

BY 2011/12 - 2012/13 - 2013/14 - 2014/15 - 2015/16

When the Liberals first took office one of the things that they said they wanted to do was to reduce the WCB's Occupational Health and Safety Regulations by one third. The first question I have is where does this number come from? Is there research out there somewhere, which indicates that 1/3 of the regulations, serve NO purpose in terms of enhancing a workers health and safety? These regulations have been put into place to protect the health and lives of British Columbia's workers. How can reducing the regulations possibly hope to offer the same or a better level of protection? The answer in short is it cannot.

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In the current edition of the regulations it is stated that the Occupational Health and Safety Regulations are adopted under the Workers Compensation Act. It also states that there are certain goals of the Workers Compensation Act, some of those goals are:

- Preventing work-related accidents, injuries and illnesses.
- Encouraging the education of employers, workers, and others regarding occupational health and safety.
- Ensuring an occupational environment that provides for the health and safety of workers and others.
- Promoting a culture of commitment on the part of employers and workers to a high standard of Occupational Health and Safety.

I stress that it clearly say's **A HIGH STANDARD**

How can the board possibly expect to meet these goals by implementing these proposed changes? Clearly these changes erode both the information available to workers as well as the regulations currently in place to ensure that they come home safe and sound at the end of every workday!

Today I am talking to you about the Boards decision to eliminate Redundancy and Duplication as well as all cross-referencing within the Regulation.

What exactly does this mean?

The current regulations are broken into 4 booklets. Known as the Index and books 1,2 and 3. Throughout books 1,2 and 3 there is constant cross referencing to other sections of the regulation or more importantly to OTHER regulations. This cross-referencing is known as Internal or External cross-referencing.

In the proposed amendments to the Occupational Health and Safety Regulation for the External cross-referencing, the explanatory note for this change simply reads:

“ Provisions that incorporate other statutes and regulations that would apply in any event have been removed.

Some examples of these “other regulations” which are considered External cross-references are as follows:

- Canada Shipping Act
- Electrical Safety Act
- Explosives Act
- Transportation of Dangerous Goods Act
- British Columbia Building Code

A simple example of the elimination of External cross-referencing is:

**Work area guards and hand rails** Specifications for guards and handrails.

Currently reads:

**4.58 (1)** Guards in a building must meet the requirements of the BC Building Code and be appropriate for the use and occupation of the area.

Under the proposed changes the reference to the BC building code is eliminated. How then is anyone affected to know that there are related regulations in another code?

How can the health and Safety of our workers possibly benefit from eliminating these references from the Occupational Health and Safety Regulations? What purpose can these changes possibly serve other than to eliminate information available to the workers? How is a worker to know that there is an applicable regulation within the BC Building code for example if this cross-referencing is removed? How many serious injuries, or worse how many lives will be lost because a worker did not know to check a different regulation?

Further to this is the elimination of cross-referencing within the Regulations themselves. Currently if a person who handles dangerous goods wants to look something up in the regulations that is specific to their field they would look in the index and be directed to the correct article within the regulation, from there they would also be redirected to other applicable areas within the regulation. AND as stated earlier ANY other applicable regulation.

The Explanatory note that accompanies the Proposed changes for the Internal cross-referencing reads as follows:

“ Provisions that simply provide a cross-reference to other parts of the Occupational Health and Safety Regulation have been removed.

An example of Internal cross-referencing is:

#### 4.29 Violence in the workplace Procedures and Policies

Section C of this regulation has been completely eliminated. Section C refers people to two other places within the regulation, which also pertain to this clause. It refers to both Part 3 of the Workers Compensation Act as well as to Part 3 of the Occupational Health and Safety Regulation (Rights and Responsibilities)

By eliminating this cross-referencing the only thing accomplished is the removal of valuable information from the worker. Information that could be VITAL to ensuring their health and safety!! How is a worker to know that another regulation may apply or for that matter another section of the WCB regulation with the elimination of cross-referencing. What possible motive could there be for these changes? It is this redundancy that ensures that we have an effective and easy to use tool to ensure the health and safety of our workers.

Here is an even more alarming side effect of the elimination of Redundancy and Duplication, the ELIMINATION of references to training. Currently the regulations make constant reference to the Employers responsibility to ensure that a worker is properly trained. Under the new proposal the responsibility of the employer to ensure that workers are adequately trained will be mentioned in ONLY one place and that is section 115 (2) (e) of the Workers Compensation Act.

How is a worker to know then that they require training before attempting certain tasks? HOW can the elimination of this Cross Referencing POSSIBLY be beneficial to a workers health and safety?

The explanatory note that accompanies the proposed changes RE: Duplication and Redundancy – Training; reads as follows:

“Provisions that repeat general duty provisions in the Workers Compensation Act relating to the training of workers have been removed. Section 115(2)(e) of the act creates a general duty for employers to train workers. IT provides that an employer must provide to the employers workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of workers at the workplace.”

The problem with this explanation and its effect on the regulation is that it again leaves interpretation of the regulation wide open. Where as the current regulations TELL the employer and the employee exactly when and where training is required these proposed changes would be left to each employers interpretation. We will see employers, who will say, well that's just common sense no one would need training for that, as a result where training was once mandatory there may be none at all. Again what possible benefit could there be other then to save the employer the cost of training in certain cases where an employee was not aware training should be provided. Under the current regulation there is NO question as to when and where training will be provided.

A couple of the simpler examples of the elimination of references to training are as follows:

**Section 4.10 (2) General Conditions.** This article is in Part 4 of the Regulation and will be changed to read:

“ A person must not be authorized to operate a machine or piece of equipment until the person has demonstrated an ability to safely operate it”.

The amendment to this article eliminates the words “**been adequately instructed and trained, and has**”. This does two things, first it eliminates the workers ability to immediately see that they should have adequate training, and it also creates an environment where demonstrating an ability to safely operate something is completely open to interpretation.

Again I ask, how can this change possibly benefit the health and safety of British Columbia’s workers?

**Section 4.22-Working Alone or in Isolation**

This section has been *completely eliminated* all together! It currently reads:

A worker required to work in the circumstances described in section 4.21(1) and any person assigned to check on the worker must be trained in the written procedure for checking the workers well being.

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NOTE: section 4.21 (1) reads:

The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation under conditions which present a risk of disabling injury, if the worker might not be able to secure assistance in the event of injury or other misfortune.

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The elimination of this clause can only serve to reduce cost to an employer it cannot possibly benefit a workers health and safety.

As my final comment I ask you the panel, with all that has been said here today how can you possibly believe that your sons or daughters, nieces or nephews, friends and neighbours could possibly be safer after these changes than they are today? What purpose do these changes serve other than to reduce overall cost to employers? We already have a VERY thorough and Comprehensive regulation that does not go far enough in some cases to address workers health and safety, HOW can eliminating ANY part of this regulation be beneficial to anyone OTHER than cost conscious employers?