



June 13, 2008

File: 140-01/WCBB

WorkSafe BC  
Workers' Compensation Board of British Columbia  
Prevention Policy and Regulation Review Department  
Policy and Research Division  
P.O. Box 5350 Station  
Terminal Vancouver BC V6B 5L5

Dear Sir or Madam:

**Re: 2008 Proposed Occupational Health and Safety Regulation Amendments**

The BC Public Service Agency provides human resource management services, under the Public Service Act, to a diverse workforce of approximately 30,000 employees in ministries and organizations in British Columbia.

Enclosed is our Submission on the 2008 Proposed Occupational Health and Safety Amendments. This submission incorporates the combined concerns of our ministries and organizations. Ministries and organizations may also be submitting their own specific submissions.

The BC Public Service Agency thanks the Workers' Compensation Board of Directors for the opportunity to submit this document for consideration and review. We would welcome the opportunity to discuss any of our concerns or issues raised in this document.

Yours sincerely,

Brent Johnston  
Director, Client Services

Enclosure

bcc: Barry Wilton, ADM Client Services, BCPSA  
Regional Directors, Client Services, BCPSA  
Occupational Safety Specialists, Client Services, BCPSA

**PROVINCE OF BRITISH COLUMBIA**  
**BC Public Service Agency**  
**(BCPSA)**

Submission to the Regulation Review Committee on the 2008 Proposed Amendments to the WorkSafeBC Occupational Health and Safety Regulation

June 12, 2008

This submission is the BC Public Service Agency's response to the proposed amendments to the *Occupational Health & Safety Regulation*.

**Part 1: Definitions**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this section as written."

**Part 4:**

**Building, Structures, Equipment and Site Conditions**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this section as written."

**Environmental Tobacco**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this section as written."

**Part 5: Chemical and Biological Substances with consequential amendments to Part 1, Definitions**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this part as written."

**Comment**

On page 3 of the overview document, there is mention of possibly including input derived from other sources such as the Workplace Hazards Materials Information System (WHMIS) under Health Canada's Hazardous Products Act and the Controlled Products Regulations. We fully endorse just such a step and encourage implementing an expanded pool of authoritative reference sources.

**Part 14: Cranes and Hoists**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this part as written."

**Part 17: Transportation of Workers with consequential amendments to Part 16, Mobile Equipment:**

**Part 17:**

There are multiple amendments to this section, with the understanding that it is to help ensure appropriate levels of protection for workers being transported by employer-supplied vehicles. The BC Public Service Agency agrees with WorkSafeBC's intent and applauds WorkSafeBC for their direction in improving the safety of workers during transport. However, we do have a few comments on the following:

**Employer Responsibilities**

WorkSafe BC has proposed the following amendment to the regulation:

**17.2 Employer's Responsibility**

If workers are to travel in a worker transportation vehicle, the employer must ensure that:

- (a) reasonable measures are taken to evaluate road, weather and traffic conditions to ensure the safe transit of the workers;
- (b) an inspection of a worker transportation vehicle has been conducted before first use on a work shift, and
- (c) any defect which might affect the safety of workers is corrected before using the vehicle.

**Comment:**

Although the intent of this section is for the best interest of the safety of workers, an employer may not be in the best position to inspect vehicles and evaluate weather and road conditions. For example, an employer provides weather/road conditions and during travel, an unexpected storm develops and/or there is black ice on a strip of road. In reference to 17.2(a), the phrase "reasonable measures" is vague and unclear. To what extent will the employer be held responsible?

Additionally, section 17.2(b) requires the employer to ensure an inspection has been done, but does not prescribe what is required to be inspected. This section lacks clarity, as it is not clear whether the inspection referred to is a mechanical inspection, or some other type of inspection, and it does not prescribe what components of the vehicle must be inspected. The employer may not be able to ensure the inspection of a rented car, which would be considered a "worker transportation vehicle" when paid for by the employer and transporting three or more workers. The same could be related to a chartered coach bus to what extent will the employer be held responsible?

We support the Ministry of Transportation's submission, dated April 30, 2008, on this proposed amendment and concur that it requires clarification.

**3) Operator Responsibility**

WorkSafe BC has proposed the following amendment to the regulation:

**17.2.1 Operator Responsibility**

- (1) The operator of a worker transportation vehicle must ensure that the worker transportation vehicle has been inspected before first use on a work shift.

**Comment:**

As in section 17.2(b), it is unclear what an operator is required to ensure the inspection of. As written, there appears to be a duplication of responsibilities from what has been required of the employer in 17.2 (b). We do not believe that this is the intent of WSBC. Clarification on what WSBC requires of inspections would greatly assist in implementing and complying with these proposed requirements.

In addition, there is no reference to the operators being trained or knowledgeable to operate the worker transportation vehicle. The argument could be made that WSBC default is WCACT, Part 3, 115 (e). However, we believe that including reference to proper training and education of the operator will assist with this important component of ensuring workers safety when being transported by employer-supplied vehicles.

**Part 20: Construction, Excavation, and Demolition**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this part as written."

**Part 22, Underground Workings**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this part as written."

**Part 23, Oil and Gas**

"The BC Public Service Agency supports the WorkSafeBC proposed amendments on this part as written."

Thank you for the opportunity to present our comments. With the above exceptions, the proposed regulations are an improvement over the previous requirements and as such, we support the changes.