I -- just before I move through
25 the list I just want to make sure there that there

JASON MANN
(Own Behalf)

1 is nobody in the room who wishes to speak who hasn't
2 had an opportunity to speak.

3 Before we had set the hearings up we had
4 arranged to have Mr. DePatie and Mr. Crellin speak
5 first and second, but I think Mr. Crellin would like
6 to speak last. So actually what I was going to
7 suggest, Chett, is that again because no one else is
8 on the list and we have an opportunity to wait for a
9 little while obviously because we want to make sure
10 we don't miss anybody, what I thought I would do is
11 again temporarily adjourn the proceedings for a
12 little while and then, Chett, make sure that I give
13 you the opportunity to speak last. Is that okay
14 with you?

15 MR. CRELLIN: Will I have lots of time?

16 THE CHAIR: You'll have tons of time. I'll just
17 temporarily adjourn the proceedings. And we'll wait
18 for a little while before we invite Mr. Crellin to
19 make what may be the closing remarks.

20 (PROCEEDINGS ADJOURNED)

21 (PROCEEDINGS RECONVENED)

22 THE CHAIR: Thanks, ladies and gentlemen. The hour is
23 now past eight o'clock and I checked with Leley
24 Neudorf who is our admin. assistant. There are no
25 more other people who are registered to speak and it

CHETT CRELLIN
(Own Behalf)

1 doesn't look like anybody else is actually appearing
2 this evening.

3 So what I would like to do at this point
4 before we adjourn the proceedings is I would
5 actually like to call on Mr. Chett Crellin, Grant's
6 grandfather, to close the evening's presentation
7 down. Thanks very much, Chett.

8

9 PRESENTATION BY MR. CHETT CRELLIN ON HIS OWN BEHALF:

10 MR. CRELLIN: Again I'm Chett Crellin from Abbotsford,
11 British Columbia, the grandfather of Grant DePatie.
12 And again it's a pleasure to be here. You know, I
13 don't want to reiterate that. I would like to say
14 that every time I come -- because it is -- it's a
15 pleasure that something is going to come out at the
16 end of the day. I can take a look at the
17 grandiosity of having everything that I think it
18 should be, but -- one way of telling it. Okay. But
19 I've taken a look and I've listened to a -- what has
20 been said here this evening and there's one thing
21 that bothers me -- is that we're going to be
22 travelling the province and we're going to be
23 talking and listening to people talk about safety.
24 That's going to be dealing with literally thousands
25 of young workers and we're hesitant maybe to come

CHETT CRELLIN
(Own Behalf)

1 out and speak, young workers are. This young fellow
2 Jason Mann that was up here, goll darn it, that was
3 really good. 22 years of age, coming up and
4 speaking from his heart on how he feels and what
5 he's seen even if it did mean learning how to fence
6 cows.

7 But on coming here and I see the members of
8 WorkSafe BC here and my question is is why are we
9 going to all this and yet in this room WorkSafe BC
10 has their own corporate security? It amazes me. It
11 amazes me that all this effort, all this time, for
12 the lines of the youth of this province and dwelling
13 on the working alone for 25 or -- and the education
14 of 25 and under and all this whether it should be in
15 this area or this area and here we're in this room
16 in that manner, so I think when we're addressing it
17 and when we take it back, we should take it if we
18 have two for six, we at least can have 24 7s for
19 all. And that's -- you know, again in the same tone
20 I listen to the -- and absolutely beautiful to hear
21 that these nurses are concerned and I do. I've
22 spent a lot of years in hospital. I spent five
23 years as a kid not being able to move as a result of
24 polio and I seen all this and the nurses and what
25 they did and how they strived even in those days.

CHETT CRELLIN
(Own Behalf)

1 So my heart goes out that, yes, they should be
2 protected. And it was, I believe, just the wording
3 of the amendment to bring this in and again I use
4 that as an illustration as in supporting that I
5 believe that we should sincerely take a look and
6 give our youth that opportunity, that right to
7 security, that right to protection, not to be taken
8 away. Whether it be in a physical sense or whether
9 it be in a mental sense because, you see, we allude
10 to this gas and dash and we allude to my grandson's
11 death and the horrific manner it happened, but there
12 is so many gas and dashes out there that are causing
13 a psychological effect on the youth, the attacks,
14 personal and otherwise, the attacks by being charged
15 at with other vehicles or being put in a place by
16 employers where they go to carry -- like the kid
17 in -- the young person in Surrey with a golf club.
18 I understand he was -- probably had it there not for
19 his protection, mind you. He may have had it there
20 because he used to putt the ball around the block or
21 something, but he's got a golf club. I know of a
22 service station where they've got sawed off baseball
23 bats for their protection. And when they work alone
24 they're approached by -- not by people with guns.
25 The highest amount of robberies in service stations

CHETT CRELLIN
(Own Behalf)

1 are done by knife. So you see we're talking bullet
2 proof glass and all this kind of stuff, but it is
3 the knife that's the situation. So when I address
4 it, I address it for a feeling of looking at
5 protection and I made some -- another note here that
6 was reiterated. And again I say this again which
7 came from the solicitor general. I reiterated it
8 earlier that the implication is that these gas and
9 dashes are done at night. Ten to six. Let's stop
10 it. His words are, quote, they're drunks and drug
11 addicts. Not so. The figures they just got to me
12 and they will be presented a little later on,
13 hopefully, maybe at the Kelowna one, that Kelowna
14 did a study here in the past month that they
15 registered 175 gas and dashes that were reported.
16 They know that there's another two, two and a half,
17 250 gas and dashes that go unreported because number
18 1, it's time consuming for the operator to take the
19 time off, take the employee in, swear different
20 things, do this, do that, so they don't bother it.
21 But out of that 175 gas and dashes in Kelowna, 15 of
22 them were between the hours of ten o'clock at night
23 till six in the morning. Again I believe 24 7s.

24 You will also have that from the police chiefs
25 and the CO's of the RCMP and all of the municipal

CHETT CRELLIN
(Own Behalf)

1 police. I believe maybe you have that already from
2 one of them that that is their concern. That is
3 what they would like. I would take guidance from
4 them people because those people are out there.
5 Those people are dealing with this. I would rather
6 see it 24 7 so we can free up the police, so that
7 those police are able to deal with things that are
8 of -- more of a high risk criminal aspect than
9 running chasing down a \$50 gas bill. Spending the
10 time to fill -- that's why they don't answer them
11 too much because of the fact of the paperwork for 50
12 bucks and there's a slap on the hand. This is going
13 to stop them.

14 We have the factor of working on -- I -- I
15 reiterate this is working alone or in isolation.
16 That's a great thing to do something about that, but
17 how far are we going to go? How far and in depth do
18 we want to look at this? I'll give you an example.
19 The service station where my grandson was murdered,
20 dragged to death, he worked there at night. At
21 about -- I can't recall exactly the time. I could
22 probably in this thing here, but at roughly about
23 11:30 or 11:00, 10:30, whatever it was, the in store
24 Tim Hortons closed down. That person went home.
25 Now that person is by himself. My grandson was by

CHETT CRELLIN
(Own Behalf)

1 himself. After this and all everything else that
2 WorkSafe BC has done with this thing, he comes back
3 and says, that's it. We're going to do this. I'm
4 going to keep the door open. I'm removing the door
5 lock policy and I'm going to have two people working
6 in there. I'm therefore going to have Tim Hortons
7 open all night. Great. We got two people. Is it?
8 That woman that is in a different part of the
9 company in the Tim Hortons is busy in the back
10 getting the donut dough ready, getting whatever else
11 is ready. What's the girl at the service station?
12 She's working alone. If that girl in the Tim
13 Hortons is out serving and that other gal is going
14 to the back of the cooler and she's tidying up and
15 she's stocking the shelves, what is that girl at Tim
16 Hortons doing? Working alone. So you see when
17 we're addressing this, we're going to really have to
18 take an insight into it. It's not just the
19 perception of two people there. It's the fact that
20 they're there in close proximity. Not in behind a
21 locked cooler, not in behind a bake shop or any of
22 these things, so I believe we should have it, but
23 we've got to go to more of an input. I haven't had
24 the time to look at it to give you that, what I may
25 think. By the time the hearings are over, I may

1 come back to that with the help of my son-in-law and
2 we'll put a little bit more in to it. But that's
3 how I've looked at it and the factor of some of the
4 things that were lacking. If they're in there and
5 then we have to relate to the door lock policy.

6 Now, remember the discussion I had with
7 yourself and the president of WorkSafe and the man
8 shared an idea what he thought was the way and, you
9 know what? He's so true. It's so true. Enclose
10 that person, get them an escape route, get to where
11 they have a telephone, but enclose that person in a
12 lexan (phonetic) or bullet proof, something where
13 even if a shot goes, it's not going to do it. But
14 do that.

15 You know, we have service stations that now as
16 a matter of fact in Kelowna we were down there and
17 we were talking to the people in Kelowna and this
18 service station said they've got a door lock policy.
19 That door lock is closed -- locked at ten o'clock at
20 night and you go to the window to pay. You even go
21 to the window to get your sandwich or your bag of
22 chips and stuff like that. And we said why? Are
23 the gas and dashes that horrific? The gal said, no,
24 the service station suddenly realized that at night
25 people were coming in two and three from a car and

1 one person was keeping the girl busy while the
2 others were going around stealing stuff off the
3 shelves and he was losing thousands of dollars, so
4 you see there's benefits in what can happen and
5 later on from what I understand you'll be looking at
6 and taking input on that. So it's -- this can turn
7 to be a win win for every area of the province from
8 the smallest to the biggest because the oil
9 companies only have 40 per cent of the service
10 stations in the Province of British Columbia. But
11 having said that, the others are all small
12 independent operators and those that are tied into
13 the big manufacturing oil companies, they have to
14 tow the line to what they say. The oil company as
15 you know and I have the email they have said quote,
16 we will not impose any law or regulation that will
17 make it an even playing field. How in the suffering
18 heck do we have a level playing field if we're going
19 to have suburbia and rural? That's as unlevel as
20 they can get.

21 So there's so many more things. I'm not going
22 to sit in Prince George and lump out all my bullets
23 in one meeting. Sorry for the pun. But you know, I
24 mean young fellow had cows. I had a bullet. But
25 we'll save that for the next time, you know.

1 So I want to thank you ever so much for giving
2 me the opportunity again to speak in closing.

3 THE CHAIR: You're very welcome, Mr. Crellin. I just
4 want do want to say thank you to yourself and Mr.
5 DePatie for taking the trouble you did.

6 MR CRELLIN: I'm sorry. I meant to start off with
7 something and I didn't know whether I neglected it
8 earlier, but I'd made a quotation about the City of
9 Ottawa in the 680 -- 679 gas and dashes. And it
10 says here in the paper it was -- it was the
11 newspaper. It said that, but as Constable Graham
12 Linegar the force's senior crime analyst says only
13 about 15 per cent of these thefts are reported.
14 That's the 679. That is 15 per cent of what they
15 found out is actually going on. And it goes on to
16 say based on that percentage the total would seem to
17 be somewhere around 4,526 thefts totalling over a
18 quarter of a million dollars in losses. That's for
19 the service station. Thank you very much.

20 THE CHAIR: Thanks very much, Mr. Crellin. Thank you.
21 I want to thank you for making your remarks as the
22 closing remarks. Thanks so much.

23 So ladies and gentlemen, as I've said, having
24 checked with our administrative assistant, there are
25 no other individuals who have either preregistered

1 or contacted us today or just recently to make
2 presentations to the public hearing on proposed
3 amendments, so at this juncture I am going to
4 adjourn the proceedings.

5 I look forward to seeing, if not all of you,
6 then certainly two of you in Vancouver and in
7 Kelowna and in Nanaimo. Thank you very much. Thank
8 you.

9 (PROCEEDINGS ADJOURNED)

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I, Alanna L. Siemens, Official Reporter in the
Province of British Columbia, Canada, BCSRA No. 391, do
hereby certify:

That the proceedings were taken down by me in shorthand
at the time and place therein set forth and thereafter
transcribed, and the same is a true and correct and complete
transcript of said proceedings to the best of my skill and
ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name
and seal this 27th day of November, 2006.

Official Reporter
Alanna L. Siemens

