April 1, 2026 |

Briefs

Proposed amendment to Part 8, Personal Protective Clothing and Equipment — Respirators: Face seal and Part 31, Firefighting — Society fire brigades

A pdf of the complete submission can be found here(439 KB).

Our followup letter to the WCB on April 23, 2026, can be found here.

Introduction

The BC Federation of Labour appreciates the opportunity to provide our recommendations with respect to the proposed amendments to the *Occupational Health and Safety Regulation* Part 8 – Personal Protective Equipment, and Part 31 - Firefighting.

The BCFED represents more than 500,000 members of our affiliated unions, from more than 1,100 locals working in every aspect of the BC economy.

The Federation is recognized by the Workers' Compensation Board and the government as a major stakeholder in advocating for the health and safety of all workers in BC.

The first part of this submission will address the proposed amendments to Part 8.

Background

In some workplaces, respirators provide critical protection for workers from airborne contaminants. Protecting workers from exposure to chemical and biological substances at work can be a matter of life and death, and is absolutely essential for preventing injury and occupational disease.

Section 8.39 of the OHSR sets out requirements for the use of tight-fitting respirators. For these kinds of respirators, a seal must be created against the skin of the worker. Anything that comes between the face and respirator, including things like eyeglasses, head coverings, lip piercings, and facial hair can interfere with the seal and allow air contaminants to pass through. This is a limitation of the design of tight-fitting respirators.

The request for an amendment to this part of the regulation came from both the BC Ferry and Marine Workers' Union (BCFMWU) and the Sikh community, who raised concerns that the specific requirement for workers to be clean-shaven to wear tight-fitting respirators creates barriers for workers who cannot shave for religious or medical reasons, most notably Sikh men. The BCFMWU and members of the Sikh community raise an important issue of human rights, pointing out that this rule was resulting in some workers being unable to fully participate in the workforce as they were excluded from performing specific job duties and from moving into certain job classifications.

In July, the WCB's Board of Directors responded by adding a review of section 8.39 to the regulatory change workplan, to be completed on an expedited basis.

Fundamentally, the concerns raised by ferry workers and the Sikh community are about accommodating diverse workers on the job. In 2024, the provincial government passed the Anti-Racism Act which says "A public body must take actions to identify and eliminate systemic racism, and advance racial equity, in relation to its policies, programs and services."[1] As such, this issue sits at the intersection of religious freedoms and other protections under human rights legislation and Anti-Racism legislation, and the rights and obligations for employers and workers under occupational health and safety laws.

The BCFED wants to emphasize its support for the WCB taking on this issue and using an equity lens to examine safety regulations for systemic barriers. The requirements within the OHS regulation must be as inclusive as possible. Indeed, inclusive health and safety rules that recognize and acknowledge the diversity of BC's workers are the foundation for the highest level of protection of the health and safety of all workers.

In general, the BCFED supports the proposed changes to Part 8 of the OHSR. However, we believe more clarity is needed to ensure employers and workers understand their obligations in relation to this aspect of respirator selection and use.

Section 8.39 Face seal

The Board is proposing to amend section 8.39 Face seal as follows:

8.39 Face seal

> ~~*(1) Except for specialty eyewear approved by the Board for use with positive pressure full facepiece respirators, nothing is permitted which intrudes between the facepiece and the face, or which interferes with the face seal of the facepiece.*~~
>
> ~~*(2) A worker required to wear a respirator which requires an effective seal with the face for proper functioning must be clean shaven where the respirator seals with the face.*~~
>
> *(1) This section applies to a respirator that requires an effective seal with the face or neck.*
>
> *(2) The employer must not allow anything to intrude between the skin of a worker's face or neck and the respirator seal, or otherwise interfere with the proper functioning of the respirator.*

The explanatory notes attached to the proposed amendments explain the purpose of the changes:

> *The purpose of the proposed amendments to section 8.39 of the OHSR is remove the term "clean shaven" and replace it with alternative language that better reflects the intent of ensuring that there is a proper seal when using a tight-fitting respirator and clarify that the onus is on the employer to ensure an effective seal is maintained.*

The proposed amendments remove the words “clean shaven” and borrow more general and neutral language about “interference” from the CSA’s standard on the selection and use of respirators (CSA Z94.4-18).[2] The proposed language clarifies that any type of interference - not just facial hair - must be effectively managed to ensure a proper seal and ensure the protection of a worker.

In general, the BCFED agrees with the Board’s revisions. Past research has demonstrated that facial hair and other types of interference can negatively impact the performance of tight-fitting respirators.[3] Exceptions to allow the use of tight-fitting respirators with facial hair or other forms interference can put workers’ health and safety at risk, both in the immediate and the long term. This is not an option the BCFED will support.

However, the BCFED believes additional clarity is needed. From the start, it must be clear to both employers and workers that the use of respirators should be a last resort in our workplaces. Clear direction within the regulation that workplaces must first employ the fundamental processes of hazard identification, risk assessment and mitigation according to the hierarchy of controls will help to minimize the need for respirator use in the first instance.

This direction is embedded in a general way other parts of the Act and the regulation,[4] but we believe including specific language in the section on respirators for employers to eliminate exposure to airborne contaminants wherever possible would strengthen this part of the regulation. The approach and the language in section 8.11 regarding safety headgear could be used as a model for an addition here.

Recommendation

The BCFED recommends that section 8.32 - When respirator required be amended to require employers to first assess risk and implement controls to eliminate or minimize the need for the use of respirators, using language modelled after section 8.11.

In this case, the Board has taken a narrow approach to revising the OHSR to address specific concerns about some people with facial hair, and focused on revising the language in this section to remove the term “clean shaven.” However, challenges with respirator fit are a concern for a much

broader group of workers, and extend beyond the issue of interference.

For example, respirator sizing and design has historically been based on anthropometric data primarily from white men,[5] and there is evidence that workers that are women, Black, Asian or from other ethnic backgrounds pass fit tests at lower rates.[6] Many women experience pain and discomfort when wearing some respirators, and a significant proportion report modifying their respirators in an effort to improve fit and comfort.[7]

The modification of ill-fitting equipment can be a serious risk to workers' health and safety. Employers must ensure that respirators fit and effectively protect all workers from airborne contaminants. In many cases, alternate equipment, including non tight-fitting respirators, may be available and can provide an equivalent or higher level of protection for workers.

In our view, there is a need for explicit direction to employers in the OHSR to provide alternate equipment or other safe measures where an effective seal cannot be achieved or consistently maintained, or there are other issues with a respirator for an individual worker or a group of workers. This approach would provide additional clarity to both workers and employers, better support the use of appropriate equipment for all workers, and thereby reduce preventable injuries and illnesses that can result from ill-fitting PPE.

Direction to look at alternate respirator options if needed is included in a section about 'interference concerns' in the CSA Standard Z94.4-18 Selection, use and care of respirators. It reads:

> *9.2.1.4 Alternative respirator options may be considered within the scope of the respiratory protection program (RPP).*

Further, the CSA standard includes an annex that provides advice about implementing alternative strategies to protect workers. Section 8.2(3) of the OHSR directs employers to provide alternate PPE where it may cause adverse health effects:

> *(3) If the personal protective equipment provided by the employer causes allergenic or other adverse health effects, the employer must provide appropriate alternate equipment or safe*

measures.

And, guideline G8.33(1) outlines that employers may comply with alternate standards that are acceptable to the Board.

Pointing employers to their responsibility to explore and provide alternative equipment aligns with existing requirements, offers greater clarity and supports the use of the most appropriate, best-fitting equipment. The BCFED recommends that language to this effect be added to this section of the regulation.

Recommendation

The BCFED recommends that section 8.39 be further amended to direct employers to provide appropriate alternative equipment or other safe measures where an effective seal cannot be achieved or maintained, or there are other issues with respirator fit.

Another important issue is that workers are regularly excluded from decision-making about the selection of respirators that they will be required to use on the job. There is some language in OHSR Part 8 about the participation of workers in the selection of both PPE in general and respirators specifically:

8.4 Workplace evaluation

If an evaluation of workplace conditions is required to determine appropriate personal protective equipment, the evaluation, where practicable, must be done in consultation with the joint committee or the worker health and safety representative, as applicable, and with the worker who will use the equipment.

8.33 Selection

> *(1) The employer, in consultation with the worker and the occupational health and safety committee, if any, or the worker health and safety representative, if any, must select an appropriate respirator in accordance with CSA Standard CAN/CSA-Z94.4-93, Selection, Use,*

and Care of Respirators.

Despite these requirements in the OHSR, the experience of our affiliates is that consultation with the JOHS committee or worker health and safety representative and the workers that have to wear respirators often does not occur.

Workers provide invaluable information about the reality of using respirators on the job, and their involvement in the selection of respirators must be a priority. We urge the Board to strengthen the language about worker participation in the selection of respirators in the OHSR. This could be achieved by amending section 8.4 to require a workplace evaluation in all cases. In addition, we suggest a requirement that the evaluation must always include the participation of workers, not just when it is convenient for employers.

In addition, we suggest amendments to section 8.33 to further define the requirement to consult with workers about the selection of respirators. Section 8.33 should require consultation to be meaningful, include a hands-on review of potential equipment and be documented. Further, workers and their representatives should be equipped to participate effectively, including through the provision of good information about respirator fit and other selection considerations.

Recommendation

The BCFED recommends that section 8.4 be amended to require an evaluation of workplace conditions with the participation of workers in all cases.

The BCFED recommends that Section 8.33 Selection be amended to require:

- Meaningful participation of workers in respirator selection
- Worker participation to include a hands-on review of potential equipment
- Worker participation is documented.

We think the Board should take additional actions to support the implementation of both existing and strengthened requirements for worker involvement in the OHSR. We urge the Board to develop resources to support worker participation, and to increase enforcement to ensure workers are actually

included.

The BCFED also believes that the Board should take a more proactive role in supporting the development, provision and use of respirators that meet the needs of the diversity of workers in BC workplace. The BCFED is aware of respirator designs that have significant potential to protect workers that are unable to shave or that have difficulty fitting currently available tight-fitting respirators.[8] WCB should pursue opportunities to lead innovation in this area. We urge the Board to support research to build knowledge about inclusive respiratory protection and to actively work to identify and support the design and certification of alternate and non-tight-fitting respirators for use in BC workplaces.

In addition, the Board can and should develop more accessible resources for employers and workers about respirators. Providing clear, practical information and guidance about the selection of respirators, with information about currently available respirators - including those that do not require a face seal - would assist workplaces to make the best choices for their worksite and their people.

Conclusion

The BCFED supports the proposed amendments, but we urge the Board to consider the additional amendments we have proposed.

We want to emphasize we appreciate the Board's work on this issue. However, we are concerned that the process of consultation is being unduly rushed by dispensing with the pre-consultation and public consultation stages and moving directly to a public hearing. We are certain the BCFED is not the only stakeholder that has not had sufficient time to consult with our affiliates on a complex issue that encompasses the important aspects of safety, diversity and human rights. We are also disappointed the Board has taken such a narrow approach, when more fulsome and much needed changes to Part 8 regarding all personal protective equipment are on the regulatory workplan. We urge the Board to prioritize this work.

As we wrote in 2020 when the Board proposed amendments to Part 8 in relation to safety headgear, there is a need for a more comprehensive conversation about how the WCB can better serve equity-

seeking groups, including women, workers of colour, immigrant workers, workers who identify as LGBTQ2S+, Indigenous workers and workers with disabilities. The BCFED would welcome the opportunity to discuss broader changes with a goal of greater equity.

Part 31 changes

The Board is also proposing changes to Part 31. According to the explanatory notes attached to the amendments, the changes are aimed at updating the language in this section to align with past changes to the Act and ensure there are not gaps in the application of the requirements of Part 31 for organizations and personnel doing firefighting work.

For the BCFED, including a society in the definition of fire department in section 31.1 is reasonable. Given there is a growing diversity of organizations doing this work, it is important to ensure the form of the organization does not prevent the appropriate application of the requirements.

The BCFED agrees that a definition of fire personnel is a reasonable solution to ensure workers that do firefighting work but do not clearly fit the definition of firefighter in Section 1 of the Workers' Compensation Act are covered by the Part 31 requirements.

However, the BCFED strongly supports the recommendation from the BC Professional Fire Fighters' Association (BCPFFA) to include fire service telecommunicators and dispatchers in this definition. As the BCPFFA notes in their submission, fire service telecommunicators are an integral part of the fire service for all operations in BC and face similar occupational exposures. As such, these workers should be explicitly included within Part 31.

Recommendation

The BCFED recommends that the proposed definition of fire personnel in section 31.2 be further amended to include fire service telecommunications and dispatching, as recommended by the BCPFFA.

The Board proposes a revision to Section 31.2 - Application, removing outdated references to specific workers and leaving behind the statement that this section does not apply to forest firefighting. The

BCFED supports this proposed change.

However, in referencing the exclusion of forest firefighting, we want to take this opportunity emphasize the urgent need for the Board to move ahead with its review of this part of the regulation in relation to fighting wildfires.

At this point, the need to better regulate wildfire fighting is critical. Wildfire fighting exposes workers, and primarily new and young workers, to extremely high risk work activities. As climate impacts grow, the risk is intensifying and workers are paying the price. In 2023, six workers lost their lives fighting wildfires in BC. Devon Gayle, a BCGEU member, was just 19 years old when she was killed at work.

The BC Wildfire Service is the leading employer in this work, and has demonstrated significant gaps in protecting workers' safety. The Board recently fined the BC Wildfire Service more than $750,000 for serious failures that killed wildfire fighter Zac Muise in 2023 and risked the lives of four Brazilian firefighters that same summer.

The complexity and risks of wildfire fighting are at least on par with the structural firefighting covered in Part 31 and merit clear and detailed requirements from the regulator to protect workers. Addressing this serious gap within the regulation has been on the Board's workplan for the past six years, but the Board has not yet drafted language to discuss with stakeholders.

While the BCFED supports the proposed changes to Part 31 outlined above, the Federation also urges the Board to dedicate the necessary resources to develop regulatory requirements specific to wildfire fighting as soon as possible.

Again, the Federation appreciates the work of the PRRD, and the opportunity to provide our comments on the proposed changes to both Part 8 and Part 31.

[1] *Anti-Racism Act*, SBC 2024, c 22, s 17(2). https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/24022#section16

[2] Canadian Standards Association (2018). Selection, use and care of respirators (CSA Z94.4-208).

[3] See, for example, Stobbe, T.J., daRoza, R.A., & Watkins, M.A. (1988). Facial Hair and Respirator Fit: A Review of the Literature. *American Industrial Hygiene Association Journal*, *49*(4), 199–204. https://doi.org/10.1080/15298668891379594 and Floyd, E. L., Henry, J. B., & Johnson, D. L. (2018). Influence of facial hair length, coarseness, and areal density on seal leakage of a tight-fitting half-face respirator. *Journal of Occupational and Environmental Hygiene*, *15*(4), 334–340. https://doi.org/10.1080/15459624.2017.1416388.

[4] For example, section 21 of the Workers' Compensation Act, OSHR Part 3, and OHSR section 5.1.

[5] Anya Keefe, 2022. Canadian Women's Experiences with Personal Protective Equipment in the Workplace (CSA Group Standards Research). https://www.csagroup.org/wp-content/uploads/CSA-Group-Research-Canadian-Womens-Experiences-with-Personal-Protective-Equipment-in-the-Workplace.pdf

[6] Chopra J, Abiakam N, Kim H, Metcalf C, Worsley P, Cheong Y. The influence of gender and ethnicity on facemasks and respiratory protective equipment fit: a systematic review and meta-analysis. *BMJ Global Health*. 2021. https://doi.org/10.1136/bmjgh-2021-005537

[7] Anya Keefe, 2022, op cit., p.87.

[8] See for example, Win-Shield Devices Bearded Tactical Applications Mask https://win-shielddevices.com/btam-mo and Cam-Lock Quest SCBA https://www.camlocksafety.com/north-america/products/quest/.