



FAX June 21, 2007



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File: 140-01/WCBB

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

Dear Sir or Madame:

Re: 2007 Proposed Occupational Health and Safety Regulation Amendments

The BC Public Service Agency (the 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 of June 21, 2007 on the 2007 Proposed Occupational Health and Safety Amendments. Ministries and other BC Public Service organizations may also be providing their own specific submissions.

By way of general comment, the multitude of changes being presented and the short time frames for review and comment is onerous. Subsequently, it creates a situation where this employer and others may not be able to provide in-depth reviews and submissions it warrants. Developing legislative changes is onerous. As a suggestion, perhaps a meeting with stakeholders to assess the present process and establish a more effective system would be appropriate.

The 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 K Johnston
Director, Client Services

Enclosure

pc: 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 2007 Proposed Amendments
to the WorkSafeBC Occupational Health and Safety Regulation
June 19, 2007

By way of general comment, the multitude of changes being presented and the short time frames for review and comment is onerous. Subsequently, it creates a situation where this employer and others may not be able to provide in-depth reviews and submissions that it warrants.

Part 3: Rights and Responsibilities: relating to occupational first aid

The BC Public Service supports the WorkSafeBC proposed amendments as written.

Part 4: General Conditions and Part 20: Construction, Excavation and Demolition

The comments in this section reference the Ministry of Transportation; however, they also reflect concerns of all ministries that these proposed amendments will effect.

The BC Public Service is concerned that these proposed amendments address problems which are already being effectively managed by ministries, and if implemented will be less effective than the measures currently in place.

4.1.1, Terrain stability assessment

WorkSafeBC has expanded its response to a specific problem in a specialized industrial sector into industry sectors where the problem either does not exist or is already being managed. This draft amendment speaks to both landslide and avalanche hazard management as if they were the same, when they are not. Furthermore, the hazard management approach described in the amendment runs contrary to current, and successful, industry practices.

The amendment only recognizes professional engineers or professional geoscientists as qualified to do avalanche hazard analysis. The Ministry of Transportation (MOT) successfully manages the largest avalanche protection program in the world. In doing so it utilizes the training, credentialing, and best practices of the Canadian Avalanche Association, which is not referenced at all in the draft amendment.

In managing landslide hazards, the MOT follows the practice of integrating the analysis and management of terrain stability into the highway design engineering and construction process. We concur with the Ministry that this is an inherently safer approach than the retrospective hazard analysis proposed in the draft amendment.

We support the Ministry of Transportation's submission on this proposed amendment and concur with the Ministry that the draft amendments not be adopted as they are presently written to form a part of the *Occupational Health & Safety Regulation*, for reasons identified above.

20.14.1, Fills and stockpiles

WorkSafeBC has made it clear that this draft amendment addresses problems identified within the forest industry. It has not identified similar problems in other heavy industry sectors, particularly in the road construction and maintenance sector. The BC Public Service has not experienced problems with stockpiles, which would warrant the intrusive regulatory intervention proposed in this amendment. For example, the Ministry of Transportation has 100's if not 1000's of stockpiles of salt and sand; as well as gravel stockpiles in both pits and construction sites, and has not experienced problems with these stockpiles.

It is a further flaw of this draft amendment that it speaks to both fill and stockpile hazard management as if the two matters are the same. They are not. Stockpiles are intended to continuously settle to their natural angle of repose as their material is used, whereas fill is constructed to be stable. In discussion with the Ministry of Transportation, to achieve that end the Ministry follows a process, which addresses the stability of fill in the design engineering, and construction process. We concur with the Ministry that this is a more effective process than the retrospective hazard analysis proposed under this amendment.

We support the Ministry of Transportation's submission on this proposed amendment and concur with the Ministry that the draft amendments not be adopted as they are presently written to form a part of the *Occupational Health & Safety Regulation*, for reasons identified above.

Part 4: General Conditions: Working Alone or in Isolation

The BC Public Service supports the WorkSafeBC proposed amendments as written and recognises that the changes will assist in decreasing injury or serious harm to workers working alone or in isolation.

In addition to the proposed amendments, it is recognised that WorkSafeBC has done a substantial amount of preventative initiatives for small businesses; however, we believe that WorkSafeBC can do more to decrease injuries in the small retail sector. We suspect that there are a number of employers of small retail operations who may not be aware of the requirements of the OHSR or, in some cases, that the regulation even exists. WorkSafeBC needs to go beyond writing more regulations and look at developing education and awareness material directed at educating these employers in their roles and responsibilities. In addition, WorkSafeBC should be proactive with this sector by introducing this material to the employer before the start up of the business or, in the case of an established business under new management, as soon as practicable. A visit by a WorkSafeBC representative to provide the education package to a recently established or change of management small retail business would, in our opinion, greatly assist in decreasing injuries to workers.

We encourage WorkSafeBC to develop specific education and awareness material for the small retail employer on their roles and responsibilities. In addition, introduce this material to this employer sector by way of WorkSafeBC representatives visiting recently established or change of management establishments.

Part 5 & 6:

We appreciate that some of our concerns on Part 5 and 6 in our February 28th 2007 submission were addressed, which makes for clearer regulation requirements to interpret and ultimately a safer workplace for workers. However, there are a few proposed amendments that require your further attention.

Part 5 Chemical and biological Substances

This part is defined as dealing with chemical and biological substances. In the definitions it has been broken down to include chemical substances and biological agents. Therefore, Part 5 title should reflect the changes.

We recommend that WorkSafe change the title to this part to read –“Chemical Substances and Biological Agents”.

Part 6 Substance Specific Requirements

6.33:

The BC Public Service recognises that the intent of this definition is explained in the explanatory notes and that Group I is excluded from this definition. However, in our opinion, as presently written there is a potential that at a future date Group I could be interpreted as being included in this definition.

For consistency in the interpretation of this definition, we recommend that the reference to Risk Group II, III or IV be included in this definition as it was referenced in the “Biohazardous material” that this definition is replacing.

6.40 Medical Evaluation

We appreciate the change of wording of this requirement and see this as a clearer statement as to what exposures the employer must advise the worker to seek immediate medical evaluation. However, we are concerned with the lack of reference as to how the non-health care environment workplace identifies that an exposure may have occurred, which would necessitate the need for a medical evaluation. There is no indication that an assessment has been conducted or is required. In a non-health care environment due to this absence the present language has the potential to create scenarios where gratuitous worker concerns and anxiety is created, and unwarranted visits are made to medical practitioners.

We recommend a change in the wording to reflect in the non-health care environment that where it has not been previously identified there is a risk or known risk of a potential for exposure, that an immediate assessment be performed to determine if an exposure has occurred prior to requiring the individual to seek medical evaluation.

Part 9: Confined Space

The BC Public Service supports the WorkSafeBC proposed amendments as written.

Part 11: Fall Protection

The BC Public Service supports the WorkSafeBC proposed amendments as written.

Part 13: Ladders, Scaffolds and Temporary Work Platforms

The BC Public Service supports the WorkSafeBC proposed amendments as written.

Part 14: Cranes and Hoists

The BC Public Service supports the WorkSafeBC proposed amendments as written.

Part 26: Forestry Operations

Explanatory note, page 4.

We appreciate WorkSafeBC efforts in clarifying this employer's concern pertaining to not every employer will be aware that there are requirements in Part 26 that apply to more than forestry operations and with out this knowledge it could place a non-forestry operation workplace in non-compliance. However, the addition of "*and Similar Operations*" to this Part's title does not, in our opinion, meet this concern.

To ensure employers are aware that there are requirements in Part 26 that apply to more than forestry operations. We recommend that WorkSafeBC includes reference to this in either part 3 or 4 of the regulation and identify those sections of part 26 that a non forestry operation workplace should be aware of.

A more comprehensive submission has been developed by the Ministry of Forests on this part and submitted to WorkSafeBC.

Part 30: Laboratories

We concur with and support the University of British Columbia's submission on this Part, which is included in their submission dated June 12, 2007. (Enclosed)

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.