

WORKERS' COMPENSATION BOARD OF B.C.

**PUBLIC HEARING**

**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS**

Prince George, B.C.  
March 9, 2004

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TRANSCRIPT OF PROCEEDINGS

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PANEL:

Margaret Eckenfelder  
David Young  
Mark Powers

Chair  
Vice-Chair  
Legal Counsel

**INDEX OF PRESENTERS**

	<b><u>PAGE</u></b>
KAREN TAYLOR, Local 611, B.C. Government Employees Union	5
WIHO PAPENBROCK, Correctional & Sheriff's Services Component of BCGEU	13
MARLENE COOKE	23
ROSEMARY GUTTERIDGE	29
MILTON LINDSAY	36

Prince George, B.C.  
March 9, 2004

1 PROCEEDINGS COMMENCED AT 9:20 A.M.

2 THE CHAIR: Good morning and welcome. My  
3 name is Margaret Eckenfelder. I am the Panel Chair today.  
4 My position with the WCB is Vice-President for the Policy  
5 and Research Division. I am pretty new to the Board. This  
6 is week eight on the job and this is my first time in this  
7 setting, so bear with me as we go through the day.

8 The purpose of the public hearing is to give  
9 you an -- oh, I should also introduce David Young, he is  
10 Vice-Chair of the Panel, and Mark Powers, who is Legal  
11 Counsel for the Panel, and they will keep me in line this  
12 morning.

13 The purpose of the public hearing is to give  
14 you an opportunity to comment on the proposed amendments to  
15 the Occupational Health and Safety Regulations relating to  
16 a number of areas: The Occupational Environment  
17 Requirements; Workplace Conduct and Violence in the  
18 Workplace; Noise Vibration, Radiation and Temperature; Fall  
19 Protection; Ladders, Scaffolds and Temporary Work  
20 Platforms; Agriculture; as well as a number of  
21 miscellaneous sections in the Regulation. In addition, we  
22 are also here to listen to comments on proposed policy  
23 amendments relating to Occupational Exposure Limits for  
24 Chemical Substances.

25 We are here to listen to your remarks. And

THE CHAIR  
(Introductory remarks)

1 to ensure that we proceed in a timely manner, which this  
2 morning is a little bit redundant to talk about, we are  
3 asking that presentations be kept within the time period.  
4 We have no participants registered right now to give  
5 presentations until 10:15 so I will proceed with the  
6 opening remarks and then we will either have a bit of a  
7 discussion or adjourn until 10:15.

8 A transcript of any comments made during the  
9 hearings will be made. We have a court reporter here to do  
10 that. If you have additional material that you want to  
11 leave with us in writing, please feel free to do that.  
12 Oral and written submissions will form part of the public  
13 hearing record and we will be accepting written submissions  
14 until 4:30 p.m. on April the 16th.

15 If you do have questions, please address  
16 them to me as Panel Chair, and then I will probably pretty  
17 quickly turn it over to my colleagues, or we will take some  
18 questions and get back to you in writing later on. The  
19 real purpose today, though, is to hear from you.

20 This year, prior to the commencement of the  
21 public hearings, we did hold technical information sessions  
22 in eight locations throughout the province. These were  
23 sessions held with technical experts and provided  
24 participants with an opportunity to ask more technical  
25 questions and give us some sense of how some of the

THE CHAIR  
(Introductory remarks)

1 proposed Regulations might work in practice, as well as  
2 some potential implementation challenges. That information  
3 is also going to be taken into consideration here. I would  
4 like to thank those who participated. We had about 154  
5 people throughout the province come to the technical  
6 information sessions.

7 This public hearing does represent the  
8 formal consultation process required under the Act. Once  
9 the hearing process is complete, all written and oral  
10 submissions will be examined. The Board of Directors of  
11 the WCB is the decision-maker here and all submissions will  
12 be made available to the Board as they deliberate. So once  
13 again this is your opportunity to be heard on the issues,  
14 and thank you for your interest and involvement.

15 I would like to make a comment about the  
16 room and us sitting up here. We didn't realize when we  
17 were booking rooms that the smaller rooms that we had last  
18 year upstairs were fully booked for this week, so that we  
19 are in the gym and I hope that that doesn't make anybody  
20 feel intimidated in any way. I sure might if I walked into  
21 the room and saw us characters sitting up here on the  
22 stage. So I would just like to let you know that it is not  
23 meant to be like a court.

24 Would any of you like to make submissions,  
25 or is it...?

THE CHAIR  
(Introductory remarks)

1                   Okay. So I will adjourn now until 10:15 -  
2 we'll have a long coffee break - when we have our first  
3 presenter. Thank you.

4 --- PROCEEDINGS ADJOURNED AT 9:25 A.M.

5 --- PROCEEDINGS RECONVENED AT 10:15 A.M.

6                   THE CHAIR: I am not going to go through the  
7 whole of my introductory remarks, since we are restarting  
8 the session that was adjourned earlier this morning.

9                   I will introduce myself. I am Margaret  
10 Eckenfelder. I am the Chair of the Panel. As I was  
11 explaining to Karen, I have been with the Board now for  
12 about eight weeks and this is my first time around. This  
13 is David Young, he is Vice-Chair, and Mark Powers, who is  
14 Legal Counsel. We mean this to be friendly, despite the  
15 size of the room. I think we have talked briefly about  
16 that, all of the other rooms were booked, so we have space  
17 and we also do have time. Part of my opening remarks are  
18 generally to ask people to please stick within your ten  
19 minutes allotted. But I think today we can be a little bit  
20 more flexible with the time, although if it starts to be  
21 lunchtime I'll get hungry.

22                   I just wanted to reiterate the purpose of  
23 the public hearing is the formal part of consultation on  
24 this year's round of Occupational Health and Safety  
25 Regulation review. All of the submissions that are made

KAREN TAYLOR  
(Local 611 BCGEU)

1 either orally or in writing will become part of what goes  
2 forward to the Board as part of their decision-making  
3 information and material.

4 Written submissions will be accepted until  
5 4:30 p.m. on April the 16th. So if you have more to say or  
6 know others who do want to make a written submission and  
7 did not have an opportunity to get one done for the  
8 hearings, please let them know that they are still free to  
9 make a submission.

10 That being said, I will turn it over to you,  
11 Karen. Karen Taylor.

12 PRESENTATION BY KAREN TAYLOR ON BEHALF OF LOCAL 611, B.C.  
13 GOVERNMENT EMPLOYEES UNION:

14 MS. TAYLOR: Thank you for this opportunity  
15 to speak today. I am a union representative of the  
16 Occupational Health and Safety Committee for Prince George  
17 and surrounding area and I work in the public service  
18 sector at the Ministry of Human Resources. My role as an  
19 occupational health and safety representative is to make  
20 sure...

21 THE CHAIR: Can you hear?

22 MS. TAYLOR: You can't hear me? How is  
23 that? Okay, is that better?

24 MR. YOUNG: Yes.

25 MS. TAYLOR: My role as an occupational

KAREN TAYLOR  
(Local 611 BCGEU)

1 health and safety representative is to make sure that the  
2 employer is accountable to the Regulations and to  
3 participate in the investigation process and proactive  
4 planning based on the results of risk assessments.

5 Because of my OSH role and my other union  
6 responsibilities to staff at the Ministry of Children and  
7 Families Probation and the Ministry of Human Resources, I  
8 am also interested in the proposed Regulations in Part 4,  
9 Divisions 5 and 6 entitled "Workplace Conduct and Violence  
10 in the Workplace".

11 I appreciate that the proposed Regulations  
12 recognize the recommendations from the Coroner's report of  
13 the violent incident in Kamloops. However, it is of  
14 concern that the Board chose to place both "Workplace  
15 Conduct" and "Workplace Violence" under one heading in the  
16 proposed Regulations. By combining the two topics it  
17 appears to have less emphasis on workplace conduct.

18 The two areas, workplace conduct and  
19 workplace violence, need to remain separate. There are  
20 very different hazards that come from different causes,  
21 which means different prevention strategies are needed as  
22 workplace conduct differs from other types of workplace  
23 violence. By combining the two it weakens the emphasis on  
24 the need for proactive risk assessments. Workplace conduct  
25 becomes minimized, as well as it leaves the issue of the

KAREN TAYLOR  
(Local 611 BCGEU)

1 risk assessments on workplace violence open to performances  
2 or results-based recognition of incidents after the fact.

3 Although the two are under the same heading,  
4 in the proposed Regulations it appears to imply the two are  
5 not connected. Therefore, if the intent is to place  
6 importance on "Workplace Conduct", it needs to have some  
7 recognition that sections 4.25 and 4.33 apply to this  
8 topic, as well as to Division 6 "Workplace Violence".

9 There also needs to be recognition for the  
10 two categories under abuse: one that speaks to worker-to-  
11 worker, and the other that speaks to non-worker-to-worker  
12 incidents. By leaving these categories unmentioned again  
13 implies that there isn't a distinction between the two when  
14 implementing safety plans.

15 If the intent is to assure more  
16 accountability and reporting of incidents for the  
17 enforcement of the law, then the current Regulations lay  
18 out procedures and language in an easier and more user-  
19 friendly structure. There are two sections where the  
20 proposed language appears weak with respect to enforcement.  
21 The first is in the interpretation that leaves the degree  
22 or rating applied to any incident, as well as any education  
23 process that may follow for worker safety up to the  
24 employer. This becomes clear, for example, in 4.28(1), at  
25 the very end it says "as applicable".

KAREN TAYLOR  
(Local 611 BCGEU)

1           If the intent is to assure other incidents  
2 like the one in Kamloops does not happen again, why do the  
3 words "as applicable" need to be included in that  
4 statement? It suggests that although the employer must do  
5 something, there is a disclaimer as to the applicableness  
6 of the OSH committee to have input. The role of the  
7 occupational health and safety committee is to make sure  
8 that the employer is adhering to the rules and  
9 responsibilities from Part 3 of the Act in a timely manner.  
10 The "as applicable" wording means the employer decides how  
11 they wish to be monitored or be accountable for the  
12 employee's safety.

13           The second area that also seems to be of a  
14 weak tone is the section 4.27 and 4.27.1 under "Improper  
15 Conduct", specifically (2)(a) and (b). Under (a) it says  
16 at the beginning:

17                   (2) The employer must

18                           (a) determine the risk...

19 Although there is little emphasis paid to the consultation  
20 process that the employer must have with the OSH committee  
21 to assure worker safety, the wording in both pieces, the  
22 "as appropriate" language and the "determine risk" factors,  
23 can mean the difference of a plan being put into place or  
24 not.

25           If the employer does not feel there is any

KAREN TAYLOR  
(Local 611 BCGEU)

1 validity to the concern an employee has, there is nothing  
2 in the Regulations to enforce it. By not placing emphasis  
3 on the role of the OSH committee as it is laid out in the  
4 current Regulations, worker safety cannot be satisfied.  
5 There is an option for an employee to contact WCB. However  
6 downsizing has impacted all levels of government, therefore  
7 no one may be available from the Board to do the  
8 investigation. But then rural B.C. is often neglected when  
9 services are centralized.

10 It remains the concern of the worker and the  
11 onus lays with them to report their employer to the Board,  
12 which could jeopardize their job and/or their relationship  
13 with the employer.

14 Further to the point of downsizing, the  
15 proposed outline is not user-friendly or time-efficient.  
16 With today's lack of staff and heavy workload, deadlines  
17 are harder to meet and people need systems that are based  
18 more on a one-touch plan than a three-book exercise. There  
19 is the *Act*, then the Regulations, and then the Guidelines  
20 that need to be referenced for every one issue. Whereas  
21 the current Regulations show the responsibility, details  
22 and protocols for implementing risk assessments and  
23 procedures all outlined on the same page along with the  
24 numbered Regulations.

25 Having to reference three different books in

KAREN TAYLOR  
(Local 611 BCGEU)

1 order to figure out a process causes two major concerns:

2 (1) The safety information is not worker-  
3 friendly, as the information is buried in the Guidelines.  
4 This will reduce the access to information previously held  
5 in the Regulations and will cause confusion that will  
6 result in a higher volume of requests to the Board with  
7 fewer offices where officers are able to respond; and

8 (2) There will be little appetite on the  
9 part of the employer to spend time exploring all three  
10 areas of the legislation. There is the Enforcement section  
11 from the Act Part 3, the Regulations, and then there are  
12 the Guidelines that do not contain any enforceable  
13 component, only intents of the Regulations.

14 Although the Regulations may have been  
15 recommended from the results of the Coroner's report, the  
16 language in the proposed Regulations seems to include the  
17 intent to minimize the gravity of the issues surrounding  
18 workplace conduct and/or workplace violence: for example,  
19 prefacing an explanation for a Regulation with "if" or  
20 including the term "may" instead of "must" in the content  
21 of the explanation.

22 In sections 4.28.1 it goes on to say in  
23 there "if" and "may". This leaves the option open to  
24 interpretation by the employer, because the wording fails  
25 to include any recommendations from the OSH committee or

KAREN TAYLOR  
(Local 611 BCGEU)

1 any consequences if the follow-up does not get done.  
2 Again, a person has to go to another section in the  
3 Guidelines book to get that information.

4 In further review I've noticed that sections  
5 4.26 to 4.33 also leave out any explanation as to the  
6 degrees, types or causes of abuse or intimidation. There  
7 again the employer has to find the book with the Act and go  
8 to Part 3 to get the type of information referred to in  
9 section 4.28.1.

10 These issues lead me to believe there is a  
11 lack of understanding from the Coroner's report with  
12 respect to the factors accumulated stress plays in the  
13 workplace. Workplace stress is not a minor factor. In  
14 fact, many do not understand the psychological implications  
15 of intimidation or abuse, and therefore it should not be  
16 left out of the main proposed Regulations in section 4.24.

17 As well, the proposed Regulations fail to  
18 mention workplace demands at all. In today's workplace  
19 violent incidents are recorded on a daily basis at the  
20 Ministry of Human Resources, Children and Families,  
21 community social service sectors, correctional facilities  
22 and hospitals. Incidents that incur in the environment  
23 that invoke confrontation in any form, be it psychological  
24 or physical, that conflict has a root cause. That root  
25 cause is very often from accumulated sources of stress.

KAREN TAYLOR  
(Local 611 BCGEU)

1 For example, where there is verbal interaction with the  
2 public on conflicting viewpoints of the law, or where the  
3 public requiring more demands on staff to supply answers  
4 for program cuts, or the impact of fewer staff managing  
5 workloads with less or no backfill for days off, or from  
6 streamlined budgets requiring maximum output within minimum  
7 funds or in minimum timelines, all of these factors place  
8 pressures on workers to perform under stressful conditions  
9 and are major contributors to workplace violence.

10 There were a lot of worker incidents that  
11 created the current Regulation language and that was done  
12 in conjunction with the employer and the OSH committee.  
13 However, that consultation did not take place prior to the  
14 proposed Regulations. So again I must come to my point  
15 that there is a great need for consultation with OHS  
16 committees to ensure that there is employer accountability  
17 and a need for in-house safety plans in place at all  
18 worksites. There also needs to be a recognition with the  
19 Regulations that incidents occur between worker as well as  
20 with non-workers impacting workers, and the Regulation  
21 layout needs to be user-friendly just the way the current  
22 Regulations are.

23 Thank you.

24 THE CHAIR: Thank you, Karen. Mark points  
25 out you have six seconds left.

WIHO PAPENBROCK  
(C&SSC of BCGEU)

1 MS. TAYLOR: Questions? No? Thank you.

2 MR. PAPENBROCK: Ready?

3 THE CHAIR: Ready.

4 PRESENTATION BY WIHO PAPENBROCK, ON BEHALF OF CORRECTIONAL  
5 AND SHERIFF'S SERVICES COMPONENT OF B.C. GOVERNMENT  
6 EMPLOYEES UNION:

7 MR. PAPENBROCK: Thank you, Panel. Good  
8 morning. My name is Wiho Papenbrock. I am the Regional  
9 Coordinator for the B.C. Government Employee's Union. But  
10 I am presenting today with respect to my responsibilities  
11 for the Correctional and Sheriff's Services Component of  
12 the BCGEU.

13 I want to thank the Board for the letter of  
14 notification and the timely information sent. It's a good  
15 improvement over last year, and if you recall my comments  
16 last year, it was quite critical of the notice process,  
17 particularly in Prince George.

18 I also, for the record, found the technical  
19 hearings to be quite useful and that process helped me go  
20 through the Regulation changes.

21 Having said that, I still want to go on  
22 record as disagreeing with the Board policy or decision to  
23 not re-establish the joint regulatory or regulation  
24 advisory committees that I think worked very well in the  
25 past. They should be re-established, as it allows proposed

1 changes to be jointly developed or at least pre-vetted  
2 through a process that includes the major stakeholders in  
3 the Act and Regulations.

4 My comments today are specific to the  
5 proposed Part 4 "Workforce Conduct and Violence in the  
6 Workplace" and more specifically I want to focus on workers  
7 and working conditions in the Court Services and  
8 Correctional facilities.

9 When we look at the scope of the proposed  
10 Part 4, it clearly covers "workers", as defined by the Act,  
11 and that is both employees, supervisors and management, but  
12 it is unclear on specifics on how to deal with a person who  
13 is not a worker. And in this case I am referring to an  
14 individual who is in custody.

15 This is further complicated by a huge grey  
16 area: how do we deal with a working condition that creates  
17 a situation where improper conduct, threats of violence and  
18 violence are likely to occur?

19 So I am going to table three documents along  
20 with my submission to illustrate this point. And the first  
21 one is a study by Dr. Neil Boyd, Professor of Criminology,  
22 Simon Fraser University entitled "The Work of Correctional  
23 Officers in British Columbia, 2002: Problems and  
24 Prospects" and you have that in your package. There is a  
25 supplement to that which is a July 17th, 2003 report

1 updating the 2002 data. The second document is a  
2 "Coroner's Inquest Verdict" into the death of an inmate at  
3 a B.C. Correctional facility and the third document is a  
4 "Letter of Concern" from an inmate at a B.C. Correctional  
5 institute. I was going to table and talk about the  
6 Coroner's Inquest Verdict from Kamloops, but I think others  
7 will do that along with comments with respect to the  
8 Regulations, both here and at the hearings in Richmond.

9 With respect to the proposed Part 4, I think  
10 it is important that there not be a reference to "practice  
11 Guidelines" as the enforcement method for these  
12 Regulations. Due to the dramatic consequence of physical  
13 violence, including the death of workers and persons other  
14 than workers affected by these Regulations, I feel we need  
15 very specific prescriptive Regulations. It is simply too  
16 high a risk or price to pay if we adopt a results-based  
17 enforcement policy when we are talking about the life and  
18 death of workers.

19 Now, Dr. Boyd summarize his 2002 study of  
20 Correctional officers in B.C. in terms of safety on the job  
21 and in descending order of concerns are:

- 22 1. Staff to inmate ratios
- 23 2. Inadequate training, and
- 24 3. Safety on the job.

25 And then there are contributing factors such as stress, job

1 security and management/labour relations. But the report  
2 found that Correctional officers in B.C. as the category of  
3 workers most likely to be injured by on the job criminal  
4 violence with the rate of WCB claims about twice that of  
5 police officers.

6 The July 2003 update, based on WCB data,  
7 indicate that acts of force or violence against  
8 Correctional officers continue to rise at a time when  
9 virtually all other occupations are experiencing declines  
10 in these types of claims. In 2002 a record number of  
11 violence claims were accepted by the WCB and the number we  
12 have from their records is 28.

13 So specifically with respect to section 4.27  
14 "Improper Conduct", the problem with the proposed 4.27 is  
15 that the definition does not include "working conditions or  
16 employer policy" that invite or allow improper conduct to  
17 happen.

18 In section 4.28 there is no clear or  
19 prescriptive process to clarify the consultative process  
20 with the joint OH&S committee. And I have first-hand  
21 knowledge of a number of appeals, work stoppages, refusals  
22 where this case in point, where we are simply unable to  
23 have a meaningful dialogue on what we mean by the process  
24 under section 4.28.

25 Underlying the problem here is that it is my

1 experience that the key issues raised as contributing  
2 factors to violence in the workplace as identified by Dr.  
3 Boyd's report, specifically staff to inmate ratio and  
4 double bunking, are not able to be dealt with by the joint  
5 committee or the Regulations as they currently exist. And  
6 double bunking is where you have more inmates than the  
7 number of beds in a prison.

8 In section 4.29 it is not clear on when  
9 threats of violence must be reported to the Board, as  
10 opposed to the employer or both, and clear direction here  
11 would be helpful.

12 The Coroner's Inquest Verdict from Burnaby  
13 and the letter of concern from an inmate, also in your  
14 packages, clearly point out serious concerns for violence  
15 against workers and persons under the Act. The inmate  
16 letter is particularly troubling as it is a clear indicator  
17 of conditions that probably will result in violence to  
18 workers and persons, yet with no mechanism to address that  
19 situation. I won't read that letter, but it's on file  
20 there.

21 The prison system is kind of unique. Each  
22 area elects a representative for the inmates and they sneak  
23 out letters and stuff once in a while and we get the stuff  
24 on our desk. And this is troublesome to the union because  
25 it's a clear indicator that there is going to be violence

1 and we don't know how to deal with it because the  
2 Regulations are missing a specific remedy or redress for  
3 that particular problem.

4 Now, both of these, the suicide inquest from  
5 Burnaby and the inmate letter, both of these speak to  
6 violence risk due to staffing ratios and employer policy  
7 related to double bunking that resulted in the finding by  
8 Dr. Boyd that Correctional workers at high risk of  
9 violence.

10 Now, I do not have today's specific answers  
11 to all our concerns here today, but I would like to make  
12 one strong recommendation, and that is that the Board  
13 Regulation Review Committee, this Board or a similar Board,  
14 meet with the Joint Union/Management Occupational Health  
15 and Safety Provincial Committee in Correction & Sheriff's  
16 Services to discuss this matter further, instead of going  
17 back to a Regulation Advisory Committee. And I think the  
18 joint process is the best one to do this, to get both  
19 perspectives on how to deal with persons that aren't  
20 workers and how to deal with the situation raised by the  
21 inquest and by the inmate letters. The result can only be  
22 a safer work environment for all Correctional officers and  
23 policies and regulations that benefit everyone.

24 As a conclusion, I want to say that I will  
25 be in support of the BCGEU's general submission to be made

WIHO PAPENBROCK  
(C&SSC of BCGEU)

1 in Richmond, I believe, on March 25th, and ask that my  
2 comments be read within the general context of that  
3 submission, as well.

4 Thank you.

5 THE CHAIR: Thank you.

6 MR. POWERS: And just for clarification, my  
7 understanding is today you were speaking on your own behalf  
8 and just directing your comments towards the situation with  
9 Corrections; is that right?

10 MR. PAPENBROCK: Yes, I am actually -- one  
11 of my assignments as Regional Coordinator for the BCGEU is  
12 I have responsibility for supporting the Correctional &  
13 Sheriff's Services Component of the union. So I am  
14 speaking on behalf of, as their representative, and as an  
15 individual with knowledge about the system.

16 MR. POWERS: So you are speaking as a  
17 representative of the BCGEU?

18 MR. PAPENBROCK: Of the Correctional &  
19 Sheriff's Services Component. Now, if it carries more  
20 weight that I speak as an individual, I'll put that hat on,  
21 as well. I don't --

22 THE CHAIR: No, I think Mark's just --

23 MR. PAPENBROCK: Just clarifying?

24 THE CHAIR: Yes.

25 MR. PAPENBROCK: The submission is on behalf

WIHO PAPENBROCK  
(C&SSC of BCGEU)

1 of the Sheriff's and Correctional Component. But I would,  
2 I mean, this is a hotly debated topic for us and we would  
3 like some guidance on, you know, how to deal with these  
4 types of letters that are in your package there. How do  
5 you respond to what we know will likely result in violence,  
6 but the Regulations seem to be grey on how to deal with it?

7 MR. YOUNG: Yes. I think apart from what's  
8 happening here with respect to these Regs, we will  
9 certainly be passing along your immediate concerns to the  
10 relevant people with our Prevention mandate, so that they  
11 can start considering and addressing those concerns now,  
12 just apart from what's happening with respect -- because it  
13 is an immediate concern, as you are saying.

14 MR. PAPENBROCK: Yes. And if it's helpful,  
15 we just recently within the last two months, I believe,  
16 have agreement with the Ministry employer to form a  
17 Provincial Joint Safety Committee, whose purpose is to, you  
18 know, try to come to grips with these things. And I think  
19 if that process can be given a chance with support from the  
20 Board to work these things through, that would be helpful.

21 THE CHAIR: All right. That's a good piece  
22 of information because we might be able to talk to them.

23 MR. PAPENBROCK: Right. Yeah, I think both  
24 parties would be open to that.

25 MR. POWERS: Did you have a résumé or

WIHO PAPENBROCK  
(C&SSC of BCGEU)

1        *curriculum vitae* for Dr. Boyd?

2                    MR. PAPENBROCK:  If it's not in his report,  
3        I can get you one.  He is a Professor of Criminology at  
4        Simon Fraser University, well-known in public relations  
5        circles.  He is fairly often on the news commenting on  
6        criminal justice matters.  But I can give you his C.V. if  
7        that's useful.

8                    MR. POWERS:  And in terms of this report,  
9        was it commissioned by anyone, or was this a study he did  
10       on his own?

11                   MR. PAPENBROCK:  It was a study commissioned  
12       by the BCGEU Correctional & Sheriff's Services Component,  
13       released by him, not released by us, but it was  
14       commissioned by us.  And the updated data, we're doing an  
15       annual update, which you might find of interest.  So every  
16       year we update those.  And for update purposes he simply  
17       goes to the WCB and uses their data for accident claims,  
18       investigations and reports of violence and it's a straight  
19       data update at this point.  So the first study was a bit  
20       subjective and then subsequent data is just updated based  
21       on information from the Board.

22                   MR. POWERS:  Thank you.

23                   THE CHAIR:  Thank you very much.

24                   So is there anyone else ready to speak?  
25       Since there is no one else --

WIHO PAPENBROCK  
(C&SSC of BCGEU)

1                   MR. PAPENBROCK: I would just ask to state  
2 on the record that Mike Clark, who was going to present  
3 here, that my submission includes the submission that he  
4 would have made.

5                   THE CHAIR: Thank you very, very much. So  
6 with that, we are adjourned now until two o'clock.

7 --- PROCEEDINGS ADJOURNED AT 10:50 A.M.

8 --- PROCEEDINGS RECONVENED AT 2:00 P.M.

9                   THE CHAIR: Good afternoon. I would like to  
10 recommence the public hearing that we adjourned earlier  
11 today. My name is Margaret Eckenfelder and I am the Panel  
12 Chair. David Young is Vice-Chair of the Panel and Mark  
13 Powers, on my right, is Legal Counsel.

14                   I would like to just reiterate that the  
15 purpose of the public hearing today is to receive input and  
16 submissions on the proposed changes to the Occupational  
17 Health and Safety Regulation. All of the submissions, oral  
18 and written, that are submitted to us in relation to the  
19 proposed changes to the Regulation will be considered by  
20 the Board of Directors as they review the input into this  
21 and as they make final decisions as to what regulatory  
22 changes will actually be put into place. The deadline for  
23 written submissions, should you choose to make one and  
24 haven't already done so, is April 16, 2004, and we have  
25 said at 4:30 p.m.

1           People who are currently observing and would  
2 like to make a submission this afternoon can also check  
3 with Freda at the door and get put on the list. We do have  
4 some spaces left in the afternoon session of the hearing  
5 and this evening, as well.

6           So without any further ado I would like to  
7 welcome the first speaker. Marlene Cooke.

8 PRESENTATION OF MS. MARLENE COOKE:

9           MS. COOKE: Thank you for the opportunity to  
10 speak before you on the proposed changes to the  
11 Occupational Health and Safety Regulation.

12           My name is Marlene Cooke. I work as a care  
13 aide at a long-term care facility here in Prince George. I  
14 have been a member of our Violence in the Workplace  
15 Committee since it was started in the mid-'90s. On behalf  
16 of my coworkers we say "no" to performance-based  
17 regulation.

18           Before I speak specifically on the proposed  
19 changes to the Preventing Violence in the Workplace  
20 Regulation, I want the Board to note that I am angry at  
21 your general direction where many of these Regulations,  
22 such as Noise, Vibration, Radiation, Temperature, Fall  
23 Protection, Ladders and Scaffolds, are gutted and replaced  
24 with a performance-based Regulation. We believe that  
25 performance-based regulations are vague laws that only

1 satisfy unscrupulous employers, because these employers  
2 think they have the ability to comply or not to comply to  
3 the requirement.

4 We are also concerned that for several years  
5 the WCB has reduced inspection and enforcement activities.  
6 Performance-based regulation with little WCB enforcement  
7 will mean more workers will die or get injured.

8 I am a health and safety committee member.  
9 A performance-based regulation does not give my employer or  
10 me the concrete information on how to comply with the  
11 Regulation. Regulations that are prescriptive take the  
12 guessing work out. Employers should meet the minimum  
13 requirement, and it does not preclude us from observing  
14 better standards and practices.

15 We want the Board to back off from enacting  
16 performance-based regulation until we have evidence that  
17 performance-based regulation will save lives.

18 Despite the objections of workers in the  
19 last round of public hearings in the spring of 2003, the  
20 Board has amended the First-Aid Regulation to make it  
21 performance-based. This performance-based First-Aid  
22 Regulation will become law this year, giving us an  
23 opportunity to track the effectiveness of this move. Many  
24 of the current Regulations are the outcome of a long  
25 consultative process with employer and worker communities.

1 We urge that the Board halt any further attempts to water  
2 down the OH&S Regulations.

3 Worker-to-worker Violence Regulation,  
4 including Organizational Stress. I would like to speak on  
5 the proposal to include worker-to-worker violence into the  
6 current Preventing Violence in the Workplace Regulation.  
7 In my workplace we are working under the incessant strain  
8 of health care restructuring, privatization and layoff.  
9 The increased stress brings inevitable deterioration of  
10 interpersonal relationships at work, primarily due to the  
11 changes in how our work is organized and workplace  
12 policies.

13 There is a need to recognize that not only  
14 physical violence but psychological violence between co-  
15 workers and from management or employers is a health and  
16 safety issue. However, this requirement should not be  
17 mingled into the current Preventing Violence in the  
18 Workplace Regulation. If we need a provision for worker-  
19 to-worker violence, the requirement is best fitted into an  
20 expanded Workplace Conduct Regulation, tailored along the  
21 same lines as the Preventing Violence in the Workplace  
22 Regulation, requiring:

23 (1) A clear definition of physical and  
24 psychological violence such as stress;

25 (2) Risk assessment;

1 (3) Development of policies and procedures;

2 (4) Assessing if new policies, procedures,  
3 workplace practices and organizational restructuring could  
4 contribute to increase of worker-to-worker violence;

5 (5) Instruction and training to workers for  
6 dealing with improper behaviour such as harassment,  
7 intimidation and bullying;

8 (6) How to respond to these incidents;

9 (7) How to obtain assistance; and

10 (8) Development of respectful  
11 organizational solutions.

12 An example of an impact of layoffs and  
13 workers' stress at work, the one I hear most often is "Am I  
14 going to lose my home?"

15 The impact of stress of looming layoffs and  
16 contracting out, where I work, is causing continuous chaos  
17 in the lives of my coworkers. In an atmosphere of high  
18 tension with Rainbow Intermediate Care closing at an  
19 unknown future date, we have managers telling employees  
20 every few days or weeks, "You are getting your layoff  
21 notice next week." A day or two later, "No, you aren't."  
22 This has been repeated over and over every few weeks for  
23 the year. Is this not workplace stress?

24 Then there is the threat of contracting out  
25 hanging over our heads for the last couple of years. Will

1 you be able to pay your mortgage? Will you lose your home?  
2 Will you be able to feed and clothe your children? Is this  
3 not workplace stress?

4 The psychological impact of this roller  
5 coaster has been and is devastating for all my co-workers.  
6 This psychological stress has resulted in high blood  
7 pressure at a stroke risk, ulcers, migraines, depression,  
8 sleepless nights, spouse and family arguments, and all the  
9 medications that go with it.

10 In the workplace there are disrespectful  
11 comments, verbal outbursts and emotional responses. Many  
12 coworkers are feeling intimidated and bullied as I speak.  
13 The residents and their families often take their  
14 frustration and anxiety out on these employees, causing  
15 despair. Then the employer tells them not to discuss it.  
16 Is this not workplace stress?

17 When an employee is physically harmed, we  
18 can acknowledge that physical injury, but we have no tool  
19 to measure psychological harm. So our employer ignores it  
20 and continues to add to it and the workplace roller coaster  
21 continues on.

22 Next I want to speak about ways to  
23 strengthen the current Preventing Violence in the Workplace  
24 Regulation. In healthcare, violent incidents are seen as  
25 part of the job due to the types of services provided. The

1 Regulation must make it more explicit that policy such as  
2 withdrawal of service be implemented in the control plan.  
3 In long-term care, verbal abuse from residents, clients,  
4 patients and their families make workers fearful to come in  
5 to work and result in low self-esteem of the work.

6 History of violence is not communicated from  
7 one agency to another, or within the different departments  
8 in the same organization. The Regulation must make  
9 explicit requirement that such information should be  
10 obtained and communicated. Although there is requirement  
11 for recognition of types of violence, many healthcare  
12 facilities are reluctant to implement flagging systems as a  
13 way to recognize the potential for violence. This  
14 requirement must be more explicit in the Regulation.

15 To ensure workers get the appropriate  
16 training, it has to be made mandatory, meaningful and  
17 relevant, and paid by the employer. Many training  
18 workshops on preventing violence in the workplace simply  
19 dwell on how workers approach the situations without  
20 acknowledging and providing resources that the long waiting  
21 list for healthcare surgeries, the increased waiting line  
22 for healthcare beds and the increase of filth in the  
23 healthcare facilities make the public frustrated, and  
24 usually they lash back to the frontline healthcare workers.

25 In summary, to make our workplaces healthier

1 and safer, the Preventing Violence in the Workplace  
2 Regulation must be strengthened and the WCB must increase  
3 enforcement.

4 Thank you very much.

5 THE CHAIR: Thank you very much.

6 So, Rosemary...? Welcome.

7 PRESENTATION OF MS. ROSEMARY GUTTERIDGE:

8 MS. GUTTERIDGE: Hi, my name is Rosemary  
9 Gutteridge, I am a Registered Nurse at Prince George  
10 Regional Hospital, and I thank you for this opportunity of  
11 allowing me to make this presentation.

12 As a Registered Nurse working in a regional  
13 facility, I am particularly concerned about the changes to  
14 the Violence Regulation. The Violence Regulation was put  
15 in place in the early '90s and still today there are  
16 healthcare facilities which are not complying with the  
17 Regulation, putting nurses' safety at risk.

18 I understand that violent incidents against  
19 healthcare workers are on the rise, particularly frontline  
20 workers such as nurses working in emergency departments,  
21 nurses working long-term care and acute-care wards, as  
22 acuity rises in all aspects of healthcare.

23 To date there has been no evaluation of this  
24 Regulation, nor has there been any consultation from  
25 nurses, nor other workers, about how this Regulation should

1 be changed to address the situation in healthcare.

2 Despite employers being non-compliant with  
3 the Violence Regulation, we have seen little or no  
4 enforcement of this Regulation in healthcare. We need  
5 enforcement of the Violence Regulation, not a performance-  
6 based regulation.

7 We know that nurses are at risk of exposure  
8 to violence. I hear of nurses being exposed to violence on  
9 a regular basis. On the ward I work, even though  
10 technically it is a rehab ward, which would suggest that  
11 people are coming in for rehab and therefore not that  
12 acute, we have had many off-service patients who are  
13 acutely ill and thus more inclined to violent episodes.  
14 Unfortunately, most of these incidents of patients hitting  
15 out, grabbing nurses' wrists, et cetera, go unreported  
16 because there is still the tendency for nurses to think  
17 "It's part of the job" and that they won't get any support  
18 if they do report it. Given the changes to the social  
19 safety net in B.C., it is likely that the number of  
20 incidents will increase and the types of incidents will  
21 intensify.

22 Nurses want to have input into how the  
23 Regulation is changed. Frontline workers know better than  
24 anyone what risks have to be faced in their job.

25 Comments specific to the proposed amendment:

1                   (1) Worker-to-worker violence should be  
2 part of the Regulation which addresses improper workplace  
3 conduct. To include it in the violence section suggests  
4 that worker-to-worker violence is more prevalent than it  
5 is. Worker-to-worker misconduct and workplace violence are  
6 different types of hazards with different causes and  
7 different prevention methods. The Regulation should  
8 reflect this.

9                   (2) Each Regulation should contain a risk  
10 assessment with specific criteria, which must be considered  
11 in the assessment. In addition, each Regulation should  
12 have its own risk assessment, control and prevention plan,  
13 which should be set out in the Regulation, not a practice  
14 Guideline.

15                   In order to fulfill the *Workers Compensation*  
16 *Act* requirements, workers need to be able to assess all of  
17 the relevant requirements in the Regulation. Nurses want  
18 to know that the Regulation has clout. It is not  
19 sufficient to have part of the requirements as Guidelines,  
20 which are subject to change and not enforceable. This just  
21 encourages non-compliance.

22                   Workers need to be protected from physical  
23 and psychological injury related to improper conduct and  
24 violence. Critical incident and stress debriefing must be  
25 a part of the Regulation.

1           The confidential section must be revised so  
2 that the decision to keep information about improper  
3 conduct and/or violence is not at the employer's  
4 discretion.

5           To sum up, nurses need to know that they are  
6 protected in the workplace and that the employer will be  
7 held accountable for violent incidents that happen, and  
8 that changes to avoid such a thing happening again will be  
9 required.

10           Now, regarding Occupational Environment  
11 Requirements. As with the other areas of the Workers'  
12 Compensation OH&S Regulation where changes are proposed,  
13 the amendments with respect to Occupational Environment  
14 Requirements, if implemented, will downgrade the  
15 requirements for the basic provision of lunchrooms,  
16 washrooms and change areas.

17           Elimination of Part 4, sections 4.84 to 4.88  
18 is acceptable in order to broaden scope and update  
19 Regulations. However, the elimination of the specific  
20 requirement to actually have a lunchroom or a designated  
21 eating area is eliminated under the proposed amendments.  
22 The proposed Regulation section only focuses on storage and  
23 consumption of perishable food. Frequently with the short  
24 staffing issues in healthcare facilities nurses are unable  
25 to leave their wards for meal breaks. It is essential they

1 have a designated lunchroom on their unit to take their  
2 meal break in.

3 I personally work permanent night shift and  
4 since there is only two R.N.s on the ward, and that's the  
5 total staff for the night, and often there is no relief  
6 available and even if there is, the relief could leave at  
7 any time in the event of an emergency, we have to have our  
8 meal breaks on the ward. If there was no lunchroom, we  
9 would be forced to eat our meals at the nursing station, or  
10 worse, in an equipment storage room or something to that  
11 effect. In many facilities this still happens. Again,  
12 there is little follow-up or enforcement of the present  
13 Regulation.

14 The specification requirements to ensure  
15 that food is stored and consumed in a clean and sanitary  
16 location are proposed to be moved into a practice  
17 Guideline. The resultant effect would be lack of  
18 enforceability and cumbersome assessing of the necessary  
19 information. It needs to be left in the Regulation.

20 Regarding washrooms. While it is correct  
21 that the *B.C. Building Code* provides necessary standards  
22 for the dimensions and construction of washroom facilities  
23 and details of the number of cubicles, disabled  
24 accessibility, et cetera, it will not provide the  
25 protective measures with respect to designated staff

1 washrooms that are separate from those designated for the  
2 public at certain work places. The staff at a healthcare  
3 facility should not be required to use general public  
4 washrooms in place of their own designated washrooms. The  
5 washrooms used generally by the public or patients would be  
6 potentially much less hygienic than those designated for  
7 healthcare workers only, causing a very likely cross-  
8 contamination hazard and compromised health status of  
9 workers and the patients that they would then return to  
10 care for.

11 The amalgamation of public and staff  
12 washrooms at some workplaces would also cause a potential  
13 safety risk from acts of violence, e.g., residential  
14 treatment centres, and other workplaces, of course, besides  
15 healthcare.

16 The explanatory notes on page 12 state that  
17 it is anticipated that Guidelines for Part 5 would address  
18 clothing storage facilities for a worker's street clothes.  
19 Provision for storage, change and shower facilities needs  
20 to be left in this part of the Regulation to provide  
21 logical placement. Moving explanation of privacy and  
22 definition of protective work clothing and the numbers and  
23 configurations of change areas to a practice Guideline is  
24 not acceptable.

25 This concludes my presentation and I thank

1 you again for the opportunity to bring these points to your  
2 attention.

3 THE CHAIR: Thank you very, very much for  
4 coming today to present your views. Thank you.

5 My records indicate that there are no  
6 further scheduled speakers. We will take a few minutes to  
7 see if anyone else comes forward. Freda...? No.

8 What we are going to do - I am getting good  
9 advice from my advisor since this is my maiden voyage into  
10 this area - we will take a break for about ten minutes and  
11 see if anyone else comes forward to speak, and if no one  
12 else does, then we will be adjourning until the session  
13 this evening at 7:00 p.m. So we will take ten and see.

14 --- PROCEEDINGS ADJOURNED AT 2:30 P.M.

15 --- PROCEEDINGS RECONVENED AT 2:38 P.M.

16 THE CHAIR: I'd like to reconvene this  
17 portion of the hearing.

18 There are no further presenters registered  
19 to present this afternoon, so we will adjourn this portion  
20 of the hearing and reconvene this evening at 7:00 p.m.  
21 Thank you very much.

22 --- PROCEEDINGS ADJOURNED AT 2:40 P.M.

23 --- PROCEEDINGS RECONVENED AT 7:15 P.M.

24 THE CHAIR: This is the resumption of the  
25 public hearing in Prince George, public hearing into the

1 proposed amendments to the Occupational Health and Safety  
2 Regulation. I did a longer introduction earlier so I'll  
3 just summarize the purpose of this hearing. The hearing is  
4 the formal consultation process with respect to this  
5 Regulation. We are accepting oral and written submissions  
6 and you're about to, I think, give us an oral submission?

7 MR. LINDSAY: Yes.

8 THE CHAIR: And if you would like to submit  
9 anything in writing, written submissions will be accepted  
10 until 4:30 p.m. on April the 16th this year.

11 MR. LINDSAY: I see.

12 THE CHAIR: And all of the oral and written  
13 submissions that we receive as part of the public hearing  
14 process will become part of what is transmitted to the  
15 Board of Directors, who ultimately makes a decision on  
16 whether or not to finalize the proposed Regulations or  
17 change them. So that will also -- everything that you say  
18 and all of the written submissions will become part of that  
19 record.

20 So without further ado, then.

21 PRESENTATION BY MR. MILTON LINDSAY:

22 MR. LINDSAY: I don't know whether you're  
23 aware of who I am, but I'll start by introducing myself. I  
24 am Milton Lindsay. I and my wife own Rain Coast Cranes out  
25 of Terrace, B.C. We're a small company. We have six

1 machines, but we've been in business since 1983.

2 The fact that the Board wants to do away  
3 with apprenticeship training is very disturbing to me  
4 because of the fact that experience in the field, watching  
5 people who have become equipment operators and operate  
6 under the guise of being competent people, scares me  
7 greatly.

8 I have trained five people now through  
9 apprenticeship training. I presently have four of them  
10 employed. And these people I have started from ground  
11 zero, you might say, and taken them on to be licensed  
12 operators within the Province of B.C. and they all have  
13 written their inter-provincial exams and passed them with  
14 flying colours.

15 Now, the reason that I'm so concerned about  
16 the apprenticeship training being dropped was the fact that  
17 I came up into the industry without the benefit of the  
18 apprenticeship training. I was one of these people who an  
19 employer deemed qualified to operate a crane because I had  
20 operated other equipment and he happened to need a crane on  
21 that date to get his machine working. There was no pre-  
22 qualification as was mentioned here, and I'd be very  
23 interested to see what qualifications would be recognized  
24 by the Board as making a person capable of operating a  
25 crane.

1                   Now, the rules with which we operate in this  
2 industry are "Get out there and get the job done, get the  
3 heck off my property and do it my way." I really don't  
4 agree with that. There are so many things that go into  
5 operating cranes today, from factors like ground-bearing  
6 pressure on roads, which the employer, the owner is kind of  
7 responsible for. But there are times when an employer  
8 cannot totally understand what a crane has to do on the  
9 jobsite, because he might be sitting behind a desk in  
10 another community and the crane move around within the  
11 jobsite without taking a look at it. You know, if you rely  
12 on inexperienced help to tell you what to do, you or I  
13 could be opening myself up to a lot -- a lot of legal  
14 ramifications if the crane tips over.

15                   Just a couple of stories.

16                   I have two sons working for me. One of  
17 those sons had gone to school in Ontario to the Operator's  
18 Training School in Ontario, had come out of there with a  
19 very high mark. He was on a job and he was asked by a --  
20 and I'll use the term "ironworker" to make a lift and the  
21 young man said, "I am too far away. I can't do it with the  
22 crane from here, I have to move." And the ironworker told  
23 him that "The outriggers aren't off the ground yet. Either  
24 do it or get off the job." And the young fellow phoned me  
25 and said what the situation was. I went in and I spoke to

1 the superintendent, this ironworker's boss, and I was told  
2 that if that young man did not want to do it, our crane  
3 wasn't needed anymore.

4 Well, now, lift an outrigger off the ground.  
5 If you're at all cognizant with a crane, you've already  
6 overloaded that crane by about 115 percent. You could bend  
7 the boom. You could hurt somebody in the process of doing  
8 that.

9 In this case I look at this proposed  
10 Regulation that you have here as giving that particular  
11 ironworker the chance to tell an operator what to do. The  
12 operator bears no responsibility anymore, "I was told to do  
13 it so I've done it." Therefore we're losing a lot of  
14 competent people within our organization who like to do  
15 their job properly.

16 The other thing is I've been out on jobs  
17 where people have done -- like, another story. We sent out  
18 an 80-ton crane this summer to make a lift. We got there  
19 and discovered that a crane owner in the woods industry had  
20 tried to make a lift with a crane. The crane had tipped  
21 and the load had fallen against the building. We needed  
22 the 80-ton crane to make a lift that the crane owner had  
23 tried to make with a 25-tone crane. They did not have the  
24 training. They did not have the background. It was, "It's  
25 my job. I've got to get it done and I've got to do it the

1       cheapest way possible."

2                   Now, with the fact that having a licensed  
3 operator gives a person some reason to have a backup for  
4 the days that he goes out to work. Like, if he knows that  
5 his job is on the line and if he screws up, you know, it's  
6 the same as a drunk driver. You go out and you drink and  
7 drive, you get caught, you lose your licence, you lose that  
8 privilege. With a crane operator if they mess up and their  
9 licenses are pulled, they don't have the opportunity to  
10 earn the money that they normally would in that industry.

11                   I've been on jobs where the people want,  
12 like, owners of business want flexibility to use. They may  
13 not have work for the crane operator every day and they  
14 need to work him somewhere else. And that person just does  
15 not know how to carry on with his job properly. They don't  
16 have the training.

17                   I worked in Kitimat a lot in three different  
18 plants, and it's amazing the lack of knowledge that these  
19 people have about craning. It's appalling, to be honest  
20 with you. These people expect that you can do anything  
21 with a crane of any size -- not all of them, some of them  
22 do. But they expect that people will do anything just to  
23 get the job done.

24                   There's so many factors that go into the  
25 operation of a crane. Like we have wind meters to tell us

1       how much wind is out there because we'll get what's called  
2       the sail effect.  You know, it's like if you hold a little  
3       card like your nametags in front of you there up in the  
4       wind, you can hang onto it.  But pick up the size of that  
5       table and hold it with the same hand, how easy is it?  It's  
6       not easy, not easy in the wind, and a lot of people don't  
7       realize it.  They don't realize that they've got to have  
8       their machines set up so perfectly.  And with the machines  
9       that we have today, you're inviting disaster if you don't  
10      have some form of ownership within those people who are  
11      operating those machines.

12                 Now, with the owners who say they can run a  
13      program, unless it's a laid-out program that everybody has  
14      to follow that has consequences as a result of an action,  
15      it is going to be impossible to police something like that.  
16      We need, you know, competent trained people and the only  
17      way we can get competent trained people is to put them  
18      through a training process.  I don't say that what we have  
19      now, the ITAC thing, the old system that we had, was  
20      perfect.  There's a lot of problems with that, and it needs  
21      to be improved, revised and that.  But we need to have some  
22      training.  You know, when you're dealing with \$100,000  
23      worth of equipment or a million dollars worth of equipment,  
24      I don't think that anybody should be able to say to Joe  
25      Blow, and they probably wouldn't do it, but "Go out there

1 and take that crane and make this lift for me." Like, you  
2 just cannot expect people to properly do the job and learn  
3 as you go. There's got to be a training period of some  
4 sort to go into this program.

5 I can plead on here for quite a while,  
6 folks, but it's a case that if we don't have this  
7 apprenticeship program, we need something that is very,  
8 very similar. Maybe a shorter period, maybe more intense.  
9 But they've got to work with the more experienced people  
10 and get that training. It's just not possible to safely  
11 police an industry, you know. Like, I don't want to see  
12 our industry, our rates rise any more as a result of  
13 programs that people -- you know, like we're all put in the  
14 same bracket. Like, if all crane owners, you know, with  
15 certain, as you're probably all aware, where the safety  
16 slates, a history, they're charged a certain amount for  
17 their coverage. I don't want to start paying, you know, a  
18 whole bunch more because people aren't training their  
19 people. No.

20 I'll answer any questions you have if you  
21 have any.

22 THE CHAIR: Okay, thank you, Mr. Lindsay.  
23 Dave, do you have any questions?

24 MR. YOUNG: I guess I would interested to  
25 hear your view on a particular point. It's my

1 understanding that there are certainly many different types  
2 of cranes out there and different ways to use them.

3 MR. LINDSAY: Yes.

4 MR. YOUNG: Like, you know, a tower crane  
5 versus something you might have in a logging mill or in  
6 another setting. In your view should any kind of  
7 apprenticeship program recognize the different types of  
8 cranes that may be out there or how you should be using it,  
9 or in your view is there one sort of program that should be  
10 suitable for all types of operations?

11 MR. LINDSAY: Well, I'm a crane operator  
12 with 30 years experience. I would not get into the seat of  
13 a tower crane. Not for the fact that they're a tower  
14 crane, but for the fact of not knowing how they react  
15 without first getting some information, some guidance from  
16 an experienced person. Like, what happens if? What will  
17 happen here? What is that foundation like? What is the  
18 safety factor built into this crane? It's not, "Well, I  
19 need a job today and, yeah, I can climb that tower." I  
20 certainly wouldn't do it.

21 Now, the logging thing, they're basically  
22 the same as any mobile crane that we have out there today.  
23 They're used in different fashions. Like, they're pushed  
24 to the limit all the time and this is one of the areas of  
25 the industry that I find very negligent in the use of

1 cranes. Like, I've seen over this 30 years people do some  
2 ungodly things with cranes in the name of "Well, it's the  
3 only way we can do it" and in the name of production. Now,  
4 it's not the cost -- well, it is the cost, you have to get  
5 the job done with the equipment that we have.

6 I've seen people tie things to the front  
7 bumpers of cranes to make them lift. I can bring you a  
8 picture of two cranes making a lift on a dragline bucket  
9 and each of those cranes is overloaded by about 40,000  
10 pounds, and that's not the way the manufacturer intended  
11 them to be used. Not at all, because they've built safety  
12 factors into these machines. They built a safe working  
13 load.

14 I've been refused payment for a job because  
15 the crane I have, the crane operator said, "I can't make  
16 it. The crane won't allow me to do it." And I was refused  
17 payment because a smaller crane came out who had his safety  
18 features unhooked because his crane wouldn't lift a hoot  
19 without taking them off. Now, the manufacturer did  
20 everything they could to make that crane safe, but the  
21 crane owner said, "Well, it just doesn't work without  
22 taking it off, eh?" They're constantly overloading them.  
23 And if the crane operator had a licence to operate and WCB  
24 came along and took away his licence, he would be more  
25 inclined to follow the rules than if he did not have that

1 licence.

2 MR. YOUNG: Thanks.

3 THE CHAIR: Thank you.

4 MR. LINDSAY: Oh, you're quite welcome.

5 THE CHAIR: Thank you very much.

6 MR. LINDSAY: I hope I didn't bore you.

7 THE CHAIR: Oh, no. No, no. No, the whole  
8 issue of cranes, it came up when we did technical sessions  
9 in Richmond. It does seem to be an area where we need to  
10 spend a fair bit of time actually talking to people who are  
11 working in the industry to figure out how to make the  
12 proposed provisions work.

13 MR. LINDSAY: Yes.

14 THE CHAIR: And we certainly heard the point  
15 about the importance of training, the different kinds of  
16 cranes that are out there and, you know, the fact that it's  
17 not unidimensional and it's really quite a complex area to  
18 work on.

19 MR. POWERS: And if I can just add, I notice  
20 you have some material that Freda provided there. Do you  
21 know if that includes the draft Guidelines that have been  
22 produced? I think afterwards --

23 MR. LINDSAY: This booklet?

24 THE CHAIR: No, there's more to it. There's  
25 a set of draft Guidelines that have been --

1                   MR. POWERS:    Yes.    Yeah, there's another  
2 piece that I'd like to get to you.    I think Freda will  
3 arrange that.

4                   MR. LINDSAY:    Oh, okay.

5                   MR. POWERS:    But as you've noted, the  
6 proposal is to delete subsection (3) and the requirement  
7 would be on the employer to ensure that there's a qualified  
8 crane operator, and that there would be training criteria  
9 and an evaluation process that would be developed by the  
10 Board to assist the employer in making that determination.  
11 So what the Board has produced to provide some more  
12 information around that is a draft Guideline.

13                   MR. LINDSAY:    Oh.

14                   MR. POWERS:    And so I just wanted you to get  
15 an opportunity to take a look at that and that may be  
16 something else you'll want to take a closer look at.    And  
17 should you wish to put together a written submission and to  
18 supplement your oral presentation today.

19                   THE CHAIR:    That would be more than welcome.

20                   MR. LINDSAY:    Okay.    Great.    I certainly  
21 will take a look at this and if I can in the timeframe that  
22 I have, I would love to.    Because I don't know what  
23 happened in Richmond.    I really would like to have known  
24 and who presented there and one thing and another.

25                   But the fact that cranes are kind of being

1 downslid in the recognition of the safety factors required  
2 to safely operate them scares the living daylights out of  
3 me, folks. It really does. Because, you know, like the 30  
4 years that I've talked about I've seen some awful things,  
5 I've done some awful things, but I didn't know. I didn't  
6 have the benefit of the apprenticeship program. It was  
7 seat-of-the-pants learning and it's scary, you know.

8 I wrote my inter-provincial ticket and I got  
9 it. My two sons wrote it and they just excelled. Like,  
10 the marks that they received were much better than mine  
11 because they had some training.

12 You know, I've got a lot of experience and I  
13 look at it and go, well, this is the way it should work,  
14 and that. But the training that has been developed or the  
15 training program that has been developed, they thoroughly  
16 recognized and embraced and, you know, like these men are  
17 name-requested, you know, for jobs, eh? Because of their  
18 safe work habits.

19 And to me, you know, that a person that  
20 doesn't have a solid background in the operation of a crane  
21 is not a good worker to have out there. They become a  
22 statistic and unfortunately -- or not, hopefully, not a  
23 fatal statistic, but one of those statistics that drives  
24 the group down.

25 THE CHAIR: So hopefully you do have a

1 chance to take a look at that and get some information back  
2 to us?

3 MR. LINDSAY: Oh, sure, I would love to. I  
4 know what I'm going to do with it and unfortunately it's  
5 not going to happen in time. But I'm a past director of  
6 the Canadian Crane Association or Crane Owners Association,  
7 and I know we've discussed this. And getting people - and  
8 I can see where some of this may have come from - where  
9 there's such a shortage of people that they're wanting to  
10 get more people out there to be able to work. And, you  
11 know, we'd be very interested in looking at training  
12 criteria that could help us out, because, you know, like  
13 our machines are getting much more sophisticated.

14 Anyway, I must have used up my ten minutes  
15 by now.

16 THE CHAIR: That's right. And I'm going to  
17 close the session, but if you want to have a quick word  
18 outside the session, that would be fine, as well.

19 MR. LINDSAY: Oh, love to. Yes.

20 THE CHAIR: Okay. Thank you very much, Mr.  
21 Lindsay.

22 For the record I would like to note that we  
23 were here at 7:00 p.m., that no one showed up until 7:15  
24 until Mr. Lindsay came and wished to speak. We have heard  
25 Mr. Lindsay. There being no further speakers either on the

1 list or at the door, we will bring the public hearing in  
2 Prince George to a close. It is now 20 to 8:00.

3 --- PROCEEDINGS CONCLUDED AT 7:40 P.M.  
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7 I HEREBY CERTIFY the foregoing to be a  
8 true and accurate transcript of the  
9 proceedings herein, transcribed from  
10 taped proceedings, to the best of my  
11 skill and ability.  
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