



BC Federation of Labour
110-4259 Canada Way
Burnaby BC V5G 1H1

604-430-1421
president@bcfed.ca
www.bcfed.ca

April 23, 2026

Via email: OHSRegFeedback@worksafebc.com

Policy, Regulation and Research Division
WCB
PO Box 5350 Station Terminal
Vancouver BC V6B 5L5

Dear PRRD,

Re: Part 8 Personal Protective Equipment

The BC Federation of Labour (“Federation” “BCFED) appreciates the opportunity to provide our recommendations with respect to the proposed amendments to the *Occupational Health and Safety Regulation* (“Regulation”) Part 8 – Personal Protective Equipment (PPE).

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 (“Board” “WCB) and the government as a major stakeholder in advocating for the health and safety of all workers in BC.

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.

It is important to acknowledge again that 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. Fundamentally, the concerns raised by ferry workers and the Sikh community are about accommodating diverse workers on the job.

As we pointed out in our submission to the Board last fall, this issue sits at the intersection of religious freedoms and other protections under human rights 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 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.

Sections 8.39 to 8.41 (Face Seal, Fit Tests and User Seal Check)

The Board proposes to amend Part 8 of the Regulation 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) In this section and in sections 8.40 and 8.41, "tight-fitting respirator" means a respirator that requires an effective seal with the face for proper functioning.

(2) If a worker is required to wear a tight-fitting respirator, the employer must not permit anything to interfere with the seal or proper functioning of the respirator.

8.40 Fit tests

(1) A respirator which requires an effective seal with the face for proper functioning tight-fitting respirator must not be issued to a worker unless a fit test demonstrates that the facepiece forms an effective seal with the wearer's face.

(2.1) A fit test must be carried out

(a) before the initial use of a tight-fitting respirator ~~a respirator~~,

(b) at least once a year,

(c) whenever there is a change in respirator facepiece, including the brand, model, and size, and

(d) whenever changes to the user's physical condition could affect the respirator fit.

3) Other personal protective equipment that is to be worn at the same time as a tight-fitting respirator a respirator and which could interfere with the respirator fit must be worn during a fit test.

8.41 User seal check

(1) Before each use of ~~a respirator which requires an effective seal with the face for proper functioning~~ tight-fitting respirator, a worker must perform a positive or negative pressure user seal check in accordance with CSA Standard CAN/CSA-Z94.4-02, Selection, Use, and Care of Respirators.

Overall, the BCFED believes the Board's proposed amendments are clearer than the language that was put forward in November. The BCFED generally supports these proposed changes. Again, the proposed amendments to Section 8.39 Face Seal 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). This language clarifies that any type of interference - not just facial hair - must be effectively managed to ensure a proper seal and the protection of a worker.

In our previous submission, we noted that past research has demonstrated that facial hair and other types of interference can negatively impact the performance of tight-fitting respirators. This is a design limitation of these types of respirators. The creation of exceptions to allow the use of tight-fitting respirators with facial hair or other forms of interference can put workers' health and safety at risk, both in the immediate and the long term. As we submitted previously, that is not an option the BCFED can support.

The proposed amendments also now specify more clearly that that the prohibition against "interference" applies to "tight-fitting respirators." In our view, this addition offers somewhat greater clarity.

In this iteration of the proposed amendments, the Board's previously proposed reference to the respirator creating an effective seal on the "face and neck" of the worker has been removed, and the amendments now retain the existing language in Sections 8.39 and 8.40 that refers only to creating an effective seal "with the face." In our view, this approach minimizes potential confusion in relation to other types of non-tight-fitting respirators that may create a seal at the neck, and the BCFED supports this approach.

However, we are disappointed that the Board has continued to take such a narrow approach to this issue. As we wrote in our previous submission, we strongly believe additional amendments are needed to ensure employers and workers understand their obligations in relation to this aspect of respirator selection and use, and to ensure the Regulation can better meet the needs of all workers. We again urge the Board to take a broader approach and make additional changes.

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.

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. As we said previously, the approach and the language in Section 8.11 regarding safety headgear could be used as a model for an addition here.

As such, the BCFED again 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 of the Regulation.

In November, we reminded the Board that challenges with respirator fit are a concern for a broad group of workers and extend well beyond the narrow issue of interference. We noted that respirator sizing and design have historically been based on anthropometric data primarily from white men, and there is evidence that workers who are women, Black, Asian or from other ethnic backgrounds pass fit tests at lower rates. 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.

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 and must take the individual needs of workers into account.

In most cases, alternate equipment, including non-tight-fitting respirators, is 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 Regulation to provide alternate equipment where an effective seal with the face 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.

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 again recommends that language to this effect be added to this section of the Regulation. We urge the Board to further amend Section 8.39 to direct employers to provide appropriate alternative equipment where an effective seal cannot be achieved or maintained, or there are other issues with respirator fit.

Another central issue we raised last November and in the public hearing this week 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 existing language in the Regulation Part 8 about the participation of workers in the selection of both PPE in general and respirators specifically, but it is limited and does not provide a clear framework for the effective participation of workers in the selection of respirators.

Section 8.4 says that if a “workplace evaluation” is required to determine appropriate PPE, it should be done in consultation with the joint committee or worker health and safety representative – but that consultation is required only if it is “practicable” for the employer. Section 8.33 says that a respirator should be selected in consultation with the worker and the joint committee, or worker health and safety representative, but does not provide any detail about what the consultation or selection process should involve. There is also no explicit language requiring employers to select respirators according to the specific, individual needs of their workers.

The experience of our affiliates is that consultation with workers and their representatives often does not occur. And employers often make bulk purchases of respirators that all workers are then expected to just “live with,” despite issues with fit, comfort and ease of use, not to mention religious or medical considerations.

We urge the Board to strengthen the language about worker participation in the selection of respirators in the Regulation. This could be achieved by amending Section 8.4 to require a workplace evaluation in all cases, and that the evaluation must always include the participation of workers - not just when it is convenient for employers. We also recommend amendments to Section 8.33 to better define the requirement to consult with workers about the selection of respirators. This section should require consultation to be meaningful, documented and to include a hands-on review of potential equipment options. Further, workers and their representatives should be equipped to participate effectively, including through the provision of enough time and good information about respirator fit and other selection considerations.

Beyond these specific amendments, the BCFED again urges the Board to take additional actions to support the implementation of both existing and strengthened requirements for worker involvement in the Regulation. We urge the Board to develop resources to support worker participation, and to increase enforcement to help ensure workers are actually included.

And as we said last year, the BCFED believes the Board must 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. 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.

While we generally support the limited proposed amendments, we again urge the Board to adopt the additional amendments we have proposed.

We want to emphasize we appreciate the Board's work on this issue. However, we are concerned that there was not enough time to consider the proposed changes ahead of this 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 PPE are on the regulatory workplan. The Board has begun pre-consultations on other changes to Part 8, and we again urge the Board to prioritize this work.

Finally, we want to reiterate that 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.

Again, we appreciate the opportunity to provide our recommendations.

Sincerely,



Sussanne Skidmore
President



Hermender Singh Kailley
Secretary-Treasurer