

July 9, 2007

WorksafeBC
Policy and Research Division
PO Box 5350 Station Terminal
Vancouver BC V6B 5L5



Dear Policy and Research Division:

RE: Proposed amendments, Chemical and Biological Substance and Infectious Agents and Infectious Materials.

Thank you for the opportunity to comment on the proposed amendments to the Regulation sections concerning chemical and biological substances and infectious agents and infectious materials.

Substantial improvements have been made from the original proposed amendments for these two sections. Thank you for addressing our previous concerns.

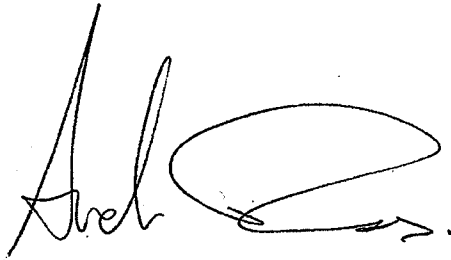
There is one item that requires further attention. Proposed amendment 6.34(h) requires "a record of all workers who have been exposed to an infectious agent or infectious material while performing work activities" to be part of the exposure control plan. Unless an employer is intimately aware of the intricacies of the Regulation an employer could accidentally violate Regulation 3.19 while trying to comply with proposed amendment 6.34(h). Maintaining the confidentiality of an exposed or injured worker is much more important than maintaining a record of the event, especially considering the stigmas associated with blood borne pathogens.

Typically an exposure control plan is a training document that is widely distributed to workers and possibly shared with other employers or WorksafeBC officers. Keeping confidential worker information in an exposure control plan is inappropriate. The proposed amendment wording might be modified to require employers to maintain records but keep them separate from the plan's documentation and the records remain confidential.

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While preparing this letter it was noted that requirements for keeping health records are fragmented throughout the Regulation and guidelines (see 3.19, 5.59, 7.25 and G6.41). Presumably all exposures with true risk to an infectious agent or material require first aid and the requirements of Regulation 3.19 are sufficient and make proposed amendment 6.34(h) redundant. If WorksafeBC envisions records that exceed the requirements of first aid records then more specific language is required in the proposed amendments to clarify how long records must be kept and the records are kept as confidential information. An employer's infectious agent and materials exposure control plan may document how records are kept but confidential information must not be kept within the plan.

Yours truly,

A handwritten signature in black ink, appearing to read 'Andrew Ross', with a large, stylized flourish at the end.

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June 26, 2007

WorksafeBC
Prevention Policy & Regulation Review Department
Policy and Research Division
PO Box 5350 Station Terminal
Vancouver, BC
V6B 5L5

Dear Sirs:

RE: Proposed Amendment to OHS Regulations Part 4: General Conditions : Working Alone or In Isolation

The City of Vancouver is pleased to provide feedback on the proposed amendment. The following proposed changes to the Working Alone or in Isolation Regulation are not supported:

Definition

Including “in ill health” as part of the definition of “to work alone or in isolation” opens the possibility that “work alone” procedures could apply to most employees in all BC workplaces. No employer is able to predict or assess when an employee is, or will be, “in ill health”. With 8,000 employees at the City of Vancouver alone, there are potentially many employees who are, or will be, “in ill health” at any given time, and the listing of persons affected is not static. Employees would be required to disclose all pertinent medical information (signs and symptoms of disorder or disease, use of prescription medication) to the employer so that the appropriate controls are put in place for the given “work alone” circumstances.

4.21

We support the existing regulation 4.21 (1) which provides a reasonable framework for safeguarding the workforce with respect to “working alone or in isolation” matters. The proposed amendment to 4.21, with the removal of “under conditions which present a risk of disabling injury...” would require that a work alone procedure be developed for many more employees than is currently reasonable. Examples of situations which would fall under the proposed “work alone” amendment could include a person who is:

- alone in an office over lunch time
- at work early or late compared to the rest of the workforce
- offsite for short meetings

In situations where there is minimal foreseeable risk of injury due to the type of work, there should be no requirement for work alone procedures. The existing regulation is reasonable, as it applies to employees at risk of injury who would not be able to secure immediate assistance.

Yours truly,

A handwritten signature in blue ink, appearing to read 'David King', with a stylized flourish at the end.

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cc: