

## TITLE

Part 16, Mobile Equipment  
Section 16.31, Rider restriction

Part 17, Transportation of Workers  
Sections relating to seat belts, seat design, and seating capacity

### 1. NATURE OF THE PROBLEM TO BE SOLVED

At present, the *OHSR* requires seat belts for vehicles equipped with rollover protection structures or where seat belts are required by other legislation. It also specifies criteria for seat design and for determining seating capacity for a worker transportation vehicle. In recent years a number of farm worker transportation vehicles have been involved in motor vehicle accidents which have resulted in many workers being seriously injured or killed. Between 2002 and 2006, there were 158 serious or fatal claims accepted for the agriculture sector. The associated claims cost was \$2.4 Million, with over 21,000 days lost.

In March 2007, three farm workers were killed and several others seriously injured when the worker transportation vehicle they were riding in rolled over in a single vehicle accident. Allowable seat design and seat configuration, as well as the lack of seat belt requirements, were factors in the number and extent of worker injuries in many of these accidents. Changes were made, effective May 14, 2007, to the *Motor Vehicle Act Regulations* regarding seat and seat belt requirements.

A review of *OHSR* seat and seat belt requirements for worker transportation vehicles is needed to improve worker safety while riding in such vehicles and to ensure consistency with other provincial legislation for seats and seat belt requirements.

### 2. PURPOSE OF THE PROPOSED AMENDMENTS

To ensure appropriate levels of protection for workers being transported by employer-supplied vehicles. The Ministry of Labour and Citizens' Services has requested that WorkSafeBC strengthen the requirements for seat arrangements and seat belts in vehicles used to transport workers. Seat and seat belt requirements for worker transportation vehicles should be consistent with other legislative schemes which govern the design and use of seats and seat belts, such as the *Motor Vehicle Act Regulations*, which was amended effective May 14, 2007.

### 3. SOURCE OF REQUEST

Ministry of Labour and Citizens' Services

## PART 16: MOBILE EQUIPMENT

### SEAT REQUIREMENTS AND RIDER RESTRICTIONS

#### Rider restriction

- 16.31** (1) ~~The operator of mobile equipment is the only worker permitted to ride the equipment unless the equipment is a worker transportation vehicle meeting the requirements of Part 17 (Transportation of Workers), or when permitted by subsections (2) to (4).~~  
**A worker must not ride in a vehicle**
- (a) in a standing position, unless protected from being thrown off balance, or**
  - (b) with any part of the body outside the vehicle unless essential to the work process, and then only if the worker is adequately restrained.**
- (2) A worker who must ride on mobile equipment to carry out a job task may ride non-ROPS equipped mobile equipment on
- (a) an appropriate seat, or
  - (b) other safe facilities provided by the equipment manufacturer or designed by a professional engineer, which include
    - (i) a footboard or platform upon which the worker stands or sits, located to protect the worker from contact with roadside objects or other vehicles,
    - (ii) hand-holds, and
    - (iii) a safety belt, harness, guardrail or other effective means of restraint, except where the worker is a swamper riding on the back of a garbage truck during short pickup runs at speeds of less than 20 km/h.
- (3) Rear mounted footboards or platforms must not be occupied if the mobile equipment is backing up.
- (4) A worker other than the operator may only ride on mobile equipment with a ROPS for the purpose of training or maintenance, and only then if the equipment is operated in an area with no significant hazard of rollover.

[Amended by B.C. Reg. 253/2001.]

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#### Explanatory Note:

It is proposed to delete section 16.31(1) from Part 16 of the OHSR and replace it with proposed section 16.31 (1), 16.31 (1) (a) and 16.31 (1) (b). The new language in section 16.31 (1) is a relocation of section 17.4, Riding restrictions, from Part 17 (Transportation of Workers). The subject of riding restrictions is more appropriately dealt with in Part 16, as it addresses machines which are used to perform work rather than vehicles used primarily to transport workers to and/or from a workplace. The proposed new language in section 16.31 (1) provides greater detail regarding riding restrictions than in the current section 16.31 (1).

## PART 17: TRANSPORTATION OF WORKERS

### GENERAL REQUIREMENTS

<b>Application</b>	<b>17.1</b>	This Part applies to all persons, including the operator, engaged in transporting workers by any type of conveyance operated on behalf of the employer.
<b>Definitions</b>	<b>17.1.1</b>	<b>In this Part:</b>
<b>“designated seat”</b>		means a seat provided and designated by the original manufacturer as a passenger seat or a seat provided by an authorized vehicle modification in accordance with the Motor Vehicle Act Regulations;
<b>“gross vehicle weight rating (GVWR)”</b>		means the maximum allowable weight of the vehicle according to the vehicle manufacturer;
<b>“school bus”</b>		means a bus originally designed for the purpose of transporting children and registered as a school bus in British Columbia on the date of its manufacture;
<b>“worker transportation vehicle”</b>		means a motor vehicle provided by or arranged by an employer to transport 3 or more workers to and/or from a workplace.
<b>General responsibilities</b>	<b>17.1.2</b>	Vehicles used to transport workers must be designed, maintained and operated in a safe manner.
<b>Employer's responsibility</b>	<b>17.2</b>	<p>(1) If workers are required to travel on a private road or a resource access road in a worker transportation vehicle, the employer must ensure that reasonable measures are taken to evaluate road, weather and traffic conditions to ensure the safe transit of the workers.</p> <p>(2) The employer must ensure that a worker transportation vehicle meets the requirements of this Regulation.</p> <p>(3) The employer must ensure that an inspection of a worker transportation vehicle has been conducted before first use on a work shift.</p> <p>(4) The employer must ensure that any defect which might affect the safety of workers is corrected before using the vehicle.</p>
<b>Operator responsibility</b>	<b>17.2.1</b>	<p>The operator of a worker transportation vehicle must</p> <p>(a) ensure that a worker transportation vehicle has been inspected before first use on a work shift,</p> <p>(b) maintain a log book of the pre-use inspection, kept in an area which is accessible to the operator,</p> <p>(c) report defects and conditions affecting the safe operation of the vehicle to the employer or employer's designate,</p> <p>(d) ensure that any repair or adjustment necessary for the safe operation of the worker transportation vehicle is made,</p> <p>(e) not operate the vehicle unless all workers are seated in a designated seat with seat belts, and</p> <p>(f) ensure workers are wearing properly fastened seat belts.</p>
<b>Worker responsibility</b>	<b>17.2.2</b>	<p>Seated workers must</p> <p>(a) wear seat belts as required under this Regulation, and</p> <p>(b) only occupy a designated seat.</p>

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<b>Provision for seat belts</b>	<b>17.2.3</b>	<p>(1) Seat belts must be provided on a worker transportation vehicle for each designated seat in accordance with section 220 of the <i>Motor Vehicle Act</i>, and Divisions 32 and 39 of the <i>Motor Vehicle Act Regulations</i>.</p> <p>(2) Despite the exceptions stated in Division 39.03 of the <i>Motor Vehicle Act Regulations</i>, the following requirements must be met:</p> <p>(a) if a bus with a manufacturer's gross vehicle weight rating (GVWR) of more than 4 536 kg is used as a worker transportation vehicle, then</p> <p>(i) each designated seat must have seat belts,</p> <p>(ii) seat belts must be provided for every designated seat in accordance with the original equipment manufacturer's instructions or certified by a professional engineer if the seat belts were not provided by the original manufacturer, and</p> <p>(iii) such a bus may be used without seat belts in the event of an emergency or operational difficulty;</p> <p>(b) if a worker transportation vehicle is a bus as defined by the <i>Motor Vehicle Act</i>, with a registered model year of 1993 or earlier, and a GVWR of less than 4536 kg then seat belts must be provided for each designated seat;</p> <p>(c) school buses used as worker transportation vehicles which were purchased on or after the date of this Regulation must be equipped with seat belts in each designated seat. A school bus purchased by an employer or operator may be used as a worker transportation vehicle if purchased before the effective date of this Regulation.</p>
<b>Seat belts</b>	<b>17.3</b>	<p><del>(1) When feasible, a vehicle used to transport workers must have seats with full seat backs, and seat belts must be of the 3-point variety.</del></p> <p>(2) Repealed. [B.C. Reg. 312/2003.]</p> <p>(3) <del>Seated workers must wear seat belts while being transported in a vehicle equipped with seat belts.</del></p> <p>[Amended by B.C. Reg. 312/2003.]</p>
<b>Riding restrictions</b>	<b>17.4</b>	<p>A worker must not ride in a vehicle</p> <p><del>(a) in a standing position, unless protected from being thrown off balance, or</del></p> <p><del>(b) with any part of the body outside the vehicle unless essential to the work process, and then only if the worker is adequately restrained.</del></p>
<b>Securing equipment</b>	<b>17.5</b>	<p>(1) <del>Materials, goods, tools or equipment carried in a portion or compartment of a vehicle in which workers are riding must be located and secured to prevent injury to the operator or workers.</del></p> <p>(2) If materials, goods, tools or equipment are regularly carried in a worker transportation vehicle there must be a designated area in the vehicle for transporting these items.</p>
<b>Gross vehicle weight rating</b>	<b>17.5.1</b>	<b>The gross vehicle weight rating (GVWR) of the worker transportation vehicle must not be exceeded.</b>
<b>Hazardous materials</b>	<b>17.6</b>	<p>The transportation of hazardous materials in a vehicle transporting workers is restricted as follows:</p> <p>(a) Repealed. [B.C. Reg. 312/2003.]</p> <p>(b) if it is necessary to carry volatile, flammable, or otherwise hazardous materials, the materials must be carried in isolated compartments which are</p>

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- (i) accessible only from outside the vehicle, are securely fastened and are fitted with adequate ventilation and drainage facilities, and
- (ii) if internal to the vehicle, separated from the crew compartment by an approved firewall.

[Amended by B.C. Reg. 312/2003.]

**Carrying animals** 17.7 An animal must not be carried in the operator's cab or passenger compartment of a vehicle transporting workers unless appropriate facilities are provided for this purpose.

**Passenger compartments** 17.8 Any enclosed portion or compartment of a vehicle in which workers are transported must have

- (a) effective ventilation, independent of doors, providing clean air,
- (b) adequate lighting and means for heating and cooling,
- (c) an effective means of communication between the operator and passengers, and
- (d) more than one means of exit.

**Boarding and leaving** 17.9 (1) A worker must not board or leave any vehicle while it is in motion, except in case of emergency.  
(2) Adequate docking facilities must be provided if necessary to ensure safe worker access and egress to marine craft and float-equipped aircraft.  
(3) A walkway on a docking facility must have a surface finish or otherwise be maintained in a manner which minimizes the risk of a worker slipping.

**General operation requirements** 17.9.1 (1) A worker transportation vehicle must be operated by a driver licensed under the provisions of the *Motor Vehicle Act*, for the vehicle being driven and if required, the *Industrial Roads Act*.  
(2) If a worker transportation vehicle is to be occupied by 6 or more workers, then the following information must be visibly displayed in the vehicle:  
(a) a current copy of the driver's licence number for the operator of the vehicle;  
(b) the name of the company or person who owns the vehicle;  
(c) the maximum number of workers who may be transported in the worker transportation vehicle;  
(d) the vehicle manufacturer's gross vehicle weight rating (GVWR).  
(3) If a vehicle is used to transport workers, then the following procedures must be in place:  
(a) all doors must be closed and latched while the vehicle is in motion;  
(b) the parking brake must be engaged when the vehicle is left unattended and the wheels blocked or chocked if the circumstances require.

~~CREW CARS, BUSES AND CRUMMIES~~

**WORKER TRANSPORTATION VEHICLES PRIMARILY USED OFF PUBLIC HIGHWAYS**

**Provision for seat belts** 17.9.2 Where a vehicle used to transport workers is used other than on a public highway, it must have a designated seat and seat belt if there is significant hazard of rollover or upset, and the vehicle has an enclosed cab.

**Vehicle design** 17.10 (1) ~~Vehicles operated by or on behalf of the employer primarily to transport workers must~~  
(a) ~~be of a design and construction acceptable to the Board,~~  
(b) ~~be suited to the type of use, terrain and weather,~~

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- ~~(c) have bodies of strong and rigid construction, securely fastened to the vehicle chassis,~~
- ~~(d) have rear or side doors with latches operable from inside and outside, with side doors on the right side of the vehicle,~~
- ~~(e) be fitted with at least one emergency exit, on the left side or rear of the vehicle, operable from both inside and outside, and unlocked while the vehicle is in use,~~
- ~~(f) have safe means of entry and exit with non-slip steps and handholds,~~
- ~~(g) be fitted with adequate service brakes and a mechanical parking brake, and~~
- ~~(h) be equipped with appropriate first aid equipment determined under section 3.16 or 3.20, and with appropriate fire extinguishers in good working order.~~

~~(2) A vehicle used to transport workers off road must have~~

- ~~(a) service brakes capable of stopping and holding the fully loaded vehicle on the maximum slope the vehicle can climb or at the maximum specified operating slope,~~
- ~~(b) a primary and secondary braking system with the secondary braking system having at least 50% of the braking capability of the primary braking system,~~
- ~~(c) if components are shared between the primary and secondary braking systems, a design such that failure of any one component will not disable both brake systems,~~
- ~~(d) if the service brake operates on the drive train, a design such that failure of any one component of the drive train will not reduce the braking capability to less than 50% of the primary brake system, and~~
- ~~(e) a mechanical parking brake capable of holding the vehicle in place on a slope of at least 15%.~~

**A vehicle with an enclosed cab used to transport workers off public highways must**

- (a) be of adequate design and construction,**
- (b) be suited to the type of use, terrain and weather,**
- (c) have a body of strong and rigid construction, securely fastened to the vehicle chassis,**
- (d) have rear or side doors with latches that are operable from inside and outside, with side doors on the right side of the vehicle,**
- (e) be fitted with at least one emergency exit, on a surface other than the side which contains the regular passenger access door, that is**
  - (i) operable without the use of tools from both inside and outside, and**
  - (ii) unlocked while the vehicle is in use,**
- (f) have safe means of entry and exit with non-slip steps and handholds,**
- (g) be fitted with adequate service brakes and a mechanical parking brake,**
- (h) have service brakes capable of stopping and holding the fully loaded vehicle on the maximum slope the vehicle can climb or at the maximum specified operating slope,**
- (i) have a primary and secondary braking system with the secondary braking system having at least 50% of the braking capability of the primary braking system,**
- (j) if components are shared between the primary and secondary braking systems, be of a design such that failure of any one component will not disable both brake systems,**

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- (k) if the service brake operates on the drive train, be of a design such that failure of any one component of the drive train will not reduce the braking capability to less than 50% of the primary brake system, and
- (l) have a mechanical parking brake capable of holding the vehicle in place on a slope of at least 15%.
- Seating design**      **17.10.1**      (1) A worker transportation vehicle with an enclosed cab which may be used off public highways, must be equipped with seats that
- (a) are safely located and securely attached to the vehicle, with a width of at least 41 cm (16 in.) for each passenger and an upholstered seat and seat back which provide normal and comfortable seating for passengers,
  - (b) face to the front or rear of the vehicle, unless installed otherwise by the original vehicle manufacturer at the time of manufacture,
  - (c) provide a spacing of at least 66 cm (26 in.) measured between the face of the seat back at seat level and the back of the seat or other fixed object in front, and
  - (d) have seating capacity to be determined by the number of 41 cm (16 in.) full seat widths available, provided the gross vehicle weight rating (GVWR) is not exceeded.
- (2) The requirements in section 17.10.1 (c) do not apply to school buses.
- Operation and maintenance**      **17.11**      (1) ~~A worker transportation vehicle must be operated by a competent driver licensed under the provisions of the *Motor Vehicle Act*, and if required, the *Highway (Industrial) Act*.~~
- (2) ~~All doors must be closed and latched while the vehicle is in motion.~~
  - (3) ~~Smoking must not be permitted in a worker transportation vehicle.~~
  - (4) ~~The parking brake must be engaged when the vehicle is left unattended and the wheels blocked or chocked if the circumstances require.~~
  - (5) ~~A worker transportation vehicle must be inspected before first use on a work shift, and properly maintained to ensure it is safe for use.~~
  - (6) ~~Any defect which might affect the safety of workers must be corrected before using the vehicle.~~
- Seating design**      **17.12**      A worker transportation vehicle, must be equipped with seats that
- (a) ~~are safely located and securely attached to the vehicle, with a width of at least 41 cm (16 in) for each passenger and an upholstered seat and seat back which provide normal and comfortable seating for passengers,~~
  - (b) ~~face to the front or rear of the vehicle, unless installed otherwise by the vehicle manufacturer, and~~
  - (c) ~~provide a spacing of at least 66 cm (26 in) measured between the face of the seat back at seat level and the back of the seat or other fixed object in front.~~
- Seating capacity**      **17.13**      (1) ~~Seating capacity must be determined by the number of 41 cm (16 in) full seat widths available, provided the gross vehicle weight (GVW) is not exceeded. (add to 17.10)~~
- (2) ~~Workers must not be transported in a vehicle if the weight of the passengers plus the weight of any tools, equipment and cargo being carried results in the allowable gross vehicle weight (GVW) for the vehicle being exceeded.~~

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<b>First aid and fire extinguishers</b>	<b>17.13.1</b>	<b>A worker transportation vehicle must be equipped with</b> <b>(a) appropriate first aid equipment determined under section 3.16 or 3.20, and</b> <b>(b) a minimum 5 lb. ABC fire extinguisher or equivalent equipment in good working order.</b>
<b>Aisles</b>	<b>17.14</b>	<del>If a worker transportation vehicle will carry 12 or more passengers, it must have an aisle at least 25 cm (10 in) wide providing access from each seat to a regular entry/exit door, and also to an alternate or emergency exit.</del>

**MARINE CRAFT**

<b>Compliance with regulations</b>	<b>17.15</b>	Repealed. [B.C. Reg. 312/2003.]
<b>Load rating</b>	<b>17.16</b>	Repealed. [B.C. Reg. 381/2004.]
<b>Safety standards</b>	<b>17.17</b>	A vessel used to transport workers must meet generally accepted standards for safety and capacity based on the use of the vessel and the conditions in which the vessel could be expected to operate.  [Enacted by B.C. Reg. 381/2004.]
<b>Operation</b>	<b>17.18</b>	If the operator of a vessel transporting workers is not required to hold a certification under the <i>Canada Shipping Act</i> , the operator must  (a) have successfully completed a course on navigation and ship safety acceptable to the Board, or (b) have other combination of training and experience acceptable to the Board.  [Enacted by B.C. Reg. 381/2004.]
<b>Adverse weather</b>	<b>17.19</b>	Repealed. [B.C. Reg. 381/2004.]
<b>Life jackets</b>	<b>17.20</b>	Repealed. [B.C. Reg. 381/2004.]
<b>Fire extinguishers</b>	<b>17.21</b>	Repealed. [B.C. Reg. 381/2004.]
<b>Communication</b>	<b>17.22</b>	(1) A vessel used to transport workers must be equipped with a two-way communication system of a design effective in the area of operation.  (2) The two-way communication system must be maintained in good operating condition, be able to establish contact with persons necessary to effect emergency response, and be immediately accessible in the event of an emergency.  [Enacted by B.C. Reg. 381/2004.]
<b>Vessel preparation</b>	<b>17.23</b>	Before transporting workers on a vessel, the operator of the vessel must ensure that the vessel is capable of safely making the passage, considering the  (a) stowage and securing of all cargo, skiffs, equipment, fuel containers and supplies, (b) ballasting, and (c) existing and forecast weather conditions.  [Enacted by B.C. Reg. 381/2004.]
<b>Maintenance and inspection</b>	<b>17.24</b>	(1) A vessel must be inspected before initial use to ensure that it is fit for safe operation, and after that at intervals that will prevent the development of unsafe conditions.

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- (2) Defects must be reported immediately, in writing, to the supervisor, employer or owner and those defects which affect the safe operation of the vessel must be remedied before the vessel is put to further use.

[Enacted by B.C. Reg. 381/2004.]

**Anti-skid covering**      **17.25**      A vessel used by workers wearing caulked boots must be fitted with deck matting or other covering which provides safe footing for workers, and the covering must be maintained in good condition.

[Amended by B.C. Reg. 381/2004.]

**Lighting**      **17.26**      Searchlights or floodlights must be provided and used if necessary to facilitate safe operation of a vessel and to illuminate working or boarding areas adjacent to the vessel.

[Enacted by B.C. Reg. 381/2004.]

**AIRCRAFT**

**Compliance with regulations**      **17.27**      Repealed. [B.C. Reg. 312/2003.]

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**Explanatory Note:**

As stated by the “Note” following section 17.1, this Part is not intended to apply to transportation of a worker by a public transportation system such as a taxi, bus line, chartered air service or airline, or by a worker’s personal transport on public roads prior to or following a work shift. The requirements for all-terrain vehicles are provided in Part 16 (Mobile Equipment). The Note will be removed as part of this amendment.

Proposed section 17.1.1 provides a number of definitions with respect to this Part.

A definition for “worker transportation vehicle” is intended for clarity. This definition applies to vehicles carrying 3 or more workers, so as to include multi-passenger vehicles and crew cabs. These types of vehicles are most commonly used to transport workers. It does not, however, capture two passenger vehicles such as all terrain vehicles (“ATV”), snowmobiles and other non traditional vehicles.

A definition for “designated seat” is provided for clarity. This definition requires that a seat be provided and designated by the original manufacturer of the vehicle, or by an authorized modification in accordance with the requirements of the Motor Vehicle Act Regulations. Where seating positions are added or taken away, there must be a vehicle inspection in accordance with the requirements of Division 39.04(c) of the Motor Vehicle Act Regulations.

A definition of school bus is provided for clarity.

A definition for gross vehicle weight rating (“GVWR”) is provided for clarity.

Proposed section 17.1.2 creates a “general responsibilities” section which requires all vehicles used to transport workers to be designed, maintained and operated in a safe manner. This provision extends to vehicles which carry fewer than 3 workers as well as non-traditional vehicles such as snowmobiles or ATVs.

Proposed section 17.2 (1) refers to the employer’s responsibility. It continues an existing provision which was previously contained in section 17.2. It is proposed to broaden this existing section to require that an employer must ensure reasonable measures to evaluate road, weather and traffic conditions to ensure safe transit of workers. It is proposed that the phrase “on a private road or a resource access road” be deleted, and new language inserted which would expand the original requirements beyond private or access roads.

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Proposed new section 17.2 (2) refers to the employer's responsibility. Where a worker transportation vehicle is provided by the employer, it must meet the requirements of this Regulation.

Proposed new section 17.2 (3) refers to the employer's responsibility. This is a relocation of section 17.11 (5) which was formerly located under the general heading for "Crew Cars, Buses and Crummies". The original wording in section 17.11 (5) was a general requirement to inspect the worker transportation vehicle, but did not place the obligation to perform the inspection on any workplace party. The new language requires the employer to ensure that an inspection of the worker transportation vehicle has been conducted. The employer is not required to conduct this inspection himself, but must ensure that it has been performed by a competent person. By relocating section 17.11 (5) to new section 17.2 (3), the requirement to ensure that a worker transportation vehicle is inspected before the first use on a work shift is no longer limited to "Crew Cars, Buses, and Crummies", but applies to all worker transportation vehicles.

Proposed new section 17.2 (4) is a relocation of section 17.11 (6) because it was formerly located under the general heading for "Crew Cars, Buses and Crummies". The original wording in section 17.11 (6) was a general requirement to correct any defects to a worker transportation vehicle which may affect the safety of workers. This general requirement did not specify which workplace party was responsible for correcting defects to a worker transportation vehicle. The new language obligates the employer to ensure that any known defects to a worker transportation vehicle be corrected before the first use on a work shift. By relocating section 17.11 (6) to new section 17.2 (4), the requirement to correct any defects to a worker transportation vehicle is no longer limited to "Crew Cars, Buses and Crummies", but applies to all worker transportation vehicles.

Proposed section 17.2.1 refers to the operator's responsibility. This requirement is intended to clarify the obligations placed on the operator of a worker transportation vehicle.

Proposed subsection 17.2.1 (a) is a relocation of section 17.11 (5) because it was formerly located under the general heading for "Crew Cars, Buses and Crummies". The original wording in section 17.11 (5) was a general requirement to inspect the worker transportation vehicle, but did not place the obligation to perform the inspection on any workplace party. The new language requires the operator of a worker transportation vehicle to ensure that the vehicle has been inspected before first use on a work shift. By relocating section 17.11 (5) to new subsection 17.2.1 (a), the requirement to inspect a worker transportation vehicle is no longer limited to "Crew Cars, Buses and Crummies", but applies to all worker transportation vehicles.

Proposed subsection 17.2.1 (b) refers to the operator's responsibility. This is a new requirement to maintain a log book of the pre-use inspection of a worker transportation vehicle. The use of a log book provides for consistent record keeping of pre-use inspections of a worker transportation vehicle, and provides a record that inspections are being done. A log book allows all workplace parties to view the status of such pre-use inspections at any time.

Proposed subsection 17.2.1 (c) refers to the operator's responsibility. This is a new requirement which specifies that the operator must report defects and conditions affecting the safe operation of a worker transportation vehicle to the employer or employer's designate. This requirement assists the employer in meeting his obligation to ensure that any defects which may affect the safety of workers are corrected.

Proposed subsection 17.2.1 (d) refers to the operator's responsibility. This is a new requirement which specifies that the operator must ensure that any repair or adjustment necessary for the safe operation of the worker transportation vehicle is made. This obligation complements the employer's obligations in new section 17.2 (4).

Proposed subsection 17.2.1 (e) refers to the operator's responsibility. This is a new requirement which prohibits the operation of a worker transportation vehicle unless all workers are seated in a designated seat.

Proposed subsection 17.2.1 (f) refers to the operator's responsibility. This is a new requirement which obligates the operator to ensure that workers are wearing properly fastened seat belts. The combined

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requirements in proposed sections 17.2.1 (e) and 17.2.1 (f) ensure that only one worker is seated in each designated seat while wearing a seat belt. This effectively prohibits having two or more workers sitting in one designated seat and not wearing a seat belt.

Proposed section 17.2.2 is intended to clarify the responsibility of workers. This further clarifies the roles of workplace parties.

Proposed subsection 17.2.2 (a) is a relocation of section 17.3 (3), because the seating requirements for workers are best addressed in the worker responsibility section. The proposed change in wording is intended for clarity.

Proposed subsection 17.2.2 (b) is a new requirement which provides for consistency with the recent amendments to the Motor Vehicle Act Regulations of British Columbia. This mandates that a worker can only occupy a designated seat. This will eliminate workers being transported while sitting on boxes, crates or other inappropriate seats while inside a worker transportation vehicle.

Proposed section 17.2.3 (1) is a new section specifying the provisions for seat belts. It was created to harmonize seat belt requirements as amended in the Motor Vehicle Act Regulations of British Columbia.

Proposed section 17.2.3 (2) is a new requirement which limits the seat belt exemptions stated in Division 39 of the Motor Vehicle Act Regulations.

Proposed subsection 17.2.3 (2) (a) is a new requirement which sets out the conditions that must be met when a worker transportation vehicle is a bus with a manufacturer's GVWR of greater than 4,536 kg.

Proposed subsection 17.2.3 (2) (a) (i) mandates that a bus used as a worker transportation vehicle with a GVWR greater than 4,536 kg must be equipped with seat belts for each designated seat. Presently the Motor Vehicle Act Regulations exempt vehicles with a GVWR greater than 4,536 kg from having seat belts for each designated seating position. Mandating seat belts on worker transportation vehicles with a GVWR of more than 4,536 kg provides for a higher safety standard when transporting workers. This requirement effectively mandates that if large buses such as coach buses are used as worker transportation vehicles, they must be equipped with seat belts.

Proposed subsection 17.2.3 (2) (a) (ii) stipulates that where a bus with a GVWR greater than 4,536 kg is used as a worker transportation vehicle, then seat belts must be provided in accordance with the original equipment manufacturer's instructions. If seat belts are installed after the date of manufacture, then the modification must be certified by a professional engineer. This will ensure that any seat belt modifications are conducted safely.

Proposed subsection 17.2.3 (2) (a) (iii) allows for a bus with a GVWR greater than 4 536 kg to be used as a worker transportation vehicle where no seat belts are provided in cases of emergency or operational difficulties. This allows for the use of chartered buses or other similar arrangements in cases of emergency.

Proposed subsection 17.2.3 (2) (b) is a new requirement which mandates that a bus used as a worker transportation vehicle with a registered model year of 1993 or earlier and with a GVWR of less than 4,536 kg must be equipped with seat belts for each designated seat. This may require vehicles to be retrofitted with seat belts, if it was not originally manufactured with seat belts, and inspected in accordance with the Motor Vehicle Act Regulations. Hence the requirement for seat belts on such vehicles will increase worker safety. Note that the Motor Vehicle Act Regulations and federal legislation currently exempt buses with a model year of 1993 or earlier and also buses with a GVWR greater than 4,536 kg from having a seat belt in each designated seat. However, buses with a model of 1994 or later with a GVWR of less than 4,536 kg are required to be equipped with seat belts for each designated seating position by the manufacturer.

Proposed subsection 17.2.3 (2) (c) is a new requirement which specifically addresses the use of a school bus as a worker transportation vehicle. The Motor Vehicle Act Regulations does not require

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school buses to be equipped with seat belts in each designated seat. It is proposed that if a school bus is purchased by an employer or operator before the effective date of this regulation, it may continue to be used as a worker transportation vehicle. This exemption is intended to avoid hardship for those parties who have already purchased a school bus for use as a worker transportation vehicle. All school buses purchased on or after the date that this regulation comes into effect must be equipped with seat belts. This specific requirement addresses the reality that school buses were originally intended to be used by children for whose height and weight such vehicles were designed. The seating design as well as the tall seatbacks were intended as a safety feature when used by children. Adult workers were not the intended passengers on school buses, and may risk injury from the original seating design.

It is proposed to delete section 17.3. The requirements in section 17.3 (1) are now covered in proposed section 17.2.3. The requirements in section 17.3 (3) have been incorporated into proposed section 17.2.2. Minor changes in language are explained there.

It is proposed to delete section 17.4. The scope of Part 17 of the OHSR has been changed to apply to the transportation of workers to and from a workplace only. The requirements in section 17.4 apply to work which is performed by workers who are being transported. It is recommended that this regulation be retained but relocated to proposed new section 16.31 in Part 16 (Mobile Equipment) of the OHSR. It is proposed that existing section 16.31 be deleted.

It is proposed to delete the phrase "portion or compartment of" from section 17.5. The requirements to secure equipment ought to apply to the entire vehicle rather than a "portion or compartment" of the vehicle.

Proposed section 17.5.1 is intended to ensure that the GVWR of a worker transportation vehicle is not exceeded. This is intended to prevent worker transportation vehicles from being overloaded and thereby posing a danger to worker health and safety. The GVWR is established by the manufacturer of the vehicle and is commonly displayed on the driver's door frame of the vehicle.

Proposed section 17.9.1 is a relocation of section 17.11 (1) because the requirements of section 17.11 were better divided between employer and operator responsibilities as created by proposed sections 17.2 and 17.2.1. The remaining requirements from section 17.11 (1) were relocated to proposed section 17.9.1 under the heading "General Operations Requirements." It is proposed that the term "*Highway (Industrial) Act*" be deleted and replaced with "*Industrial Roads Act*" to reflect the correct legislative reference.

Proposed section 17.9.1 (2) is a new requirement which identifies the specific type of information to be displayed in all worker transportation vehicles occupied by six or more workers.

Proposed subsections 17.9.1 (2) (a) to (d) list the specific details which must be displayed in all worker transportation vehicles occupied by six or more workers. These requirements are similar to those found in taxi cabs and are consistent with amendments to the Employment Standards Regulations requiring the posting of safety notices in vehicles by farm labour contractors.

Proposed subsection 17.9.1 (3) (a) is a relocation of section 17.11 (2) because these requirements are better grouped with all general operations requirements. There are no changes in language.

Proposed subsection 17.9.1 (3) (b) is a relocation of section 17.11 (4) because these requirements are logically grouped with all general operations requirements. There are no changes in language.

The proposed heading "Worker Transportation Vehicles Primarily Used Off Public Highways" is intended to replace the former heading "Crew Cars, Buses and Crummies". It is intended to expand the scope of the requirements under this section to include all worker transportation vehicles used primarily off public highways. The term "off public highways" includes all roads which are not covered by the *Motor Vehicle Act*.

Proposed section 17.9.2 is intended for vehicles which are primarily used off public highways and for industry specific purposes. For example, a "snow cat", or a "nodwell" are vehicles used to transport

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workers in off road areas, and may have a risk of rollover. When such vehicles are used in areas where rollover is possible, the use of seat belts is required.

Section 17.10 continues a number of existing provisions and draws attention to issues surrounding vehicle design for vehicles which are primarily used off public highways. It is proposed to repeal this section and replace it with new section 17.10.

Proposed section 17.10 (a) and (c) reflects minor changing in wording to improve clarity.

Proposed subsections 17.10.1 (a), 17.10.1 (b) 17.10.1 (c) are re-numbered requirements previously located in section 17.12. There is no change in language.

Proposed subsection 17.10.1 (d) is a relocation of section 17.13 (1). There are minor language changes, however the meaning of the subsection remains the same.

Section 17.10 (e) has been modified to include the additional requirement that an emergency exit be located on a surface other than the side of the worker transportation vehicle which contains the regular passenger access door and that such an exit be operable without the use of tools. This ensures that there is an emergency exit which is accessible in the event that the main doors of a worker transportation vehicle become unusable.

It is proposed that section 17.10 (1) (h) be repealed from Part 17 of the OHSR and the requirement be relocated to proposed new section 17.13.1 which deals with first aid and fire extinguishers.

Proposed section 17.10.1 is a relocation of the requirements in section 17.12. The original requirements in section 17.12 applied to all crew cars, buses and crummies used to transport workers. The requirements of new section 17.10.1 apply to worker transportation vehicles which have an enclosed cab. Worker transportation vehicles with an enclosed cab, such as nodwells or thiokols are sometimes used to transport workers in remote areas and over uneven terrain, hence the use of seat belts on such vehicles is required when transporting workers. This requirement is not intended to capture certain vehicles which do not have an enclosed cab. For example, this would still permit farm vehicles without cabs used to move workers on relatively flat fields at slow speed to be exempt from seat belt requirements. The use of seat belts may increase worker injury if an unenclosed vehicle tips or rolls.

Proposed section 17.10.1 (2) is a new requirement and is intended to allow school buses whose seating design is likely in contravention of proposed sec.17.10.1 (c) to be used as a worker transportation vehicle. Where a school bus does not provide a spacing of at least 26 inches measured between the face of the seatback at seat level and the back of the seat or other fixed object in front, it may still be used as a worker transportation vehicle provided it meets the requirements of proposed section 17.2.3 (2) (c).

It is proposed to move section 17.11 (1) to new section 17.9.1 in the “general operation requirements” part, with some changes in wording.

It is proposed to move section 17.11 (2) to new section 17.9.1 (2) (a) in the “general operation requirements” sub-part. There is no change in wording.

It is proposed to delete section 17.11 (3) as smoking requirements are currently addressed by other legislation.

It is proposed to move section 17.11 (4) to new section 17.9.1 (3) (b) in the “general operation requirements” subpart. There is no change in wording.

It is proposed to move section 17.11 (5) to new section 17.2 (3) in the “employer’s responsibility” subsection, with some change in language.

It is proposed to move section 17.11 (6) to proposed section 17.2 (4) in the “employer’s responsibility” subsection, with some change in language.

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It is proposed to move the requirements in section 17.12 (a) to (c) to proposed section 17.10.1 “seating design”, with no change in language. Proposed new section 17.10.1 expands the requirements for seating design.

It is proposed to move the requirements in section 17.13 (1) to proposed section 17.10.1 “seating design” as this topic refers to seating design.

It is proposed to move section 17.13 (2) to proposed section 17.5.1 “GVWR” with some minor changes in language.

Proposed section 17.13.1 refers to the requirements for first aid and fire extinguishers on worker transportation vehicles.

Proposed section 17.13.1 (a) is a relocation of section 17.10 (1) (h) because a new stand alone section for first aid and fire extinguishers was created by new section 17.13.1

Proposed section 17.13.1 (b) is a relocation and expansion of section 17.10 (1) (h) because a new stand alone section for first aid and fire extinguishers was created. A more detailed requirement specifying the minimum size of an acceptable fire extinguisher (or equivalent equipment) was added for clarity.

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