



Association of Canadian Mountain Guides

Association des guides de haute montagne canadiens

Box 8341
Canmore AB T1W 2V1
Canada

Tel: +1.403.678.2885
Fax: +1.403.609.0070
E-mail: acmg@acmg.ca
Web site: www.acmg.ca

June 10, 2007

To: WorkSafe BC
From: Scott Davis, President, Association of Canadian Mountain Guides
Re: Submission on Proposed Amendments to *Occupational Health and Safety Regulation, Part 4* (general conditions)

1. Executive Summary

Following are the considerations and concerns by the Association of Canadian Mountain Guides (ACMG) to the regulatory change proposed by WorkSafe BC, specifically in regards to Part 4 (general conditions) that relates to terrain stability and avalanche assessments. While other portions of the proposed regulation might also affect our membership, the short timeframe limits our comments to this one particular section. The ACMG appreciates the opportunity to have input, and offers to consult further with WorkSafe BC as required.

Fundamentally, the interests of WorkSafe BC and of the ACMG are compatible on this matter. ACMG members work for the businesses and organizations that WorkSafe BC regulates. The ACMG has every desire to ensure the best possible standards are in place to protect the safety of all guides and their guests.

The ACMG applauds WorkSafe BC's recognition of the need for Occupational Health and Safety regulations regarding avalanche risk in the BC workplace. Always concerned with improving workplace safety, the ACMG shares your goal in this regard. Though there are serious questions as to whether these proposed changes are the most effective way of achieving this goal.

First, while the proposed regulatory changes may be appropriate for other sectors, such as forestry and transportation, it is clear that the commercial backcountry recreation sector is specific enough to require specialized standards for its operations. As the terrain usage in backcountry recreation differs widely from other sectors, the risk is also different. Therefore, the standards to minimize risk should be different as well.

Second, the ACMG has established a high standard for the training and certification of its members, and has developed standardized procedures to assess and manage avalanche risk in the backcountry workplace. As internationally recognized best practices, these procedures should be reflected in any proposed WorkSafe BC regulations for this sector.

Third, when WorkSafe BC considered which professionals are qualified to make avalanche assessments, it inadvertently assigned professions that don't necessarily have the skills, training and experience in this area, at least by virtue of their professional designation. This will likely lead to increased safety concerns, as the qualified professional would be empowered by regulation - but not by training or experience.

Finally, due to these concerns and the limited time given to stakeholders to respond, we believe further study and consultation is necessary to ensure trends in best practices, science and technological advances are considered in any regulatory changes.



A member of:

IFMGA: International Federation of Mountain Guides Associations

IVBV: Internationale Vereinigung der Bergführerbände

UIAGM: Union internationale des associations de guide de montagne

<http://www.ifmga.info>

The ACMG firmly believes that only effective consultation can lead to regulatory change that increases worker safety in the backcountry. The current regulatory changes are likely to create several and considerable unintended consequences.

The ACMG does believe that better standards are required, but cautions that the creation of those standards needs to occur in a thoughtful and inclusive manner to ensure they meet the tests of appropriate public policy development and stakeholder engagement. Solutions need to be examined within the context of current industry standards and international best practices; otherwise there is a genuine risk that the proposed regulation will decrease, rather than increase, worker safety.

The ACMG recommends suspending the application of this regulation to the backcountry recreation sector until such time as further consultation can occur. For instance, a joint WorkSafe BC and sector working group could be established, with a clear mandate and timeframe, to create improved safety standards for the sector.

2. Background: ACMG

The Association of Canadian Mountain Guides is dedicated to protecting the public interest in mountain travel. Advocating for the highest standards of alpine risk management, the ACMG works to advance the guiding profession by fostering excellence and best practices across the industry and amongst our 600 members.

The ACMG sets technical standards for guiding certification, sets admission standards for ACMG membership, ensures members meet ongoing professional development requirements, and facilitates a public complaints process. As Canada's certifying body for Mountain Guides, the ACMG is the only representative in the country to meet the standards of the International Federation of Mountain Guide Associations (IFMGA). The backcountry avalanche expertise of ACMG guides is recognized across Canada and around the world.

The ACMG is a significant contributor to public safety in Canada through the sharing of expert knowledge. For example, the ACMG provides a free, online Mountain Conditions Report that is updated regularly and is designed to promote public understanding of mountain conditions. During the winter season, the ACMG provides regular data to the Canadian Avalanche Centre to assist with the production of public avalanche bulletins.

The ACMG sets the educational standards in the Canadian Mountain and Ski Guide Program at Thompson Rivers University in Kamloops, BC. The path to certification as a professional guide is rigorous, requiring years of training and examination to succeed; this process includes the completion of the CAA level 1 and 2 courses. The ACMG Mountain Guide certification takes, on average, six full years of education. Specialty certification programs include Rock, Ski, Alpine, Day Hiking and Backpacking Guide as well as Climbing Gym Instructor.

2a. The ACMG and Accountability

While the ACMG doesn't represent a self-regulating profession in the strict sense of the phrase – it does not receive its mandate through a statute and therefore doesn't benefit from title protection – it emulates the best practices of self-regulating professions. The ACMG is an accountable body, and demonstrates this in the following ways:

- Sets high standards for education and training for admission to the profession, and for the conduct and practice of the professions;
- Reviews standards frequently, ensuring they reflect advances and changes in practices from around the world;
- Requires members to meet mandatory continuing education requirements on an annual basis;
- Allows lay people to sit on important committees, such as the Board and the disciplinary committee;
- Maintains a public complaints process;
- Establishes a disciplinary committee for conduct review.

3. Specific Concerns with Proposed Regulation Change

- Section 4.1.2(2) requiring a “Qualified Registered Professional” (QRP) to conduct all workplace avalanche assessments is beyond the scope of training and experience of the majority of professionals who fall into the proposed list of “QRPs.” For example, the requirement of a P.Eng to perform avalanche assessments and develop risk management protocols for every guided backcountry ski tour or alpine climb becomes highly impractical, particularly given the vast mountainous terrain of British Columbia (which ACMG guides consider to be a workplace).
- ACMG members who hold relevant certification receive extensive training in avalanche terrain identification, avalanche risk assessment and mitigation procedures. This certification standard or its equivalent should be recognized; and the ACMG’s experience and accountability should also be recognized when making further decisions about additions to the list of “QRPs.”
- Section 4.1.2(1) describes “Avalanche risk watch” as being conducted by an “appropriately qualified person.” This individual will have significant affect, if not the greatest affect, on day-to-day worker safety. The ACMG believes the qualifications for this role should be clearly stated. When applied to the backcountry recreation sector, this role should include the applicable ACMG certification or its equivalent.

RECOMMENDATION

The ACMG respectfully recommends the following:

Refrain from applying the standards for slope stability and avalanche assessment to backcountry recreation until such time as WorkSafe BC develops a deeper understanding of this sector and its unique risks. This should include a review of:

- a) Current international best practices;
- b) Emerging technologies;
- c) The sub-sectors involved in commercial backcountry recreation (from independent rock, alpine and ski guides to large operators such as educational institutes, heli- and cat-ski operations, backcountry lodge operators and the emerging area of snowmobile guiding);
- d) Current industry standards for each of the above (if they exist);
- e) The ways in which standards, and accountability for these standards, can be improved.

Developing this understanding within WorkSafe BC, and in collaboration with all relevant stakeholders, is the best way to identify a more effective model for protecting worker safety. Providing more time for consideration, research and development will reduce the likelihood that new regulations will create unintended consequences for worker safety.

If such a joint initiative is undertaken, the ACMG believes it will be important to ensure the working group has a clear mandate, timeframe and deliverables. It is also imperative that emerging sectors, such as the snowmobile guiding industry, be considered.

The ACMG believes more time is needed to ensure any regulation in this area is comprehensive, effective and meets the tests of sound public policy development. Due consideration is necessary and entirely appropriate to ensure and protect worker safety.

Yours sincerely,

Scott Davis
ACMG President