

Retail Council of Canada

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July 12, 2007

Ms. Anne Burch
Director, Prevention Policy and Regulation Review
Policy and Research Division, WorkSafe BC
PO Box 5350 Stn Terminal
Vancouver, BC
V6B 5L5

Dear Ms. Burch,

Retail Council of Canada (RCC) is pleased to provide comments in response to the new Occupational Health and Safety Regulations proposed by WorkSafe BC and we applaud your efforts to improve safety in the workplace.

RCC is a not-for-profit association representing thousands of stores of all retail formats across British Columbia. Retail is B.C.'s biggest source of jobs, with retail employment representing over 12 per cent of the province's total labour force, directly employing more than 278,000 British Columbians.

Retail's success in British Columbia is driven by increased investment, strong consumer demand and sensible and focused policy and regulation by the provincial government.

A fact often overlooked is that, in spite of some high-profile big players, the retail business is still essentially small business. The majority of retail businesses employ fewer than four people and have sales of less than \$500,000 annually. And, it is an awareness of the importance of retail and small businesses to the B.C. economy by the Province that has led to this success.

In response to the proposed regulations, RCC would like to emphasize the importance our members place on employee and customer safety. They know that their dedicated employees are critical to their success.

With that said, it is important to remember that any regulation is only as strong as a business' ability to implement it. Moreover, regulations applicable to an industry as diverse as retail must acknowledge and respect that diversity and accommodate the variety of circumstances that retailers find themselves operating in.

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By its very nature, moving Rights and Responsibilities for occupational health and safety programs from guidelines into regulations provides a firm standard to which all employers must adhere.

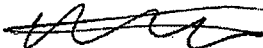
The concern for retailers, however, is that such a change may not reflect the cyclical and flexible nature of the retail business. For example, at a shift change during the busy Holiday season, a large employer may find itself with more than fifty employees working at one time. This may only occur for a couple of hours at a time and may only happen for a two to three week period each year, but during that time the regulations as proposed would carry with them a significantly increased First Aid requirement. RCC recommends that the regulations apply to businesses as they would "normally operate" and allow for certain variances driven by the business cycle or other outside influences.

Such a circumstance could also occur with respect to the proposed regulations for "late night retail." While many retailers do not operate during these hours, they can extend opening hours during special events or particular times of the year. For example, retailers may wish to stay open later during the lead-up to the Holidays, during community celebrations or fireworks displays, or during the upcoming 2010 Olympic and Paralympic Games when B.C. expects thousands of visitors.

Retail is a business that must respond to the needs of its customers; failing to do so often carries consequences. From time to time, meeting those needs means operating outside of normal practice. RCC recommends that as these regulations are finalized, WorkSafe consider this issue and implement the new rules to accommodate such variances.

Thank you for the opportunity to provide comment, and again, we congratulate you on your efforts to improve workplace safety. If you have any questions in response to this submission, or I can be of any further assistance, please do not hesitate to contact me by phone at (604) 601-5619 or by email at mlogan@retailcouncil.org.

Sincerely,



Max Logan
Director, Government Relations and
Membership Services (British Columbia)

cc Honourable Olga Ilich, Minister of Labour and Citizens' Services
cc Honourable Rick Thorpe, Minister of Small Business and Revenue