

PART 17: TRANSPORTATION OF WORKERS

GENERAL REQUIREMENTS

<b>Application</b>	<b>17.1</b>	<p>This Part applies to all persons, including the operator, engaged in transporting workers by any type of conveyance operated on behalf of the employer.</p> <p><b>Note:</b> 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).</p>
<b>Definitions</b>	<b>17.1.1</b>	<p><b>In this Part:</b></p> <p><b>“gross vehicle weight rating (GVWR)”</b> means the manufacturer’s maximum recommended weight for a vehicle, including the weight of the vehicle itself, fuel and other fluids, passengers, and all cargo;</p> <p><b>“highway”</b> means a highway as defined under the <i>Motor Vehicle Act</i>;</p> <p><b>“worker transportation vehicle”</b> means a motor vehicle provided by or arranged by an employer to transport 3 or more workers to and from, or to or from, a workplace.</p>
<b>General responsibilities</b>	<b>17.1.2</b>	<p>Vehicles used to transport workers must be designed, maintained and operated in a safe manner.</p>
<b>Provision for seating and seat belt assemblies</b>	<b>17.1.3</b>	<p>Where a worker transportation vehicle is used off a highway, the seating requirements under Division 39 of the <i>Motor Vehicle Act Regulations</i> and the seat belt assembly requirements of Section 220 of the <i>Motor Vehicle Act</i> apply as if the vehicle were operated on a highway.</p>
<b>Employer's responsibility</b>	<b>17.2</b>	<p>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:</p> <ul style="list-style-type: none"><li>(a) reasonable measures are taken to evaluate road, weather and traffic conditions to ensure the safe transit of the workers,;</li><li>(b) an inspection of a worker transportation vehicle has been conducted before first use on a work shift, and</li><li>(c) any defect which might affect the safety of workers is corrected before using the vehicle.</li></ul>
<b>Operator responsibility</b>	<b>17.2.1</b>	<ul style="list-style-type: none"><li>(1) The operator of a worker transportation vehicle must ensure that the worker transportation vehicle has been inspected before first use on a work shift.</li><li>(2) In addition to the requirements of section 17.1.3, the operator must not operate the vehicle in which there is a worker who occupies a seating position for which a seat belt assembly is provided for unless that worker is wearing the complete seat belt assembly in a properly adjusted and securely fastened manner.</li></ul>
<b>General operation requirements</b>	<b>17.2.2</b>	<ul style="list-style-type: none"><li>(1) A vehicle used to transport workers must be operated by a driver properly licensed under the provisions of the <i>Motor Vehicle Act</i> and, if required, the <i>Industrial Roads Act</i>.</li><li>(2) If a vehicle is used to transport workers, then the following procedures must be in place:<ul style="list-style-type: none"><li>(a) all doors must be closed and latched while the vehicle is in motion;</li><li>(b) the parking brake must be engaged when the vehicle is left unattended and the wheels blocked or chocked if the circumstances require.</li></ul></li></ul>

PROPOSED AMENDMENTS TO PART 17: TRANSPORTATION OF WORKERS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION

<b>Provision for seat belts</b>	<b>17.2.3</b>	<b>An exception under Divisions 32 and 39 of the Motor Vehicle Act Regulations applies to the operation of a worker transportation vehicle both on and off a highway.</b>
<b>Seat belts</b>	<b>17.3</b>	<p>(1) <del>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>
<b>Riding restrictions</b>	<b>17.4</b>	<p>A worker must not ride in a vehicle</p> <p>(a) in a standing position, unless protected from being thrown off balance, or</p> <p>(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.</p>
<b>Securing equipment</b>	<b>17.5</b>	<p>(1) 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.</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> <p>(i) accessible only from outside the vehicle, are securely fastened and are fitted with adequate ventilation and drainage facilities, and</p> <p>(ii) if internal to the vehicle, separated from the crew compartment by an approved firewall.</p> <p>[Amended by B.C. Reg. 312/2003.]</p>
<b>Carrying animals</b>	<b>17.7</b>	<p>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.</p>
<b>Passenger compartments</b>	<b>17.8</b>	<p>Any enclosed portion or compartment of a vehicle in which workers are transported must have</p> <p>(a) effective ventilation, independent of doors, providing clean air,</p> <p>(b) adequate lighting and means for heating and cooling,</p> <p>(c) an effective means of communication between the operator and passengers, and</p> <p>(d) more than one means of exit.</p>
<b>Boarding and leaving</b>	<b>17.9</b>	<p>(1) A worker must not board or leave any vehicle while it is in motion, except in case of emergency.</p> <p>(2) Adequate docking facilities must be provided if necessary to ensure safe worker access and egress to marine craft and float-equipped aircraft.</p> <p>(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.</p>

**CREW CARS, BUSES AND CRUMMIES**

**WORKER TRANSPORTATION VEHICLES NOT DESIGNED FOR USE ON HIGHWAYS**

- 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,
  - (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%.
- 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,

PROPOSED AMENDMENTS TO PART 17: TRANSPORTATION OF WORKERS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION

		(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.
<b>Seating capacity</b>	<b>17.13</b>	<del>(1) Seating capacity</del> <b>For vehicles that do not have seat belt assemblies in every seating position, the seating capacity</b> must be determined by the number of 41 cm (16 in) full seat widths available, provided the gross vehicle weight <b>rating (GVW) (GVWR)</b> is not exceeded.
		<del>(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.</del>
<b>Aisles</b>	<b>17.14</b>	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.
<b>MARINE CRAFT</b>		
<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

**PROPOSED AMENDMENTS TO PART 17: TRANSPORTATION OF WORKERS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

- (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.]

**Maintenance and inspection**

**17.24**

- (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.
- (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.]

---

**Explanatory Note:**

The purpose of these amendments is to harmonize seat requirements and seat belt provisions in the Occupational Health and Safety Regulation (“OHSR”) with the Motor Vehicle Act Regulations (“MVAR”).

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

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

A definition for “highway” is provided for clarity.

A definition for “worker transportation vehicle” is provided 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.

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.

Proposed section 17.1.3 is a new requirement which addresses provisions for seating and seat belt assemblies. This provision stipulates that where a worker transportation vehicle is used off a highway, it must adhere to the seating requirements under [Division 39 of the MVAR](#) and seat belt assembly requirements of [Section 220 of the Motor Vehicle Act](#) (“MVA”) as if the vehicle were operated on a highway. This is intended to harmonize the requirements of the OHSR with the MVA and MVAR.

**PROPOSED AMENDMENTS TO PART 17: TRANSPORTATION OF WORKERS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

Section 17.2(b) is a relocation of old section 17.11(5), which was formerly located under the heading "Crew Cars, Buses and Crummies". The original wording in section 17.11 (5) was a 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 before the first use on a work shift. 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(b), 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.

Section 17.2(c) is a relocation of old section 17.11(6), which was formerly located under the heading "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 former 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 using the vehicle. By relocating section 17.11(6) to new section 17.2(c), 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 relates to Operator responsibility.

Proposed section 17.2.1(1) is a relocation of section 17.11 (5) because it was formerly located under the heading "Crew Cars, Buses and Crummies". The original wording in section 17.11 (5) had a requirement that a worker transportation vehicle be inspected before first use on a work shift and properly maintained to ensure it is safe for use. It 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 (1), 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 (2) is a new requirement. The operator must not operate the vehicle in which there is a worker who occupies a seating position for which a seat belt assembly is provided for unless that worker is wearing the complete seat belt assembly in a properly adjusted and secured fashion. The MVAR has a similar requirement but only for persons under 16 years of age. Section 17.2.1(2) extends that obligation regardless of age of the worker.

Proposed section 17.2.2 relates to General operation requirements.

Proposed section 17.2.2(1) is a relocation of old section 17.11(1). It is proposed that the term "*Highway (Industrial) Act*" be deleted and replaced with "*Industrial Roads Act*" to reflect the correct legislative reference. The remaining requirements in former section 17.11 (2), (4), (5) and (6) are divided between new sections 17.2, Employer's responsibility, and 17.2.1, General operation requirements.

Proposed subsection 17.2.2(2)(a) is a relocation of section 17.11(2) because these requirements are better grouped with all general operation requirements. There are no changes in language.

Proposed subsection 17.2.2(2)(b) is a relocation of section 17.11(4) because these requirements are logically grouped with all general operation requirements. There are no changes in language.

Proposed section 17.2.3 is a new provision that harmonizes seat belt use requirements in the operation of a worker transportation vehicle both on and off a highway in the OHSR with exceptions under [Divisions 32 and 39 of the MVAR](#).

It is proposed to delete section 17.3 as this issue is addressed in section 17.2.3.

**PROPOSED AMENDMENTS TO PART 17: TRANSPORTATION OF WORKERS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

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.

The proposed heading "Worker Transportation Vehicles Not Designed For Use On 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 highways. The term "off highways" includes all roads which are not covered by the *Motor Vehicle Act*.

It is proposed to move section 17.11 (1) to new section 17.2.2(1), with some changes in wording.

It is proposed to move section 17.11 (2) to new section 17.2.2 (2) (a). 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 17.2.2(2)(b). There is no change in wording.

It is proposed to move section 17.11 (5) to new section 17.2(b), with some change in language.

It is proposed to move section 17.11(6) to proposed section 17.2(c), with some change in language.

Section 17.13(1) has new wording which provides for seating capacity where vehicles do not have seat belt assemblies in every seating position. This addresses vehicles such as buses and larger vans.

It is proposed to delete section 17.13 (2) as this is addressed in proposed section 17.5.1 "GVWR".

**Sections Removed from the Consultation Version:**

The following sections were removed from the consultation version of Part 17 as they exceeded or conflicted with harmonization efforts between the OHSR and the MVAR.

17.1.1. The definition of "designated seat" was removed as it did not harmonize with the definition of "designated seating position" used by the MVAR.

17.1.1 The definition for "gross vehicle weight rating" was removed and a new one was created in its place which adds clarity.

17.1.1 The definition of "school bus" was removed, as there are no other references to school buses throughout Part 17.

17.2.1.(b) This was a new requirement and was removed as it was implicit in order to properly comply with sec. 17.2.1(a). An operator would be implicitly required to produce documentation to an inspection officer as evidence of having conducted an inspection before the first use on a work shift.

17.2.1 (c) This was a new requirement and was removed as it is contained in Sec. 3.10 of the OHSR and is therefore a duplicate requirement.

17.2.1(d). This was a new requirement and was removed as it is contained in sec. 16.5 of the OHSR and is therefore a duplicate requirement.

17.2.1(e) has been re-numbered in proposed section 17.2.1(2).

17.2.1(f). This was a new requirement and was removed as it is contained in proposed sec. 17.2.1(2), therefore making it a duplicate requirement.

**PROPOSED AMENDMENTS TO PART 17: TRANSPORTATION OF WORKERS  
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

Section 17.2.2 was a new requirement which was removed as it is contained in proposed section 17.2.1(2) therefore making it a duplicate requirement.

Section 17.2.3(1) was removed and relocated to proposed section 17.2.3 with some changes in language for clarity.

Section 17.2.3(2) was removed in its entirety as it exceeded the seat belt requirements of the MVAR. This was contrary to WorkSafeBC's goal of harmonizing the OHSR with the MVAR.

Section 17.4 was reinstated back to its original position, as its removal did not serve to harmonize the OHSR with the MVAR.

Section 17.9.1 (1) was moved to proposed section 17.2.2. with some change in language. In particular the term "worker transportation vehicle" was replaced with "a vehicle used to transport workers" in order to broaden the class of vehicles which must be operated by a driver properly licensed under the MVA and the Industrial Roads Act. The word "properly" was also added in order to strengthen the requirement for drivers to obtain the correct class of license.

Section 17.9.1(2) was removed as it contained a posting requirement which exceeds harmonization with the MVAR and potentially raises privacy concerns.

Section 17.9.1(3) has been moved to proposed section 17.2.2(2).

Section 17.9.2 has been removed as the requirement mandating designated seats and seat belts in vehicles with an enclosed cab used to transport workers which are used off road and may have a significant hazard of rollover or upset, requires more consultation and research as the suggested changes may have far reaching consequences.

New section 17.10 has been removed and old section 17.10 has been reinstated. The modified requirement for an emergency exit in new section 17.10 (e) has been removed as it exceeded the harmonization efforts between the OHSR and the MVAR.

Section 17.10.1 was removed and the contents reinstated in original section 17.12(a), 17.12(b) and 17.12(c).

Section 17.10.1(1)(d) was removed and reinstated to old section 17.13(1) with some changes in wording to clarify when seating capacity must be determined.

17.13.1 has been removed (and its contents reinstated in old section 17.10(h) ) as this exceeded the harmonization requirements of the OHSR and MVAR.

Section 17.14 has been reinstated as its removal did not contribute to harmonization between the OHSR and the MVAR.