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From: Rex Swettenham [mailto:
Sent: Wednesday, June 06, 2007 2:21 PM
To: Policy and Research Division (SM)
Cc: Jamie Caithcart; Dave Calderone; Doug Buzowetsky; Oscar Nunez; Brian
Magowan; Jurgen Welz
Subject: "young/new worker regulations"

Sir/Madam:

I am the VP Corporate Safety for Graham and I am in the process of trying to ensure we are in compliance with the new "young/new worker" regulations.

First, let me start by saying that I am in 100% agreement with the intent of the legislation. Graham's safety program has been designed and implemented to reduce the risk to young and new workers already. Anything we can do to send workers (all of them) home in one piece and healthy is a priority.

My first problem relates to the definition of "new worker". Basically this includes any worker who is "new to a workplace, or where changes to workplace hazards in the worker's absence, or new hazards present in a workplace, or relocation to another workplace, could result in the worker being exposed to hazards for which they have not received orientation and training, or as being any worker who is under age 25". By including both the "new" worker and the "young" worker (under 25) in the same definition and then by making such an all encompassing definition, construction employers are going to have a very difficult time being in compliance if the proposed guideline is adopted. Specifically, the guideline states that "section 3.23(1) sets out orientation and training topics which are to be covered before a young or new worker begins work in the workplace". (emphasis and underlining in all quotes are mine)

For example, I can hire an experienced, 45 year old welder who was previously welding in an oil refinery and then the hire same welder to weld pilings in say a dry dock or from a barge. The hazards of the workplace and work task are definitely different and hence not only

would he be considered a "new worker" for the project, but also he would have to be treated in the same manner as my recent 21-year old BCIT welder journeyman graduate. If the company was just starting the project, theoretically I would probably have few if any workers who were not considered "new" and would somehow have to meet the guideline requirements during Orientation.

The guideline goes on to say "an employer will wish to include as part of the over all orientation" such things as:

1. "This topic [re hazards] is intended to require the employer to train and orient a young or new worker in safe work procedures and potential hazards that could be encountered while.....". "This topic [re hazards] is intended to ensure the worker is informed about the hazards that could be encountered while the worker is performing assigned work tasks."

2. "This topic [re working alone or in isolation] is intended to ensure that the worker is trained in the policies and procedures to be followed if the worker is assigned to work alone or in isolation".

3. "This topic [instruction and demonstration of the worker's work task or work process] is intended to ensure the worker is provided with both instruction and demonstration....of the work tasks that the worker will be required to perform when they start work. Further training may be required as new tasks are assigned." "The demonstration should address the aspects of the work that will involve safety risks if not performed correctly....."

These are all examples of what the legislation guideline seems to expect to occur during Orientation, and not just for "young workers" but workers falling into their "new worker" definition.

PROBLEMS & CONCERNS

First, this emphasis on doing everything during Orientation does not make sense.

In our orientation we treat all of our workers as new workers (regardless of age, work status, or experience) to the work site. We emphasize site-specific hazards (but not all task-specific hazards which are identified and addressed just prior to doing the task, not at Orientation), regulations, supervision, JHA/SWP, etc. Our Orientation topic list is extensive. Workers are introduced to the JHA and the work scope and workplace hazards are reviewed on a daily basis. If new hazards are present in a workplace, or the worker has been relocated to another workplace, the JHA is utilized as a tool to identify the hazards.

Graham essentially treats every worker as "new" when doing task-specific procedure/JHA training. We try to pair experienced workers with young or "new to site" workers. We view "competence" and experience as being more important than whether or not the worker is new to the site, or even their age if they are over 18 (e.g., we have journeymen trades people who are under 20 and certainly a lot more under the age of 25).

We constantly do hazard assessments, not only of the work site in general but for each medium to high risk task, and we work hard to train and to ensure competence before undertaking a task.

But we do the training (task, PPE, emergency response, etc., as needed) and task-specific hazard assessments just prior to doing the task; not at Orientation. Only overview hazard assessments and project-wide abatement measures are discussed during Orientation. We want workers to remember and follow abatement procedures, which is far more likely if training/discussion happens just prior to doing the task. In other words, we comply with the intent of the changed Regulation but not the timing...i.e., the requirements are met but just not all during Orientation!

Second, the time to do demonstrations of each possible work task at Orientation would be very, very onerous, and who would do them at start-up when essentially everyone by this definition may be defined as a "new worker"? Construction is not like the company profiled in the recent WorkSafe article. Construction workers are mostly transient and mobile, moving from project to project; the scope, location and nature of these projects are varied. It is not practicable or reasonable to expect this of a construction contractor.

DISCUSSION

I can understand targeting young workers (they are essentially on-the-job apprentices in terms of gathering experience)...identifying them, pairing them with an experienced, competent worker if numbers permit (some small contractors will not have enough workers to enable worker pairing), or ensuring the supervisor does training, including doing demos, follow up and task supervision, of young workers if they are inexperienced. Some of this training may be appropriate before they start work on the job site; more often however it is more appropriate just prior to doing the task.

I also question setting an arbitrary age of 25. As mentioned previously, we have journeymen workers who are under the age of 25, many with years of experience already. With our aging workforce and a lack of workers in the middle age gap, we need to be able to target "young" AND inexperienced workers and we may need to pair these workers with "young" EXPERIENCED workers.

"New to site" workers should always receive an Orientation, no matter how old or how experienced; they should always be part of task-specific procedure training. Our workers, no matter how long they have been with the company or how experienced, receive project-specific orientations. Hazard assessments are updated and communicated as hazards change. Grouping experienced, competent workers with inexperienced, young workers in terms of the Regulations requirements, however, is just not practicable. Experience/competency has to count for something.

Although somewhat off topic, I would like to see legislators recognize that training schools, labour suppliers/brokers and unions should have a responsibility for ensuring workers sent to a work site are trained, not only in a particular skill set but also in the hazards and abatement

measures associated with the job/task they are being educated or sent to do. Otherwise I question the validity of the "certificate" they have received which is allegedly declaring them to be "competent" to perform certain tasks. I would also like to see realistic, meaningful safety training become part of their training. On the work site, safety professionals are often viewed with disdain and lack of respect and safety rules ignored--a "safety mindset" has not been instilled during training, with very negative consequences in the workplace.

If employers now have to actually do the training the worker is allegedly already "certified" to do, then perhaps government or union or ?? should be supplementing the wage paid until the worker can actually do the job they are being paid to do. In this time of labour shortages and increasing demands on employers, is it any wonder that we have skyrocketing prices and production delays? One has to wonder how much time is actually spent "doing the job" these days.

CONCLUSION

I believe it will be impossible for contractors to be in compliance with the new legislation as explained in the associated Guideline. I respectfully request that the Regulation and Guideline be reviewed, with consideration given to my comments. Please contact me at 780 699-5831 for further discussion if desired.

Rex Swettenham
Vice President, Corporate Safety
Graham Group Ltd.

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