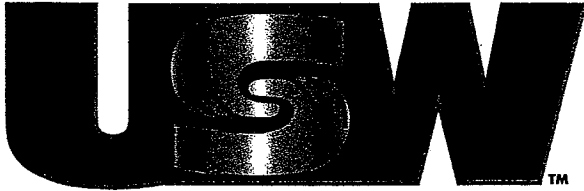


**UNITED STEELWORKERS**



**UNITY AND STRENGTH FOR WORKERS™**

26.7

**District 3**

**Western Provinces and Territories**

**Stephen Hunt**

District Director

**2007 Proposed Amendments**

to the

**Occupational Health and Safety Regulation**

**Part 3 and Part 26**

**June 12, 2007**

**United Steelworkers - District 3  
300 – 3920 Norland Ave.  
Burnaby, BC V5G 4K7**

**Phone: 604.683.1117**

**Email: [rcorbeil@usw.ca](mailto:rcorbeil@usw.ca)**

**United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union**

300 – 3920 Norland Avenue, Burnaby, BC V5G 4K7 • 604-683-1117 • 604-688-6416 [Fax] • [www.usw.ca](http://www.usw.ca)



## INTRODUCTION

The United Steelworkers represent 250,000 members across Canada, about 35,000 in British Columbia. Our members work throughout of the economy: forestry, mining, manufacturing, healthcare, railroads, education and many other sectors.

Steelworkers and the other unions it has embraced have a long-standing commitment to workers' occupational health and safety; our union pushed for legislation giving workers the right to refuse hazardous or unhealthy work and we represented deceased workers and their families at the inquest and inquiry into the 1992 Westray mine disaster.

In British Columbia we sponsored the important Forest Fatalities Summit in December 2005 after the death of over 40 forestry workers that year. Through our Forest Fatalities Campaign we and other concerned groups and organizations have been successful in persuading the BC government to improve safety standards, monitoring and enforcement in the industry and to convene an Auditor- General's review of safety in the forest sector. Steelworkers were also granted standing in the coroner's inquest into the death of faller Ted Gramlich on Vancouver Island in 2005.

## ACKNOWLEDGEMENT

Steelworkers wish to pay tribute and acknowledge Ted Gramlich and Debbie Geddes.

Ted was a Vancouver Island faller. He was killed near Parksville on November 21, 2005, one of 43 forest-sector workers killed on the job that year.

Ted was working for one of the vast number of small-scale, logging subcontractors that have sprung up as a result of recent changes in government and corporate policy. The inquest showed the lack of safety standards or procedures in at least one of these contract-logging shows. On-site safety equipment and procedures were found to be inadequate or non-existent.

The only good that can come of this horrific event is that we can learn from it and work to prevent future accidents. Because of the strength and perseverance of Ted's partner Debbie Geddes, a coroner's inquest was conducted. Many of the regulations that are proposed are based on the recommendations of that coroner's jury.

Steelworkers will do our best to move forward from the sad events of Ted's death and the coroner's inquest: we will work to ensure that future accidents of this kind are avoided and that we enhance workers' ability to protect themselves on the job. As Debbie Geddes said: "If I can save just one life that would be wonderful. He has lots of 'brothers' out there."



## Part 3 Rights and Responsibilities

### 3.16 Basic requirements

*(1) The employer must provide for each workplace such equipment, supplies, facilities, first aid attendants and services as are adequate and appropriate for*

*(a) promptly rendering first aid to workers if they suffer an injury at work, and*

*(b) transporting injured workers to medical treatment.*

**While the regulation seems quite clear that first aid must be rendered promptly, the guideline confuses the issue by stating that:**

#### ***Backup for absent first aid attendant***

*Absences from the workplace by first aid attendants may be planned (such as vacations or medical appointments) or unplanned (such as traveling with an injured worker to hospital or being absent because of sickness). Since it is foreseeable that planned and unplanned absences will occur, the employer will be expected to have a procedure for dealing with them.*

*Where planned absences may leave on duty fewer than the required number of attendants, the employer should have a substitute first aid attendant available as soon as the absence commences. **With regard to unplanned absences, an absence of up to approximately half a shift is permissible until a replacement attendant is in place.***

**Where shifts are sometimes 10 and 12 hours in length an absence of up to half a shift is totally unacceptable. In forestry operations, where workers may be hours from the nearest hospital, the absence of a first aid attendant at all is unacceptable.**

**Recommendation: Employers must have in place substitute first aid attendants for any unplanned absence**

(1.1) The type and quantity of equipment, supplies, facilities, first aid attendants and services referred to in subsection (1) must be no less than is required by schedule 3-A.

**Table 5: This table applies to a workplace that an employer determines under section 3.16(2) (b) of the Regulation creates a high risk of injury and that is more than 20 minutes surface travel time away from a hospital.**

<u>Item</u>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
	Number of workers per shift	Supplies, equipment, and facility	Level of first aid certificate for attendant	Transportation
1	1	<ul style="list-style-type: none"> <li>• Personal first aid kit</li> </ul>		
2	2-5	<ul style="list-style-type: none"> <li>• Level 1 first aid kit</li> </ul>	Level 1	
3	6-10	<ul style="list-style-type: none"> <li>• Level 1 first aid kit</li> <li>• ETV equipment</li> </ul>	Level 1 with Transportation Endorsement	ETV
4	11-30	<ul style="list-style-type: none"> <li>• Level 3 first aid kit</li> <li>• Dressing station</li> <li>• ETV equipment</li> </ul>	Level 3	ETV
5	31-50	<ul style="list-style-type: none"> <li>• Level 3 first aid kit</li> <li>• First aid room</li> <li>• ETV equipment</li> </ul>	Level 3	ETV
6	51-200	<ul style="list-style-type: none"> <li>• Level 3 first aid kit</li> <li>• First aid room</li> <li>• Industrial ambulance equipment</li> </ul>	Level 3	Industrial ambulance
7	201 or more	<ul style="list-style-type: none"> <li>• Level 3 first aid kit</li> <li>• First aid room</li> <li>• Industrial ambulance equipment</li> </ul>	2 Level 3	Industrial ambulance

While the USW agrees that the re-introduction of tables indicating what qualifications and supplies are needed is a positive move and will clearly spell out what is required, we feel it needs to be updated to reflect changes that have occurred, primarily in the forest industry. In particular tables 5 and 6.

In recent years the forest industry has evolved from large integrated companies to one of smaller phase contractors.



WorkSafe BC's own numbers from 2000 to 2005 in forestry show that 31% of recorded injuries occurred in workplaces with five or fewer employees. And 45% of serious injuries occurred in workplaces with five or fewer employees.

A full 38% of identified injuries by phase occurred to fallers; typically falling crews are smaller. In fact the crew that Ted Gramlich was working on would have met this regulation with a level 1 FAA. They in fact had several level 3 FAA which in falling is the norm. As you know a level 1 FA ticket only requires a one day course and only provides the student with a basic understanding of first aid. The level 3 on the other hand is two weeks in length and provides the students with the skills to provide life - saving support to a patient who maybe hours from a doctor.

Table 6: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a high risk of injury and that is 20 minutes or less surface travel time away from a hospital.

<u>Item</u>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
	Number of workers per shift	Supplies, equipment, and facility	Level of first aid certificate for attendant	Transportation
1	1	<ul style="list-style-type: none"> <li>• Personal first aid kit</li> </ul>		
2	2-15	<ul style="list-style-type: none"> <li>• Level 1 first aid kit</li> </ul>	Level 1	
3	16-30	<ul style="list-style-type: none"> <li>• Level 2 first aid kit</li> <li>• Dressing Station</li> </ul>	Level 2	
4	31-300	<ul style="list-style-type: none"> <li>• Level 2 first aid kit</li> <li>• First aid room</li> </ul>	Level 2	
5	301 or more	<ul style="list-style-type: none"> <li>• Level 2 first aid kit</li> <li>• First aid room</li> </ul>	2 Level 2	

The requirement for only a level 2 FAA in any operation with more than 16 employees is inadequate. Though the operation maybe less than 20 minutes from a hospital, it is not uncommon to take ½ hour or more to “package” an injured worker for transport. During this crucial time life - saving interventions maybe necessary and training requirements would generally exceed what a level 2 ticket provides is necessary.

**Recommendation:** In very high risk occupations like hand falling, that is more than 20 minutes surface travel time, a level 3 first aid attendant should be required. In high risk occupations like working in a sawmill, that is less than 20 minutes surface travel time from a hospital, a level 3 first aid should be required on any job site with 16 or more workers.



*Air transportation*    **3.17.1** *If air transportation is the primary or only method for transporting an injured worker, the following requirements must be met:*

*(a) before the start of operations in a workplace, arrangements must be made with an air service to ensure that an appropriate aircraft is reasonably available to the workplace during those operations.*

*(b) The arrangements in paragraph (a) must include procedures for*

*(i) the employer to determine the availability of appropriate aircraft before the start of each work day, and*

*(ii) the air service to notify the employer if an appropriate aircraft ceases to be available, and*

*(c) A system must be provided to enable the pilot of the aircraft and the first aid attendant attending to an injured worker to communicate at all times when the aircraft is in transit to the location of the injured worker and during transport of the injured worker to medical treatment.*

**The USW applaud WorkSafe for the proposed implementation of regulation 3.17.1. Just saying the employer in some instances may not clearly define who has the “knowledge and control.”**

**Recommendation: As this regulation obviously falls within the scope of planning and conducting, responsibility should be clearly defined. We suggest that the WorkSafe add; “The owner of a forestry operation and every person who has knowledge and control must ensure that air transportation is available.”**

## **Part 4: General Conditions**

*4.65 Illumination Levels (formerly 26.20 Night operations) (1) except as provided in subsections (1.1), (2) and (3), and in section 4.69, an employer must provide and maintain minimum illumination levels to ensure safe working conditions, safe passage and the identification of hazards or obstructions as follows:.....*

**The Ministry of Forest and Range is giving forest companies the ability to scale timber for stumpage and royalty under artificial lights. For log scalers, working on a dryland sort with inadequate lighting has some inherent safety issues, slipping on debris, stepping in pot holes or tripping over limbs and branches.**

**For second growth timber MOF is recommending an average of 100 lux at ground level with a minimum of 70 lux at any point within the scaling grid.**

**For old growth, an average of 200 lux with a minimum of 150 lux at any point within the scaling grid.**

**Recommendation: Lighting on dryland sorting grounds should be at least the same as rough lumber grading, 200 lux. In addition, WorkSafe should add “the sources of illumination must be located and directed so that shadows and glare are minimized” as was in section 26.20.**



## **Part 26: FORESTRY OPERATIONS AND SIMILAR ACTIVITIES**

*26.1.1 Qualified prime contractor – The owner of a forestry operation must ensure that any person engaged by the owner to be the prime contractor*

*(a) is qualified,*

*(b) has the authority over all employers, workers and other persons at the workplace that is required to fulfill the responsibilities of prime contractor, and*

*(c) is the only person engaged to be the prime contractor for the workplace.*

**The USW applauds WorkSafe for the addition of regulation 26.1.1. We feel that there needs to be some clarity in the owner/licensee's responsibilities. In your explanatory notes to this section we note that MoF and other ministries are "developing legislation aimed at consolidating relevant legislation and harmonizing the administration of resource roads."**

**With respect not only to resource roads but with respect to all areas covered by the Forest and Range Practices Act, Steelworkers support the inclusion in FRPA of a "health and safety" objective.**

**We believe that while WorkSafe is currently responsible for forest-sector safety standards and enforcement, WorkSafe is not included in the planning loop. Therefore WorkSafe does not have an opportunity to review operational or site plans until they are implemented as workplace procedures and technology. Meanwhile, the company and ministerial personnel who submit and review plans state that they have no expertise in the area of occupational health and safety. Steelworkers believe that a health and safety objective in FRPA would overcome this gap in responsibility and authority.**

**Recommendation: Guidelines need to clarify that even when they engage a prime contractor the owner/licensee still has responsibility for the health and safety of the forestry operation.**

*26.2 Planning and conducting –The owner of a forestry operation and every person who has knowledge and control of the forestry operation must ensure that all activities of the forestry operation are planned and conducted in a manner consistent with this regulation and with safe work practices acceptable to the board.*

**The USW agrees with the addition of "owner" and "knowledge and control". Many times subcontractors have little control of aspects of the work they perform.**



*26.3 Training – (1) Every worker in a forestry operation must receive safety training relevant to the worker’s duties.*

**Wording maybe confusing.**

**Recommendation: Consider rewording to say: “must receive training to safely perform their duties.”**

*26.14.1 Hazard area of logging equipment – (3) A worker must not proceed on foot through the hazard area of any operating logging equipment unless the equipment operator first gives permission in a clear and unmistakable manner.*

**The USW agrees with the inclusion of “clear and unmistakable manner.”**

*26.16 Slope limitations – (3) If the manufacture’s maximum slope operating stability limit for logging equipment is not known or cannot be determined, the equipment must be operated within the following limits:*

- (a) a rubber tired skidder must not be operated on a slope which exceeds 35%;*
- (b) a crawler tractor, feller buncher, excavator and other similar equipment must not be operated on a slope that exceeds 40%;*
- (c) any other forestry equipment specifically designed for use on a steep slope must not be operated on a slope which exceeds 50%.*

**Loaders not designed for working off road are not specifically identified in the regulation. There are a number of “hoe - chucking” incidents that occur on ground that is considerably less than any of the slopes that are already identified as a maximum.**

**Recommendation: Develop a maximum slope operating stability limit for loaders that are used for “hoe - chucking”.**

*26.56 Work area arrangement – A work area in a forestry operation must be planned, located, maintained and operated to ensure the following:*

- (a) logs can be moved safely;*
- (b) log piles and equipment used to handle the logs do not become unstable or otherwise create a hazard;*
- (c) workers are able to work in locations clear of moving logs and equipment;*



*(d) workers are not exposed to incoming or runaway logs or other debris.*

**Though more difficult than in the past, loading and manufacturing logs on flat ground is much safer than on steeper ground.**

**Located on “stable and relatively - level ground” should not be completely removed.**

**Recommendation: add the words “where ever possible landings should be constructed or located on relatively level ground.”**

*26.65 Bullboards – For the protection of the driver, each logging truck must have, at the back of the cab, a substantial barrier that.....*

**Most highway and off - highway trucks are now constructed out of fiberglass as opposed to older logging trucks that were constructed out of metal. As a result the damage to a truck involved in a rollover accident can be extensive. Bullboards should take into account roll - over capacity. The horizontal integrity of bullboards is regulated, but the vertical integrity is not.**

**Recommendation: WorkSafe should determine that the integrity of bullboards is sufficient to provide protection in the case of a logging truck roll - over.**

*26.71.1 Operating procedures –*

*2) Without limiting subsection (1) the operator referred to in subsection (1) must*

*(d) drive at a speed appropriate to the log transporters capabilities, road design and condition, traffic, visibility and weather conditions, and*

*(e) not operate the log transporter while impaired by fatigue or other causes.*

**The USW believes that unrealistic turn-around times and excessive hours are major contributors to the unacceptable injury rate in the log - hauling sector. In a recent survey conducted by the Ministry of Forest and Range to find out the impact that planning has on worker safety, loggers identified production pressures and fatigue as the primary issues that impact safety. The USW feels that regulating the hours of work, similar to the BC Mines Code; Hours of Work – 1.5.1 (2) which limits underground mining to 10 hours, or 12 hours in a 24 hour period would greatly decrease the fatigue related accidents in hauling. While there are regulations that already pertain to impairment, fatigue has not been a focus (though it is touched on in a footnote in regulation 4.20) While this regulation refers to the driver/worker for speeding and driving while fatigued, it does not take into account the planning and scheduling by the owner, licensee or prime contractor.**

**Recommendation:** Add a subsection that refers to ensuring that work planning and scheduling should ensure that drivers/workers are not subject to situations where they will become fatigued or pushed in order meet their schedule.

*26.79.1 Road grade – (1) if the road grade or portion of a road used in a forestry operation exceeds 20%, a risk assessment must be performed by a qualified person to ensure that any vehicle or equipment using the road or portion of the road is capable of being operated in a safe manner.*

**FERIC found situations where the maximum critical slope could be as low as 13%.**

**Recommendation:** The regulation should also say that vehicles and other equipment must be able to be brought to a safe stop under anticipated hauling or upset conditions. In addition the FERIC information should be included in the Guidelines.





**STEELWORKERS LOCAL 1-80**  
SOUTH VANCOUVER ISLAND

26.1  
Tel: (250) 746-6131  
Toll Free: 1-866-746-6121  
Fax: (250) 746-1012  
Email: admin@steelworkers1-80.ca  
351 Brae Road  
Duncan, BC V9L 3T9

June 15, 2007

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



Dear Sir or Madam

As the Local 1-80 Health and Safety Director I would like to add our Locals support to the submission made by the USW District office in response to the proposed amendments to the Occupational Health and Safety Regulations. Our Local recognizes that the changes to the regulations are for the most part positive.

The year 2005 was disastrous for the forest industry with 43 fatalities. The coroners' inquest into the death of Ted Gramlich was a clear indication that our industry needs regulations and enforcements of those regulations.

Local 1-80 is all in favour of regulations that will save our members lives and allow them to return home to their families at the end of their shifts.

Yours truly,

Rick Whiteford  
Health and Safety Director

RW/ak

copy: Ron Corbeil, USW District 3



## United Steelworkers - Local 1-425

26.21

124C North Second Avenue, Williams Lake BC V2G 1Z6  
Telephone (250) 398-8248 – Fax (250) 398-6218 – email: admin@uswa425.ca  
Website: www.uswa425.ca

June 25, 2007

Workers Compensation Board of BC  
Prevention Policy & Regulation Review Department  
Policy and Research Department  
PO Box 5350 Station Terminal  
Vancouver, BC  
V6B 5L5



As the USW Local 1-425 Health & Safety Director I would like to add our Locals support to the submission made by the USW District 3 office in response to the proposed amendments to the Occupational Health and Safety Regulations. Our Local recognizes that the proposed changes to the regulations are for the most part positive.

In particular I would like to point out that the proposed regulation 3.16 Basic Requirements has a major implication on the members of Local 1-425. For example we have an operation where the only access is across a railway track. It is not usual that during the course of any shift, access cannot be attained because the crossing is occupied by a train, this can unduly delay an ambulance arrival on the scene or delivery of an injured worker to the hospital. So we feel that it is imperative that a level 3 FAA should be required on the job at any sawmill site.

We are also in support of the recommendations for regulations 26.65 Bull-boards and 26.71.1 Operating Procedures. In my Local we have had several fatalities involving logging truck drivers. It was found that fatigue and driver error were major contributors to these accidents. We have spoken to many drivers in our local and they have identified unrealistic turn around times and excessive hours as the major problems to the unacceptable injury rate in the log hauling sector.

Yours truly,

United Steelworkers Local 1-425

Norm Prevost  
1<sup>st</sup> Vice-President  
Health & Safety Director

NP/td  
IUOE882



**UNITED STEELWORKERS LOCAL 1-3567**

#202-9292 200<sup>th</sup> Street, Langley, BC V1M 3A6  
Ph: 604-513-1850 Fax: 604-513-1851

Worksafe BC  
Board of Directors

Dear WorksafeBC:

Our union which represents 2500 workers who work in the forest sector/s is writing to you in support of the B.C. Federation of Labour's submission on the current proposed changes to the **OH&S Regulation.**

We urge the Board of Directors to implement the recommendations as outlined in the Federation submission. We are pleased that the WCB is moving in the direction of providing workers with greater protection. Implementing the Federations' recommendations as well as enforcing the regulations will ensure that more workers will return home safe and healthy at the end of the day.

Yours truly,

*Brian Harder*  
per: Brian Harder  
President

United Steelworkers 1-3567

June 26, 2007

Worker's Compensation Board of BC  
Prevention Policy & Regulation Review Department  
Policy & Research Department  
PO Box 5350 Station Terminal  
Vancouver, BC V6B 5L5

To Whom It May Concern:

As the Health & Safety Director for USW Local 1-405, I am writing to add our Local's support to the submission made by the USW District Office in response to the proposed amendments to the Occupation Health and Safety Regulations.

Our Local recognizes that the proposed changes to the Regulations are, for the most part, positive. However, there is one area that raises a very serious concern as it could have negative implications to the members of Local 1-405, and workers in general.

Under Part 3: Rights and Responsibilities, 3.16 Basic requirements, (1) (a) is very clear about rendering first aid promptly. However, the guideline regarding "Back - up for absent first aid attendant" detracts from the possibility of rendering **prompt** first aid by allowing employers to run "up to approximately half a shift" without a first aid attendant, if the reason is due to unplanned absences of the first aid attendant.

Please keep in mind that incidents/accidents are also "unplanned" and may happen when there is no first aid coverage while the employer is waiting, (for up to a half a shift), for a replacement first aid attendant.

I am aware of more than one workplace incident that could have had tragic results if there had not been a first aid attendant on site.

I strongly urge that this guideline be changed to ensure that employers **must** have back-up first aid attendants in place for any unplanned absences.

Another area of concern are Tables 5 and 6. With the cut backs in health care, I do not believe that the tables reflect the real world.

In a hazardous type of industry (Class "A" type) such as sawmills, logging, etc., Level 2 first aid attendants should be the absolute minimum level, and they should only be standard for a workplace **less** than 20 minutes surface travel time and **less** than 10 workers.

For any worksite more than 20 minutes surface travel time in a "Class A" type hazardous industry, regardless of the number of workers, Level 3 first aid attendants should be the minimum level of first aid.

I look forward to seeing what changes will actually be made to improve the Regulations.

Yours truly,



Stan McMaster  
President

SM/vt  
usw 1-405