

4.19

My name is Garry Ryan. I have been asked to speak on behalf of the West Kootenay Labour Council. I was elected Secretary for the year 2007.

I would first like to thank you for giving me the opportunity to speak here today. While I have agreed to represent the Labour Council, I also speak from personal experience.

My concern is over "working alone." For just over a year, between April 2006 and May 2007, I worked as a clerk at a rural corner store/liquor outlet. My shift was from 3:00 pm to 9:00 pm, and I worked two shifts per week, working alone.

I applaud the proposed amendments to the Occupational Health and Safety Regulation. While my shifts would not be considered as "late night," I would like to state that I was extremely nervous on several occasions. Approximately fifty per cent of sales were liquor, and, there were several instances where groups of young people came to the store, and, I was intimidated by their behaviour. My son, a recent graduate of the University of Victoria, is working in a private liquor store in Victoria. He also has had some anxious moments.

I'm sure that the "late night" workers of stores and gas stations face these situations on a more regular basis. Several of these incidents have made headlines across the province.

For gas stations, I agree with the pre-payment for gas and the locked enclosure for late night workers. This system would ensure the workers' safety.

For the other workers where this barricade system would be inappropriate, I agree with the need to have additional staff for that period. In my instance, I was most nervous at closing. While the owners lived above the store, I still was very vulnerable at close-up because I had to transport the day's cash to them. It was a sizeable amount, and, significantly so during the summer months.

Another aspect of the changes proposed that I agree with is the requirement for a written procedure to ensure worker safety. In our store, we were given the 911 number, a quick dial to the apartment of the owners and a baseball bat was placed, in full view, near the liquor cabinet. As you can well imagine, any weapon you have can be used against you. I'm uncertain of its effectiveness. I have heard of a number of robberies at the stores on the North Shore, but, was unable to get actual statistics on short notice. As far as I know, the store I worked at did not have a robbery in recent years.

In preparation for my presentation, I was impressed with some of the efforts WorkSafeBC has undertaken to help protect workers. I applaud the "Raise Your Hand" initiative, and, the increased enforcement and inspections, both of gas stations and farm vehicles. This trend needs to continue.

This past year, I organized our local Day of Mourning ceremony in Nelson. While 2006 showed an improvement in workplace fatalities, having a fatality almost every other day is still unacceptable. The overall statistics show only the most modest of improvements in workplace accidents and claims. The safety orders

and penalties have increased as much as 66% over the past year. I hope that this increased attention leads to further reductions in the fatalities and accident levels of workers in our province. I am a retired letter carrier, and Canada Post and the Postal Workers have worked hard over the years to improve their safety record, at least here in Nelson. It is up to all employers and employees to work hard to improve workers' safety. It is up to WorkSafeBC to guide them in their efforts.

I understand that these proposed changes carry a financial impact for the businesses affected. But, these pale in comparison to dealing with a loved one who doesn't return home from work, or, those that have to deal with the physical and/or mental trauma of workplace violence.

I ask you to convey these thoughts to the Legislature, in the hopes the new regulations will be adopted.

I thank you very much for your time.

Garry Ryan –

West Kootenay Labour Council – (250) 352-9223 wklc@telus.net

NOTES**WorkSafeBC Hearings**

State your name and that you will be speaking on the proposed changes to the working alone or in isolation regulation.

Thank-you for giving me this opportunity to speak to you today on the changes to the working alone regulation. I am speaking on behalf the West Kootenay Labour Council.

We are supporting the regulation that will require:

- 1. 24 hour pay before you pump**
- 2. employers to;**
 - a) lock the doors after 10:00 pm – 6:00 am or provide workers with a bullet-proof physical barrier or**
 - b) have two people on during the late night shift**

Last year when WCB brought forward Grants Law, many concerns were raised about the situation of late night workers and the apprehensions that the prepayment of gas from 10:00 pm - 6:00 am did not address a number of concerns. I would like to thank the WCB

for moving forward with the feedback from stakeholders and introducing this regulation to provide greater protection for workers who work alone, especially late night workers.

I would like to begin with the 24-hour pre-payment requirement for all gas stations in all regions of the province.

Gas-and-dash can occur during at any time during a day. I have spoken with a worker who had a gas and dash as early as 9:00 a.m. This worker like others I have spoken with often felt as though they were responsible for not being able to get the plate number or stop the person who ran off without paying for the gas. Some reported that their stress levels went through the roof as the result of worrying about whether they would have to pay for the stolen gas or even whether they would lose their job over the theft.

Believe it or not there are employers out there who take this kind of attitude with their employees. Some of these "mom and pop" operations are the worst for this. There have been instances where employees have been verbally threatened or abused by their

employers for the theft and though most places have a no chase policy, the employer's responses to these situations does not leave the employees with a great deal of comfort after a theft takes place. Sometimes temper defeats rational thought in these cases.

The proposed regulation is designed to prevent gas and dashes from occurring. The result of requiring pre-payment will take away any **illegal** requirement that employers will put on workers to chase after the customers who commit theft. It is also good for the employers by removing the risk of gas and dash thereby reducing their losses.

I have been told of one location where the worker was told he would have to pay for the gas that had been stolen on his watch. I have advised that individual that this is a violation of Part 3 of the Employment Standards Act. I have offered assistance to this worker to file a complaint but I doubt this take place since the individual is limited in skills and not the type to rock the boat. So the employer will get away with it.

While I support the regulation that requires 24 hour pre-payment, and agree that it is an important addition to this regulation, I am pleased that there have been more additions made. The issue of violence and working alone in a workplace that needs to be addressed as well.

In a WCB publication "Preventing Violence, Robbery and Theft" it is stated that out of 1,200 workers surveyed by the retail association 21 percent had been subject to violence or aggressive acts. The B.C. Federation of Labour has also conducted three surveys that found that the number of workers who experienced violence doubled when they only spoke with workers who worked late at night.

This proposed regulation addresses the significant challenges that late night workers face and gives clear direction on how to ensure that these workers have some protection while working alone.

Let's face it working alone is dangerous in most workplaces. The potential for risk is greatly increased when employees are asked to work alone with the public at night. Some employers rely on a call in

procedure, which only brings any situation to the attention of the employer after something has occurred. There is no real protection for an employee with a procedure like this. It is an after the fact procedure. It can tell you after your employee is injured and that does nothing to minimize or remove risks to an employee.

Currently the regulation only requires employers to do risk assessments if the worker is at risk of violence. Once the assessment is done, the employer is to eliminate, and when that is not possible, they are to reduce the risk. Leaving the assessment in the hands of the employers does not work. There are no set standards for employers to follow so risk assessments can be biased and influenced by the employer's view of costs associated with providing safe workplaces for their employees. As it stands right now the regulations allow the employer to assess the risk, implement required safeguards, and assumes that the employers will do so. That assumption is a very dangerous one, particularly in our rural communities where crimes of robbery and assault are not as common as in our more urban settings. The danger is that few employers in our rural communities feel that they or their employees are at risk of

being robbed or assaulted. "It's never happens around here." is likely the most common thing I have heard said when asking a business owner why they have not taken steps to protect their employees. Many don't take into consideration that growing number of "new" customers at their operation also means an increased risk by ratio. It's no just Joe Blow from down the street buying gas and a coffee in the morning any more and while the employers appreciate the increased revenue that "new" customers bring in they are willing to remain blind to the potential risks that may be faced by the employees as a result.

In fact, I have heard more about policies that state and employee is not to keep more than a set amount in the till after hours and I have also seen that posted in places wherever I go. This is meant as a deterrent to a thief or robber. The thought being that the person intent on robbing a place won't do so because there is not enough money in the till. If someone has arrived at the conclusion that they are going to rob a store then they have reached a point of desperation. Desperate minds don't always rationalize well. The thought that this will prevent a crime occurring is weak and the risk reduction it provides is

miniscule. In fact, it has, in the past led to more violent reactions from the would-be robber. In reality the employers who have these types of policies in place are not protecting their workers but rather they are protecting their money by securing it away. It is time the employees be given, at least, the same privilege and consideration as the employer's money.

In July 2006, WorkSafeBC inspected 366 gas stations and it was discovered that most of the stations did not follow the current regulations as they stand. It was stated in the media release "the pilot phase of this initiative has resulted in virtually every inspection documenting violations and issuing orders."

Clearly the WorkSafeBC inspections show that most employers have not:

1. evaluated the risk involved in doing the job; and
2. developed a working alone procedure to check on the workers who are working alone.

Considering the results of these inspections, there needs to be more done than simply changing the prepay rules to ensure safety, it is one step to reducing risk but not the only required step to eliminate the risk.

The measures that are defined in the proposed regulation in section 4.20.2 will assist by stating clearly that the employer **must** do both a risk assessment and eliminate or minimize the risk.

In order to deal with the rising occurrences of theft and violence there needs to be prescriptive regulations that clearly state what the employer needs to do in order to ensure the risks are eliminated.

Section 4.22.1 highlights the late night requirements for employers specifies what an employer must do in the event that they choose to stay open late at night. It is good regulation and needs to be implemented.

The proposed regulation brings forward two options for employers that would both be preventive measures to protect late night retail

workers such as requiring that they have two people on or a barrier to provide protection for the worker. Ideally, it would be great to see both of these measures put in place to ensure the greatest level of safety for the workers.

Having two people on shift at all times would lessen the risk to the workers by serving, as a deterrent as well as having a second person with the worker if something were to happen. While some late night retail operations may have a check-in procedure based on time intervals, it does not let people know that the worker is in danger until after an incident has happened. Regulations that are in place to only protect workers after an incident has happened are really not protecting the worker.

As we now see in many gas stations, the ability to lock the door, or secure from physical contact with customers, is a possibility. Limiting customer access to the workers reduces the potential of violence acts as a preventative measure. Most of us are well aware of this; we lock our doors at home to protect us from this possibility. It is important

that we not only protect workers from violence, but also ensure that they are able to work free of the fear of violence.

I would also like it noted that these changes are a clear indication that WCB has recognized the risks that late night workers face, but it will only be effective if there is the enforcement to ensure that the employer complies with the regulations. It is clear from the initial gas station blitz that WCB did last year that employers are not complying with the most basic regulations.

Ultimately we need to consider the workers who are at risk of violence every time they go to work. According to a 1998 ILO study, the effects of violence have a greater cost than any of the systems that would be required by this regulation. Workers who have experienced violence are at risk physical injury, post-traumatic stress, loss of sleep, depression, self-blame and many other symptoms that are a result of the incident.

The cost to the employer should also be considered, workers who have experienced violence, lose trust in their employer, are likely to

find other employment after the incident, productivity is reduced and the worker is likely to require increased time off.

Prevention is key to ensuring the safety of all workers. I would encourage the Board to move forward on these regulations. Thank-you for your time.

DS/mp
cope 15
1000-07not-ds-notes for 2007 hearings