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COCA, working cooperatively with other employer groups, has been successful in changing a Draft WorkSafeBC Regulation that would have been expensive, impractical and time-consuming for the Construction Industry. Estimated savings, as shown below, are \$4.35 million.

The Draft Regulation would have at least tripled your paperwork for training young workers.

The Draft Regulation from November, 2006, originally had required the employer to assess and document the young worker's safety performance every two months for the first six months in a new job.

This requirement would have resulted in a large volume of paperwork – and costs -- with no improvement in actual workplace safety for the young worker.

WorkSafeBC has listened to our input and has changed the Regulation so that the requirement for the assessment and evaluation every two months for the first six months is removed.

In its place, the employer must do what is reasonable and natural – ensure that the training is understood and is followed. When observation indicates that additional training is required, then this must be provided.

The new Regulation is included, below. Please contact COCA if you have any questions.

Estimated savings

An estimated 17% of the Construction Industry's 175,000 workers are under the age of 25. This equals approximately 29,000 workers. If an employer spent a total of 3 hours doing the required 3 documented evaluations, this would equal 87,000 hours. If the average cost per hour is \$50, the cost for doing all documented evaluations would have been \$4.35 million. These costs could well be higher, according to the individual employer and worker situation. Whenever a young worker went to a new employer, the

documentation process would have had to be repeated. The change in the Draft Regulation has saved these costs.

NEW REGULATION

PART 3: RIGHTS AND RESPONSIBILITIES

YOUNG OR NEW WORKERS

Definitions 3.22 In sections 3.23 to 3.25:

“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 before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker’s workplace.

(2) The following topics must be included in the young or new worker’s orientation and training:

- (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 the 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;
- (k) the employer's health and safety program, if required under section 3.1 of this Regulation;
- (l) WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace;
- (m) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

Additional orientation and training

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

- (a) 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.

Documentation

3.25 An employer must keep records of all orientation and training provided under sections 3.23 and 3.24.

WorkSafeBC OHS Guidelines (interpretation and detail)

In the discussion below any reference to "worker" means "young or new worker".

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

This topic is intended to ensure that a worker knows the identity of the individual(s) responsible for providing work direction to them, and how to contact them if they are not immediately available. This can be particularly helpful to young and new workers, who may have some ongoing questions in the early period of time on the job.

(b) The employer's and worker's rights and responsibilities

This topic is intended to ensure the worker is informed about their rights and responsibilities and those of the employer under the *Workers Compensation Act* (the *Act*) and the *Regulation*. For example, the worker has the right to be informed about workplace hazards (including WHMIS), the duty to report hazards, the duty to refuse unsafe work, and the right to participate in workplace health and safety activities. The worker should also be advised of the protection from discrimination provisions in the *Act*, and provisions related to first aid and reporting any injuries and diseases.

(c) Workplace health and safety rules

This topic is intended to ensure the worker is trained in the workplace health and safety rules applicable to the workplace and the tasks the worker will perform. The rules are expected to address any hazards that the worker may encounter, and may involve various types of controls, such as work procedures, use of personal protective equipment, and the safe means of operating equipment.

(d) Hazards to which the worker may be exposed

This topic is intended to ensure the worker is informed about the hazards that could be encountered while the worker is performing assigned work tasks. Depending on the work setting, these hazards may be physical in nature and involve a risk of injury, or in other cases can pose a risk of disease, for example, when handling a hazardous substance. If a worker is in a location that involves contact with the public, they need to be advised of any risks that may arise, including, as applicable, abusive behaviour, robbery, assault or other possible confrontation.

(e) Working alone or in isolation

This topic is intended to ensure that the worker is trained in the policies and procedures to be followed if the worker is assigned to work alone or in isolation. Under the requirements of the *Regulation* the employer must set up a system for checking on the well being of the worker. When establishing the system, the employer must consult with the worker on the time intervals to be used. In some cases the issue of working alone is linked to the potential for violence in the workplace. Examples may include work settings such as convenience stores or gas bars. If the worker will not be working alone or in isolation there is no need to cover this topic.

(f) Violence in the workplace

This topic is intended to ensure the worker is provided with orientation and training on the policies and procedures to be followed in the event of violence in the workplace. The worker should be advised of the meaning of the term “violence”, which includes any threatening statement or behaviour, and the circumstances in the workplace where a risk of violence may be present. The worker will need to be trained in the procedures to follow to eliminate or minimize any risk in such situations, for example, when handling money, and opening or closing the business. They will also need to be trained in the steps to take to eliminate or minimize the risk of injury to the worker in the event of an incident.

In part, this topic is already covered under topics (c), (d) and (e). However, instruction in this topic will ensure that the worker is given an understanding of the overall measures in the workplace for protection from violence.

(g) Personal protective equipment (PPE)

This topic is intended to ensure the worker is provided with appropriate orientation and training in the use and care of personal protective equipment or clothing that the worker will be required to use to safely perform their work. This is a standard expectation under Part 8 of the *Regulation*, and will help the worker meet his or her obligations to use PPE properly. If there is no PPE required for the protection of the worker then there is no need to cover this topic.

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

This topic is intended to ensure the worker is advised of the location of first aid facilities, the identity of the first aid attendant(s), and how to summon an attendant. It also covers the employer’s obligation to inform the worker of the procedures to follow to report an illness or injury to WorkSafeBC.

(i) Emergency procedures

This topic is intended to ensure the worker is advised of potential emergency situations that could occur in their work location, and is trained in the procedures to follow. This topic is a companion to topic (h) on first aid, and addresses other aspects of emergency response, such as evacuation in the event of fire, or if hazardous substances are handled, how to contain a spill of the substance.

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

This topic is intended to ensure the worker is provided with both instruction and demonstration - and not simply a verbal description - of work tasks that the worker will be required to perform when they start work. Further training may be required as new tasks are assigned.

The demonstration should address the aspects of the work that will involve safety risks if not performed correctly. For example, if the worker will be operating a piece of equipment, the employer will need to ensure that all safety points are demonstrated, including the use of guarding and other safety devices, means of equipment startup, and how to follow safe operating procedures.

(k) *The employer's occupational health and safety (OHS) program*

Under this topic the employer is expected to provide an orientation to the OHS program, if a program is required under section 3.1 of the *Regulation*. The orientation would describe the program elements, which are outlined in section 3.3 of the *Regulation*, and how they are implemented in the workplace. If a health and safety program is not required under section 3.1, then there is no need to cover this topic.

(l) *WHMIS information requirements, as applicable to the worker's workplace*

This topic is intended to ensure the worker is provided with an orientation on the Workplace Hazardous Materials Information System (WHMIS), and its application to controlled products in the workplace. The orientation should explain the WHMIS hazard classes, and the use of WHMIS labels and MSDS. In addition, there are four WHMIS objectives for training a worker in how to work safely with controlled products. Workers need to know the hazards of the products, how they can protect themselves, what to do in case of an emergency or spill, and where to get more information on the products. The first three of these will already be addressed under other topics such as (c), (d), (h) and (i). To address the fourth, typically workers will need to be informed of where MSDS are located or how they can be accessed if available electronically.

There is no requirement for an employer to provide an orientation to WHMIS where WHMIS controlled products are not, and will not be present in the workplace. However, if there are hazardous products in the workplace not covered by WHMIS, then the orientation under topics such as (c), (d), (h) and (i) will address safety with those products.

(m) *Contact information for the joint occupational health and safety (OHS) committee, or worker health and safety representative*

If applicable, under this topic the employer will need to inform the worker on how to contact the joint OHS committee, or the worker health and safety representative.