



CONSTRUCTION LABOUR RELATIONS ASSOCIATION OF BC

July 12, 2007

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

By Fax: 604-279-7599

Dear Madam/Sir:

We are writing on behalf of CLR's member contractors, many of who will also be responding to you regarding the proposed changes to the WCB Occupational Health & Safety Regulation ("the Regulation").

Construction Labour Relations Association of BC (CLR) is an incorporated society, which, since 1969, has worked to bring labour relations stability and security not only to its member contractors, but also to British Columbia's construction industry as a whole. CLR members have been a mainstay in the construction industry during this time, and have played an instrumental role in the development and maintenance of BC's existing infrastructure. They have been involved in every facet of construction, from mega projects to industrial construction, along with commercial and institutional buildings. For over 39 years, CLR has endeavoured to ensure that the needs of the unionized sector and indeed, the ever-evolving needs of the industry at large are recognized by governments and policymakers.

Our comments are as follows:

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

We view the re-insertion of first aid tables into the Regulation as a return to the prior prescriptive nature of the Regulation and a step backward, given the many health and safety initiatives undertaken by construction employers over the past several years. At the end of the day, first aid activities exist to provide an initial response to an injured or ill worker to minimize the effects of an injury/illness. First aid activities do not prevent injury or illness. We believe the intended inclusion of these tables is more politically motivated than practically required.

We believe it is important that WorkSafeBC worksite inspection officers need to remain focused on prevention issues as opposed to examining first aid supplies and equipment and issuing orders for the lack of the correct number tongue depressors, as has occurred in the past.

Part 4, General Conditions (with consequential amendments to Part 1, Definitions; Part 20, Construction, Excavation and Demolition; and Part 22, Underground Workings), relating to terrain stability and avalanche assessments, fills, and stockpiles:

We support the proposed changes in Part 4 with the exception of recent interpretations of Part 22, Underground Workings that appear to include as an example, any and all work under existing floor slabs, even when supported by piles. Part 22 requires an unambiguous Underground Workings Guideline with the determining factors to be considered by users of construction services, contractors executing the work and WorkSafeBC inspecting officers. Stop work order(s) for such work activities have recently been issued based on interpretations by WorkSafeBC officers. These same WorkSafeBC representatives have suggested that even smaller projects (dollar values not requiring notice of projects) that "could be interpreted as Underground Workings", should be considered as such, and affected contractors should apply for any variances to Underground Workings requirements in each and every circumstance. Given this broad parameter, one could surmise that plumbing; piping or electrical repairs under any floor (slab), including residential, commercial or institutional crawl spaces or sub floors below grade could be construed as Underground Workings.

To date, industry has been successfully performing this type of activity employing confined space protocols, combined with a work area assessment by a professional engineer where structural integrity is suspect.

A definitive Guideline is necessary to clarify what is and what is not, an Underground Working and to prevent a needless and onerous variance application process.

Part 4, General Conditions, relating to working alone:

We continue to be support of these requirements as apply to construction workplaces. Proposed changes are more intended to protect the health and safety of workers in retail settings such as late night convenience stores/gas stations.

Part 6, Substance Specific Requirements (with consequential amendments to Part 5, Chemical and Biological Substances), relating to biohazardous material:

We support this proposed requirement to protect workers who, based on hazard assessment by the employer, may be occupationally exposed to blood borne pathogens and/or biohazardous contaminants in the workplace. We support the need to educate workers as to the hazards, safe handling, use, storage and disposal of chemical substances or biological agents as may apply to the workplace. However, we feel inclusion of the common cold, seasonal flu and pollen induced asthma conditions is invasive, problematic and inappropriate. Lost time claims by workers for a cold or the flu?

Part 9, Confined Spaces, relating to isolation procedures in confined spaces:

We support these proposed changes, which clarify isolation procedures and protocols to be used primarily during scheduled maintenance of municipal water supply systems and dam water passageways.

Part 13, Ladders, Scaffolds and Temporary Work Platforms, relating to work platforms and fall protection:

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We understand the proposed amendments had been developed to address practicality concerns raised by industry. We view the proposed amendments as more flexible and will provide industry more appropriate options for the execution of work from temporary work platforms.

Part 14, Cranes and Hoists, in its entirety (with consequential amendments to Part 16, Mobile Equipment):

The proposed amendments are lengthy, complex and prescriptive in nature. While we generally support preventative measures of this nature it is also important that affected stakeholders have assisted in the draft preparation. We are informed this may not be the case. We believe additional consultation is appropriate in this area prior to implementation.

Sincerely,



B.W. Britton

Director: Health, Safety and Training

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