

2007/10/04-02

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Amendments to requirements of the *Occupational Health and Safety Regulation* (BC Regulation 296/97, as amended), pertaining to working alone or in isolation

DEPOSITED

OCT 23 2007

B.C. REG. 318/2007

WHEREAS:

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("Act"), the Workers' Compensation Board ("WCB") may make regulations it considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to Part 4 of the *OHSR*, relating to working alone or in isolation, and has given notice of the proposed amendments, conducted consultations and held a public hearing on the proposed amendments in accordance with section 226(1) of the *Act*.

AND WHEREAS:

Pursuant to section 228 of the *Act*, a review of the above Part was undertaken by the WCB as part of the process of ongoing regulation review of and consultation on its regulations to ensure they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment;

AND WHEREAS:

The BOD, after due consideration of all presentations to the WCB, considers it necessary and advisable in accordance with the WCB's mandate under the *Act* in relation to occupational health and safety and occupational environment, to amend Part 4 of the *OHSR*;

AND WHEREAS:

The WCB must specify the date on which regulations come into force, which date must be at least 90 days after their deposit under the *Regulations Act*, as per section 227 of the *Act*.

AND WHEREAS:

Pursuant to the Provincial Government's *Regulatory Reform Policy*, the BOD has evaluated the proposed regulatory amendments according to the established regulatory criteria.

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The regulatory amendments to the *OHSR*, as set out in Appendix A, are approved.
2. The Regulatory Criteria Checklist in Appendix B is approved.
3. The above regulatory amendments will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.
4. The above regulatory amendments come into force on February 1, 2008.

Dated at Richmond, British Columbia, October 4, 2007.

By the Workers' Compensation Board



**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

APPENDIX A

THE BOARD OF DIRECTORS RESOLVES THAT:

1 *Part 4 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by adding the following sections after the heading "Working Alone or in Isolation":*

Definition

- 4.20.1** In sections 4.20.2 to 4.23, "**to work alone or in isolation**" means to work in circumstances where assistance would not be readily available to the worker
- (a) in case of an emergency, or
 - (b) in case the worker is injured or in ill health.

Hazard identification, elimination and control

- 4.20.2**(1) Before a worker is assigned to work alone or in isolation, the employer must identify any hazards to that worker.
- (2) Before a worker starts a work assignment with a hazard identified under subsection (1), the employer must take measures
- (a) to eliminate the hazard, and
 - (b) if it is not practicable to eliminate the hazard, to minimize the risk from the hazard.
- (3) For purposes of subsection (2) (b), the employer must minimize the risk from the hazard to the lowest level practicable using engineering controls, administrative controls or a combination of engineering and administrative controls.

2 *Section 4.21 (1) is repealed and the following substituted:*

- (1) The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation.

3 *Section 4.22 is amended by striking out "required to work in the circumstances".*

4 *The following sections are added:*

Late night retail safety procedures and requirements

4.22.1(1) In this section:

"late night hours" means any time between 10:00 p.m. and 6:00 a.m.;

"late night retail premises" means

- (a) a gas station or other retail fueling outlet, or
- (b) a convenience store or any other retail store where goods are sold directly to consumers that is open to the public for late night hours.

- (2) If a worker is assigned to work alone or in isolation in late night retail premises and there is any risk of harm from a violent act to the worker, then, in addition to any other obligations the employer has under sections 4.20.2 to 4.23,

APPENDIX A

- (a) the employer must develop and implement a written procedure to ensure the worker's safety in handling money, and
- (b) when that worker is assigned to work late night hours, the employer must also do either or both of the following:
 - (i) ensure that the worker is physically separated from the public by a locked door or barrier that prevents physical contact with or access to the worker;
 - (ii) assign one or more workers to work with the worker during that worker's assignment.
- (3) A worker described in subsection (2) must be trained in the written procedure referred to in that subsection.

Mandatory prepayment for fuel

- 4.22.2 An employer must require that customers prepay for fuel sold in gas stations and other retail fueling outlets.

5 Section 4.23 is repealed and the following substituted:

Annual reviews of procedures

- 4.23 The procedures referred to in sections 4.21 and 4.22.1 must be reviewed at least annually, or more frequently if there is
- (a) a change in work arrangements which could adversely affect a worker's well-being or safety, or
 - (b) a report that the procedures are not working effectively.

6 The above amendments come into force on February 1, 2008.

Dated at Richmond, British Columbia, October 4, 2007.

By the Workers' Compensation Board



**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**