July 26, 2024 |

Briefs

Submission to the WCB re proposed amendments to Part 16.21 and 16.21.1 Seat Belts, and Part 20, Washrooms at Constructions Sites

See a pdf of the complete submission here(289 KB).

Part 16 Mobile Equipment Sections 16.21 and 16.21.1 Seat Belts

The BCFED agrees with the WCB's comments in the Explanatory Notes that rollovers in Roll-Over Protective Structure (ROPS)-equipped vehicles can be catastrophic. These incidents can result in head and upper torso trauma from contact with the hazardous structures in the cab or from the cab itself. And they can result in the death of the operator. Hundreds of our affiliated members work in the forest/logging industry and in wildland firefighting--historically dangerous industries putting workers at high risk of injuries and death.

Climate change is impacting the nature of wildfires and how wildfires are fought. The introduction to fire suppression of the crawler-type tractor, or "bulldozer" during the 1940s was a breakthrough in more effective fire control. It permitted faster and superior fire line control with less reliance on people power and hand tools. The wildland firefighting industry will see increased use of prime movers

particularly for forest fuel mitigation.[1]

The United Steelworkers' submission describes the changing nature of logging where more work is required on steep slopes and sidehills, increasing the likelihood of roll-overs.

Given these industry changes, the BCFED is pleased to see this timely review of Part 16 to improve the requirements for seat belts from two-point lap belts to a minimum three-point seat belt for selected ROPS-equipped prime movers manufactured one year after the implementation date.

Two-point seatbelts do not provide the protection needed to prevent injuries and deaths in roll-over incidents. The proposed three-point seat belts will provide the operators with better protection, keeping the operators safe.

The BCFED supports the proposed amendments as a necessary step forward in greater protection for workers operating ROPS-equipped prime movers in forestry and wildland firefighting.

But the BCFED does not support the proposed amendment to Section 16.21.1(2) allowing the longer period of two years for manufacturers to supply compliant equipment.

The BCFED is concerned this extension will put workers' lives in greater danger. The WCB acknowledges the lack of three-point seat belts on the applicable prime movers can put workers in grave danger.

Recommendation

The BCFED strongly urges the WCB to remove the two- year requirement and return to the original amendment of one year. This will improve the health and safety for workers and prevent serious injuries and deaths.

Part 20 Construction, Excavation and Demolition Washrooms at Construction Sites Sections 20.3.1-20.3.2

The BC Building Trades' unions have been calling for improved washroom facilities in construction for decades.

During the COVID-19 pandemic, their calls became more urgent, and the BC Building Trades made several submissions to the WCB.

The BCFED agrees construction workers deserve clean, well-lit, temperature-controlled and clean washroom facilities with hand washing stations.

In fall of 2023, the government announced that washroom facilities would be required on all construction worksites with more than 25 workers.

Unfortunately, the implementation date of May 1, 2024, did not allow the WCB to conduct the normal pre-consultation with stakeholders and a public consultation, which are important opportunities to ensure the stakeholders were properly consulted on the proposed amendments.

We agree with the proposed amendments to Section 20.3.1: definitions of chemical toilet, construction site, flush toilet and handwashing facility, provide clarity and consistency.

Recommendation

The BC Building Trades recommended the definition of "handwashing facility" model the Quebec regulatory language and use "a sink containing clean and temperate water."

The recommendation was not added to the proposed amendments and the BCFED proposes the definition of "hand washing facility" be further amended to include a "sink containing clean and temperate water."

The BCFED is pleased the WCB removed "practicable" from Section 20.3.2 (3) requirement respecting toilets at construction sites, relying on the word "must" to ensure compliance with the requirements.

Section 20.3.2 sets out the requirements for toilets available at a construction site. Sub-section 3(b) requires the employer to ensure the toilet is cleaned and sanitized as frequently as necessary to keep it in a clean, sanitary condition.

In the pre-consultation, worker stakeholders recommended the requirement be amended from “frequent cleaning as necessary” to daily cleaning.

We have heard from many workers on construction sites who frequently experience having to use portable toilets that are quite frankly disgusting because employers have failed to implement a daily cleaning program.

Failing to add the requirement for daily cleaning of toilets will allow this practice to continue putting workers’ health and safety at risk.

The BCFED recommends Section 20.3.2(3)(b) be further amended to require daily cleaning of toilets.

The BCFED is pleased the WCB removed “practicable” from Section 20.3.2 (3) requirement respecting toilets at construction sites, relying on the word “must” to ensure compliance with the requirements.

There is no requirement in the proposed regulation for the involvement of the joint health and safety committee, and any worksite with more than 20 workers requires a joint committee and those with less than 20 and more than 9 requires a worker representative as per the *Workers Compensation Act* (Act) Part 2, Division 5, Sections 31 and 45.

A quick reading of Part 20 of the Act found the only reference to worker engagement is limited to being informed and instructed about the workplace hazards. This is a very passive approach and not meaningful, active and consultative engagement.

The BCFED believes this regulation review provided an opportunity for the WCB to reinforce and elevate the requirements for committees and worker representatives set out in the Act.

The committee should be consulted on:

1. The “practicability” of the employer providing plumbed washroom facilities in Section 20.3.2 (1);
2. The design of the washroom;
3. The number of washrooms needed beyond the 25 workers;
4. The installation and cleaning schedules;
5. The location of washrooms on the worksite;
6. Confirming the number of workers on-site at any one time given the fluid nature of construction work; and
7. Consideration of the diverse workforce, for example, gendered and non-gendered workers.

Recommendation

The BCFED recommends the regulation be further amended to add consultation with the joint committee and the worker representative.

This is a first step, and we recommend the WBC conduct a review of Part 4, Section 4.98, Washroom facilities.

Thousands of workers in BC work in workplaces where they are using porta potties or are without any washroom facilities provided by the employer--workers in transportation, traffic control, agriculture, forestry, highway maintenance, city parks maintenance, firefighters, to name a few.

All of these workers deserve the dignity and respect of proper flush toilets at their workplaces.

Recommendation

Part 4, Section 4.85, Washroom facilities, applies to many workplaces outside of construction and therefore the BCFED recommends a regulatory review to improve washroom facilities for all workers.

Conclusion

The BCFED thanks the WCB for the opportunity to present at the public hearing on Parts 16 and 20.

We urge the WCB Board of Directors to provide the appropriate resources for workers and employers for the implementation of these regulatory amendments and to ensure prevention officers are properly resourced to conduct inspections and enforce the new requirements.

[1] https://time.com/5366522/california-wildfires-bulldozer-operators/