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COCA Update on WorkSafeBC Activities #553 June 17, 2013

WorkSafeBC Proposed Policy Change; Your Comments Requested

WorkSafeBC proposes to delete Occupational Health & Safety Policy R20.26-1 because the policy appears to be in conflict with the provincial legislation that governs Professional Engineers and their responsibilities.

The deletion is proposed, according to WorkSafeBC, because:

“It addresses the practice of professional engineering and the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) says it conflicts with their regulation of the *Engineers and Geoscientists Act*; and

It provides an explanation of the phrase “immediately before” and is an unnecessary duplication of a similar explanation in Guideline G20.26.”

The relevant wording from the *Engineers and Geoscientists Act* is under subsection 2 (6):

“(6) Subject to the bylaws made under section 10 (1) (b.2), nothing in this Act or the bylaws prevents a person from assisting in the performance of any professional service or work of the kind described in the definition of "practice of professional engineering" in section 1 (1) if a professional engineer directly supervises and assumes full responsibility for the service or work.”

The above subsection contrasts with the current statements in WorkSafeBC Policy R20.26-1:

“The professional engineer who issues the written certificate prior to each concrete placing need not personally inspect the formwork. The professional engineer must ensure an adequate inspection is done by a competent person immediately prior to concrete placing before issuing a certificate”

The *Engineers and Geoscientists Act* is available online at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96116_01

COCA will consult with the Construction Industry and draft a proposed response.

As an initial comment, there have been concerns expressed about the meaning and intent of the *Engineers and Geoscientists Act* as quoted above: specifically what is meant by “directly supervises”.

The *Engineers and Geoscientists Act* contains this definition:

"direct supervision" means the responsibility for the control and conduct of the engineering or geoscience work of a subordinate;

Section 2 of the *Engineers and Geoscientists Act* reads:

(6) Subject to the bylaws made under section 10 (1) (b.2), nothing in this Act or the bylaws prevents a person from assisting in the performance of any professional service or work of the kind described in the definition of "practice of professional engineering" in section 1 (1) if a professional engineer directly supervises and assumes full responsibility for the service or work.

Please send any comments to Grant at grant.e.mcmillan@gmail.com.