

Regulatory amendment: A primer on personal flotation devices and lifejackets

In early 2019, the WorkSafeBC Board of Directors approved changes to the Occupational Health and Safety (OHS) Regulation which will take effect in June 3, 2019. Part 24 of the OHS Regulation which regulates diving, fishing, and other marine operations, has been amended to improve crewmember safety when working on a fishing vessel (which is defined in section 24.1 as “any commercial vessel used in catching fish or collecting or transporting fish for landing”).

The new and amended sections provide clear definitions and specific requirements for personal flotation devices (PFDs) and lifejackets on fishing vessels. When workers are employed under other conditions which involve a risk of drowning the provisions of Part 8 continue to apply.

Background

The amended sections of the OHS Regulation are consistent with the recommendations made by the Transportation Safety Board of Canada (TSB) after the fatal capsizing of the Caledonian, a fishing vessel, in September 2015. The TSB recommended that the OHS Regulation clearly state explicit requirements for crewmembers to wear PFDs and lifejackets when working on the deck of a fishing vessel to significantly reduce the risk of drowning.

Objective of the regulatory amendment

The purpose of the amendment is to respond to the specific hazards of fishing and to better ensure crewmember safety, whether working on deck or working alone.

Additionally, the OHS Regulation now fully aligns with standards excepted through the federal regulations for lifejackets and PFDs, including manual inflatable PFDs – just look for the mark or label on the equipment showing it’s approved by Transport Canada. By clarifying and simplifying the buoyancy equipment requirements in the OHS Regulation we make it easy for employers and workers to comply with the OHS Regulation.

When to wear a PFD or lifejacket

Previously, WorkSafeBC was enforcing section 8.26, which required workers to wear a PFD or lifejacket when working “under conditions which involve a risk of drowning.” Under the approved changes to the OHS Regulation, section 24.96.1 explicitly states that a crewmember must wear a PFD or lifejacket when on board a fishing vessel that has no deck or deck structure, or when on the deck of a fishing vessel that has a deck or deck structure.

Crewmembers are not required to wear lifejackets or PFDs below deck or when inside a deck structure where there is risk of entrapment.

Refer to FAQs below for more information.

When Part 24 is applicable

There will be times when crewmembers are on board a fishing vessel but not working. For example, they may be living aboard the vessel and staying on board to engage in non-work related activities on the deck. While it is recommended to wear a PFD or lifejacket, the OHS Regulation does not apply.

Where a crewmember of a fishing vessel is working but not on the boat (e.g., working on the dock), that person is still considered a worker and the provisions of Part 8 continue to apply.

Working alone

For crewmembers on board a fishing vessel, “working alone” is defined as working in circumstances where assistance would not be readily available to a crewmember if the crewmember fell overboard.

Crewmembers working alone are required to wear a lifejacket, meaning it is self-righting by definition, has a minimum buoyancy of 93 N (21 lbs.), and is inherently buoyant or automatically inflatable.

FAQs

- Are crewmembers required to wear a PFD or lifejacket when on deck but not working?

No. While WorkSafeBC recommends wearing a PFD or lifejacket, the OHS Regulation does not apply.

- Are crewmembers required to wear a PFD or lifejacket in the cage of a prawn vessel?

Yes. When working on deck in a prawn cage, crewmembers are required to wear a PFD or lifejacket. When there is risk of entrapment, a manual inflatable PFD is recommended.

- Are crewmembers required to wear a PFD or lifejacket below deck (e.g., engine room) or in the wheelhouse or galley?

No. Crewmembers are not required to wear buoyancy equipment in these areas. Should crewmembers choose to wear buoyancy equipment below deck, where there is a risk of entrapment, a manual inflatable PFD is preferable to an auto-inflatable lifejacket.

- Are crewmembers required to wear a PFD or lifejacket while in the cockpit of a troller?

Yes. The cockpit is considered part of the working deck so buoyancy equipment is required.

What you can do to prepare

Section 24.93.3 requires the owner or master to keep a record of all inspections made and maintenance performed on manual inflatable PFDs and automatically inflatable lifejackets used on board their vessels.

Review your inventory of working PFDs and lifejackets to ensure that they are Transport Canada approved and in good working condition.

For more information

Visit [worksafebc.com](https://www.worksafebc.com) for more details on the amendments to [Part 8](#) and [Part 24](#) of the OHS Regulation and Guidelines.