

Council of Construction Associations
#138 - 5751 Cedarbridge Way,
Richmond, B.C. V6X 2A8
Telephone (604) 241-7667 Fax (604) 241-7678
email: grantmcmillan@shaw.ca
Grant McMillan, President

COCA WCB Update #358 November 3, 2006

Important Notice

Proposed WorkSafeBC (WCB) Regulation Could Triple Your Paperwork!

A proposed new WorkSafeBC regulation would require a company to assess the safety performance of a new or young worker every two months for the first six months of that worker's job.

This requirement would affect every worker age 24 or younger and every new worker each time there is a change to the hazards in the workplace or each time the worker changes locations.

For construction, this would mean an endless cycle of written documentation and record keeping. Construction workers have a high turnover rate. The workers also move from one area to another within the construction project. And the construction project itself is continually changing as the project is either constructed, demolished or renovated.

We need to act now and makes our voices heard or this proposed regulation will become law.

What is Proposed

1. Employers must train new or young workers as follows:
 - (a) the name and contact information for the young or new worker's supervisor;
 - (b) the employer's and young or new worker's rights and responsibilities under the *Workers Compensation Act* and this Regulation including the reporting of unsafe conditions and right to refuse to perform unsafe work;
 - (c) workplace health and safety rules;

(d) hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;

(e) working alone or in isolation;

(f) violence in the workplace;

(g) personal protective equipment;

(h) location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;

(i) emergency procedures;

(j) instruction and demonstration of the young or new worker's work task or work process.

(3) Within two weeks or as soon as practicable after a young or new worker begins work in a workplace, the young or new worker must receive orientation and training respecting the following topics:

(a) the employer's health and safety program;

(b) WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace;

(c) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

2. Employers must document this initial training.

3. Employers must assess and document the safety performance of the new or young worker every two months for the first six months.

The proposed requirements in #1 and # 2 are basically what is required under current regulation. The new regulation highlights the requirements and lists them so that it is easier to understand.

The proposed requirement #3 is the problem. The construction industry is dynamic and in constant change – the draft regulation would require an unwieldy and impractical level of documentation.

What We Recommend You Do

1. Register to speak at the Public Hearing in you region.

2. Send in a brief written submission or letter.

(See Recommended Comments, below, for suggestions on the topic.)

Recommended Comments

1. We support the training of new and young workers. This is necessary if these workers are to understand the hazards of the job and learn to control them.
2. We support the documentation of this initial training. This provides an element of Due Diligence – proof that the training has been done.
3. We oppose the excessive requirement of the written assessment and documentation of the new or young worker's safety performance every two months for the first six months. This is an unreasonable level of paperwork that would probably not be done and would create a bureaucratic nightmare of enforcement.

The ongoing assessment of a new or young worker is not practical in an industry where change is the only constant. There is so much movement and change of location/job/activity within the 180,000 workers in construction that there would be continuous and non-stop requirements for assessments.

The construction workforce is highly mobile. An employer with 20 full time positions may actually have as many 80 workers cycle through those positions in one year.

Our workforce may be composed of labour contract workers, who are very short term.

The Construction Industry has already taken the initiative on new and young workers. The Construction Safety Association of BC – in cooperation with WorkSafeBC -- offers a Certificate of Recognition program. The CSABC program includes interactive, computer-based worker training. The 12 elements of this training program include the proposed requirements for training. The computer-based training also provides built-in verification and documentation. CSABC offers this program, through its regional partners, to all regions of BC

Background

The proposed changes are contained in the Appendix 1, which follows.

You have two ways to give input.

You can make a written submission. It must be received by WorkSafeBC by 4:30 p.m. on Friday, December 1, 2006.

You can attend a public hearing. Public hearings will provide you with an opportunity to comment on these additional proposed regulatory amendments. All feedback received will be presented to the Board of Directors for their consideration.

The public hearings are scheduled, as follows:

Prince George

Monday, November 20, 2006

Coast Inn of the North

770 Brunswick Street

Prince George, BC

V2L 2C2

Vancouver

Thursday, November 23, 2006

Sheraton Vancouver Wall Centre Hotel

1088 Burrard Street

Vancouver, BC

V6Z 2R9

Kelowna

Monday, November 27, 2006

Conference Centre at the Best Western Hotel

2400 Highway 97 North

Kelowna, BC

V1X 4J1

Nanaimo

Thursday, November 30, 2006

Coast Bastion Inn

11 Bastion Street

Nanaimo, BC

V9R 6E4

Session times:

3 p.m. to 5 p.m.

7 p.m. to 9 p.m.

To register to make an oral presentation at the public hearing

Registration is required if you would like to participate in the public hearing. To register, please call 604-232-7744 or toll free in B.C. at 1-866-614-7744. One presentation from an organization or individual will be permitted.

To make a written submission

Submissions can be made by mail, e-mail, online survey, or fax as follows:

by mail:

Workers' Compensation Board of British Columbia
Prevention Policy & Regulation Review Department
Policy and Research Division
P.O. Box 5350 Station Terminal
Vancouver BC V6B 5L5

by e-mail:
[Regquery@ worksafebc.com](mailto:Regquery@worksafebc.com)

by online survey:
feedback via online survey ([see proposed amendments](#))

by fax:
604-279-7599 or toll-free in B.C. 1-877-279-7599

You can also deliver your submission to the public hearing location during the public hearing sessions.

WorkSafeBC DRAFT Changes to Young Worker Training

PROPOSED AMENDMENTS FOR PART 3: RIGHTS AND RESPONSIBILITIES IN THE *OCCUPATIONAL HEALTH AND SAFETY REGULATION* October 12, 2006 Page 1 of 4 **PART 3: RIGHTS AND**

RESPONSIBILITIES

YOUNG OR NEW WORKERS

Definitions 3.22 In sections 3.23 to 3.26:

"new worker" means any worker who is

- (a) new to the workplace,**
- (b) returning to a workplace where the hazards in that workplace have changed during the worker's absence,**
- (c) affected by a change in the hazards of a workplace, or**
- (d) relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker's previous workplace;**

"young worker" means any worker who is under 25 years of age.

Young or new worker orientation and training 3.23 (1) An employer must ensure that every young or new worker is given health and safety orientation and training specific to that young or new worker's workplace

as specified in subsections (2) and (3).

- (2) Before a young or new worker begins work in a workplace, the young or new worker must receive orientation and training respecting the following topics:
- (a) the name and contact information for the young or new worker's supervisor;
 - (b) the employer's and young or new worker's rights and responsibilities under the *Workers Compensation Act* and this Regulation including the reporting of unsafe conditions and right to refuse to perform unsafe work;
 - (c) workplace health and safety rules;
 - (d) hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;
 - (e) working alone or in isolation;
 - (f) violence in the workplace;
 - (g) personal protective equipment;
 - (h) location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;
 - (i) emergency procedures;
 - (j) instruction and demonstration of the young or new worker's work task or work process.
- (3) Within two weeks or as soon as practicable after a young or new worker begins work in a workplace, the young or new worker must receive orientation and training respecting the following topics:
- (a) the employer's health and safety program;
 - (b) WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace;
 - (c) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

Online survey

PROPOSED AMENDMENTS FOR PART 3: RIGHTS AND RESPONSIBILITIES IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION October 12, 2006 Page 2 of 4

Documentation 3.24 An employer must:

- (a) keep records of all orientation and training provided under section 3.23 or 3.26,
- (b) keep records of all assessments conducted under section 3.25, and
- (c) ensure copies of worksite risk assessments are readily available for review by workers.

Assessing work performance 3.25 (1) As soon as practicable after providing orientation and training to a young or new worker, the employer must assess the young or new worker's performance to determine if the young or new worker has received sufficient orientation and training to perform the worker's work tasks or work processes safely.

(2) Every two months of the first six months of a young worker's employment with an employer, the employer must assess and document the young worker's performance to determine if the young worker is performing work tasks or work processes safely.

Additional orientation and training 3.26 An employer must provide a young or new worker with additional orientation and training if

(a) an assessment under section 3.25 or workplace observation reveals that the young or new worker is not able to perform work tasks or work processes safely, or

(b) requested by the young or new worker.

Explanatory Note

BC's 310,000 young workers make up almost 15 percent of the provincial labour force and thousands are expected to be added by 2010. BC's labour force is increasing at the rate of 3.4 percent annually, but the young worker component is growing by 8.3 percent annually. More than half of work-related incidents occur during a young worker's first six months on the job with almost 20 percent occurring during the first month. Males under the age of 25 are much more likely to be injured on the job than any other worker.

In 2005, 11 young workers died on the job, 151 were seriously injured and more than another 9,000 were injured. While the injury rate for young workers is more than twice that of the overall population, there has been a significant reduction since 1996. While the injury rate has decreased significantly over the last 5 years, the number of serious injuries to young workers has been trending upward, from 114 in 2001 to 151 in 2005.

Regardless of their age, all workers have five to seven times the risk of sustaining a workplace injury during their first month on the job.

Proposed new section 3.22 is intended to define the term "new worker" as being inclusive of any worker who is new to a workplace, or where changes to workplace hazards in the worker's absence, or new hazards present in a workplace, or relocation to another workplace, could result in the worker being exposed to hazards for which they have not received orientation and training; and to define the term "young worker" as being any worker who is under age 25. Proposed new section 3.23 is intended to require employers to provide all young and new workers with orientation and training about safe work procedures and how to recognize hazards on the job. Orientation and training topics are divided into two categories. Those topics in proposed new section 3.23 (2) are to be covered before a young or new worker begins work in the workplace, while those

topics

PROPOSED AMENDMENTS FOR PART 3: RIGHTS AND RESPONSIBILITIES IN THE *OCCUPATIONAL HEALTH AND SAFETY REGULATION* October 12, 2006 Page 3 of 4

in proposed new section 3.23 (3) must be covered within two weeks after commencement of employment, or as soon as practicable.

Orientation and training topics to be covered in proposed new section 3.23 (2) that must be covered before a young or new worker begins work in the workplace include the following:

(a) Name and contact information for the young or new worker's supervisor

This section is required to ensure that a young or new worker knows the identity of the individual(s) responsible for providing direction to them in the performance of their duties, and how to contact them if they are not immediately available.

(b) The employer's and young or new worker's rights and responsibilities under the Workers Compensation Act and the Occupational Health and Safety Regulation

This topic is intended to require the employer to inform a young or new worker about their rights under the *Workers Compensation Act* and the *Occupational Health and Safety Regulation* including the obligation to report hazards, and the right to refuse unsafe work.

(c) Workplace health and safety rules

This topic is intended to require the employer to train a young or new worker in the workplace health and safety rules specific to any workplace where the young or new worker may be expected to perform a work task or procedure.

(d) Hazards to which the young or new worker may be exposed

This topic is intended to require the employer to train and orient a young or new worker in safe work procedures and potential hazards that could be encountered while the young or new worker is performing assigned work tasks or processes, including risks from robbery, assault or confrontation, where applicable.

(e) Working alone or in isolation

This topic is intended to require the employer to train and orient a young or new worker about policies and procedures to be followed to ensure the well-being of the young or new worker who is assigned to work alone or in isolation.

(f) Violence in the Workplace

This topic is intended to require the employer to train and orient a young or new worker about the policies and procedures to be followed to deal with violence in the workplace. This would include ensuring that high risk issues are addressed as part of the young or new worker's training and orientation. Those issues could include confrontation with thieves or abusive customers, the handling of money, and opening and closing the business etc.

(g) Personal protective equipment (PPE)

This topic is intended to require the employer to provide a young or new worker with appropriate orientation and training in the use and care of personal protective equipment or clothing that the young or new worker will be required to use to safely perform their work tasks or work processes.

(h) Location of first aid facilities, and means of summoning first aid and reporting illnesses and injuries

This topic is intended to require the employer to provide a young or new worker with orientation and training on the location of first aid facilities, the identity of the first aid attendant(s), and how to summon a first aid attendant. This topic also covers the employer's obligation to train and orient a young or new worker with the procedures that must be followed to report an illness or injury to WorkSafeBC.

(i) Emergency procedures

This topic is intended to require the employer to train a young or new worker about

potential emergency situations that could occur in the young or new worker's workplace as well as procedures to follow during an emergency situation.

(j) Instruction and demonstration of the young or new worker's work task or work process

This topic is intended to require the employer to provide a young or new worker with both instruction and demonstration – and not simply a verbal description – of any work tasks or work processes that the young or new worker will be required to perform.

Orientation and training topics set out in proposed new section 3.23(3) to be covered within two weeks after a young or new worker starts employment, or as soon as practicable, include the following:

(a) The employer's health and safety program

This topic is intended to require the employer to provide orientation and training to a young or new worker on the safety procedures and practices that are specific to the workplace(s) where the young or new worker will be performing work tasks or work processes.

(b) WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace

This topic is intended to require the employer, as applicable, to provide the young or new worker with orientation and training on the Workplace Hazardous Materials Information System ("WHMIS") including how to identify WHMIS-regulated substances in the workplace, and the precautions that should be taken when working with such products. There is no requirement for employers to provide WHMIS information where WHMIS controlled products are not, and will not be present in workplaces.

(c) The means of contacting the occupational health and safety committee, or worker health and safety representative

This topic is intended to require the employer to inform a young or new worker how to contact the occupational health and safety committee, or the worker health and safety representative, or the young or new worker's supervisor or employer where applicable.

Proposed new section 3.24 is intended to require the employer to keep records of all orientation and training provided under proposed new sections 3.23 and 3.26, and assessments conducted under proposed new section 3.25.

Proposed new section 3.25(1) is intended to require the employer to assess a young or new worker's application of their safety orientation and training to ensure that the young or new worker has received sufficient orientation and training so that they are able to perform their work tasks and work processes safely.

Proposed new section 3.25(2) is intended to require employers to assess the performance of young workers every two months of the first six months of a young worker's employment with the employer.

Proposed new section 3.26 is intended to require an employer to provide additional orientation and training if they determine that the orientation and training already provided to a young worker or a new worker is not sufficient to ensure that the worker can perform their work tasks or work processes safely, or to provide additional orientation and training if requested by a young worker or a new worker.