

## PART 17: TRANSPORTATION OF WORKERS

### GENERAL REQUIREMENTS

<b>Definitions</b>	<b>17.01</b>	<b>In this Part:</b>
<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;
<b>“highway”</b>		has the same meaning as in the <i>Motor Vehicle Act</i> ;
<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.
<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>General responsibilities</b>	<b>17.1.1</b>	<b>Vehicles used to transport workers must be designed, maintained and operated in a safe manner.</b>
<b>Provision for seating and seat belt assemblies</b>	<b>17.1.2</b>	<b>If a worker transportation vehicle is used off a highway, the seating requirements under Division 39 of the Motor Vehicle Act Regulations 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.</b>
<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 the worker transportation vehicle has been conducted by a qualified person before first use on a work shift, and</li><li>(c) any defect which might affect the safety of workers is corrected before the vehicle is used.</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 by a qualified person before first use on a work shift.</li><li>(2) In addition to the requirements of section 17.1.2, the operator must not operate a vehicle in which there is a worker who occupies a seating position for which a seat belt assembly is provided 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 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>

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<b>Provision for seat belts</b>	<b>17.2.3</b>	<b>An exemption under Division 32, and an exception under Division 39, of the Motor Vehicle Act Regulations apply 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,

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- (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~~ **For vehicles that do not have seat belt assemblies in every seating position, the seating capacity** must be determined by the number of 41 cm (16 in) full-seat widths available, provided the gross vehicle weight **rating (GVW) (GVWR)** is not exceeded.

~~(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.~~

**Aisles**                      **17.14**      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.

**MARINE CRAFT**

**Compliance with regulations**      **17.15**      Repealed. [B.C. Reg. 312/2003.]

**Load rating**                      **17.16**      Repealed. [B.C. Reg. 381/2004.]

**Safety standards**              **17.17**      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.]

**Operation**                      **17.18**      If the operator of a vessel transporting workers is not required to hold a certification under the *Canada Shipping Act*, 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.]

**Adverse weather**              **17.19**      Repealed. [B.C. Reg. 381/2004.]

**Life jackets**                      **17.20**      Repealed. [B.C. Reg. 381/2004.]

**Fire extinguishers**              **17.21**      Repealed. [B.C. Reg. 381/2004.]

**Communication**              **17.22**      (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.]

**Vessel preparation**              **17.23**      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

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- (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.]

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**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 17.01 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 17.1.1 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 17.1.2 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.

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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 purpose of section 17.2(b) is to ensure that proper vehicle inspections are conducted by a qualified person prior to the first use on a work shift as part of the employer’s responsibilities. Depending on the circumstances, the owner of the vehicle or the operator of the vehicle may be in the best position to ensure this happens. Therefore, it is proposed here to put the responsibility on all of these people. Section 124 of the *Workers Compensation Act* (the “Act”) addresses the situation where a regulation imposes the same obligation on more than one person. It states that if one person complies with the obligation, then the other people do not need to comply if simultaneous compliance would result in unnecessary duplication and the health and safety of the workers is not put at risk.

In this situation, that would mean that each party responsible for ensuring that a vehicle inspection has been conducted before the first use on a work shift pay attention to vehicle inspections. This may be done either by being involved personally in the activity or by ensuring there is another qualified person who is personally involved and responsible for the inspection. For example, depending on the employment relationship, the employer for a worker transportation vehicle may not be in the best position to inspect the vehicle as he is in a different location. However, the operator of the vehicle may be the most logical person to conduct the inspection. In this circumstance, the employer has a duty to ensure that the inspection is carried out, although he does not have to perform the inspection in person.

The duty “to ensure” means a person needs to take all reasonable steps to make sure the activity is being conducted safely. If there is an injury or fatality, every person who had some responsibility under the OHSR to conduct the vehicle inspection which resulted in injury or fatality will need to be able to explain what he or she did to ensure the activity was being conducted safely and in accordance with the OHSR.

The term “qualified” is defined in Part 1 of the OHSR as “being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof”.

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 or maintenance requirements on any workplace party.

The purpose of this provision is to ensure that proper vehicle inspections are conducted by a qualified person prior to the first use on a work shift as part of the operator’s responsibilities. Depending on the circumstances, the owner of the vehicle or the operator of the vehicle may be in the best position to ensure this happens as noted above.

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

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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 sections 17.11(2), (4), (5) and (6) are divided between new sections 17.2, Employer's responsibility; 17.2.1, Operator responsibility; and 17.2.2, General operation requirements.

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 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) and 17.2.1(1), 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".