

2007/03/20-05

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA
RESOLUTION OF THE BOARD OF DIRECTORS

**RE: Approval to Release to Public Hearing Proposed Amendments
to the *Occupational Health and Safety Regulation*
(BC Regulation 296/97, as amended)**

WHEREAS:

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("Act"), the Workers' Compensation Board ("WCB") may make regulations it considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

In October 2006, the Board of Directors approved the release to public hearings of proposed amendments to Part 4 of the *Occupational Health and Safety Regulation* ("OHSR") relating to the mandatory prepayment for petroleum products at service stations;

AND WHEREAS:

Pursuant to section 226(1)(a) of the *Act*, the WCB, before making a regulation, must give notice of the proposed regulation in the *Gazette* and in at least 3 newspapers, of which one must be published in the City of Victoria and one in the City of Vancouver;

AND WHEREAS:

Appropriate notice of the proposed regulations was given pursuant to section 226(1)(a) of the *Act*;

AND WHEREAS:

Pursuant to section 226(1)(b) of the *Act*, the WCB, before making a regulation, must hold at least one public hearing on the proposed regulation;

AND WHEREAS:

Public hearings were held for the proposed amendments in November 2006 and January 2007 in Prince George, Vancouver, Kelowna and Nanaimo;

AND WHEREAS:

The proposed amendments to Part 4 have been revised to reflect stakeholder feedback received at the public hearings, which has resulted in material changes to the proposed amendments, necessitating a further public hearing;

AND WHEREAS:

The WCB will meet the requirements in section 226(1) of the *Act* before making a decision on the proposed revised regulations.

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The revised proposed amendments to Part 4 of the *OHSR* set out in Appendix A be released to a second public hearing.
2. The Vice President, Policy and Research Division, is appointed to chair the second public hearing and may designate additional members of the public hearing panel as necessary.
3. A further public hearing relating to the revised proposed amendments to Part 4 to take place during the month of June 2007, along with the 2007 regulatory amendments.
4. Notice of the revised proposed amendments to Part 4 will be published in the *Gazette* and in newspapers including the *Victoria Times Colonist*, the *Vancouver Sun*, the *Province* and local newspapers in the cities where the second public hearing will be held.

Dated at Richmond, British Columbia, March 20, 2007.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

APPENDIX A
PROPOSED AMENDMENTS FOR PART 4: GENERAL CONDITIONS
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION

PART 4: GENERAL CONDITIONS

WORKING ALONE OR IN ISOLATION

Procedures	4.21	<p>(1) The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation under conditions which present a risk of disabling injury, if the worker might not be able to secure assistance in the event of injury or other misfortune.</p> <p>(2) The procedure for checking a worker's well-being must include the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provisions for emergency rescue.</p> <p>(3) A person must be designated to establish contact with the worker at predetermined intervals and the results must be recorded by the person.</p> <p>(4) In addition to checks at regular intervals, a check at the end of the work shift must be done.</p> <p>(5) The procedure for checking a worker's well-being, including time intervals between the checks, must be developed in consultation with the joint committee or worker health and safety representative, as applicable.</p> <p>(6) Time intervals for checking a worker's well-being must be developed in consultation with the worker assigned to work alone or in isolation.</p>
Training	4.22	A worker required to work in the circumstances described in section 4.21 (1) and any person assigned to check on the worker must be trained in the written procedure for checking the worker's well-being.
Annual review	4.23	The procedure and system for checking a worker's well-being must be reviewed at least annually, or more frequently if there is a change in work arrangements which could adversely affect a worker's well-being or a report that the system is not working effectively.
Mandatory pre-payment for fuel	4.23.1	An employer must require that customers prepay for fuel sold in gas stations and other retail fueling outlets.

Explanatory Note

Proposed new section 4.23.1 is intended to require employers to require mandatory prepayment for fuel sold in gas stations and other retail fueling outlets.

Fuel is considered to be products such as gasoline, propane and diesel. "Other retail fueling outlets" would include convenience stores that also dispense fuel.

Prepayment options that would be acceptable under proposed new section 4.23.1 include:

- Payment at the fuel pump by either debit or credit card; or
- Pre-payment for fuel products to an attendant; or
- Payment by card-lock system which is typically used by the commercial trucking industry.