

BC Liberals attack workers' health and safety: OH&S Regulation under siege

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he provincial Liberals have instructed BCs Workers Compensation Board to begin dismantling BCs *Occupational Health and Safety Regulation*, an essential tool in building and maintaining safe and healthy workplaces.

Many members are familiar with the four blue booklets containing the *OH&S Regulation* and related information. The *Regulation* was developed through several years of consultation and negotiation among employers, workers and the WCB. The *OH&S Regulation*, together with the *Workers Compensation Act*, sets out what employers are legally required to do in order to minimize occupational hazards.

What can HSA members do?
HSA is working with the BC Federation of Labour and its affiliates to oppose the Liberals cuts to Workers Compensation and Occupational Health & Safety. HSA members can support this fight by talking to your family, friends and co-workers about the importance of these issues. Call and write your MLA and the Minister of Labour, who is responsible for the WCB, as well as WCBs President and Board of Directors. Write your local newspaper, and attend community meetings to discuss these cuts. We also urge every HSA member to participate in your communitys Day of Mourning ceremonies. April 28th is the internationally recognized day to remember workers who have been injured or killed on the job. The traditional theme of the workers Day of Mourning is -Fight for the living, Mourn for the dead." With the Liberals ongoing agenda to dismantle BCs Workers Compensation and occupational health and safety regime, it will be more important than ever this year to renew our commitment to -Fight for the Living."

The WCBs Prevention Division has authority to enforce the OH&S requirements of the *Act* and *Regulation*. Prevention Officers can write orders requiring employers to fulfil their obligations, and if employers fail to comply with such orders, the prevention officers can levy fines (administrative penalties) and, in extreme cases, can charge employers with an offence under the *Workers Compensation Act*.

HSAs occupational health and safety specialists warn that these protections are threatened by the provincial governments legislative attacks. Jackie Spain, chair of HSAs OH&S Committee, said all members need to be informed and take action.

-The *OH&S Reg* is more than just a means of legally compelling employers to deal with workplace hazards. The regulation, in its current form, is also a vital source of information, describing the types of hazards that must be considered in various occupations and worksites. In many cases, the *Regs* provide detailed information to employers and workers on how to minimize the risk associated with these hazards," Spain said.

Despite the *Regulations* crucial role in workplace health and safety, the provincial Liberals have instructed the WCB to eliminate one third of the *OH&S Regulations* as part of the governments campaign to cut all provincial regulations by a third.

-This is a senseless and dangerous move," Spain said.

-The Liberals have made it clear since their campaign during the last provincial election that the *OH&S Regulation* is a prime target for their ideologically motivated drive to deregulate. They may not be aware of the adverse effect this will have on workers health and safety, or perhaps they just dont care," she said.

The Liberals began their deregulation campaign by having government employees count how many times the words -must," -shall" and -will" appeared in BC regulations. The Liberals consider each of the approximately 115,000 such -mandatory action" words to be a separate regulation, and plan to eliminate about 38,000 of them. -Its simply a numbers game to them," Spain said. -Unfortunately, its being played with little regard for the negative impact of whats cut."

Nowhere is this more evident than with the drastic cuts that are being proposed for the *OH&S Reg*.

-This is a continuation of the provincial Liberals trend of tearing up contracts that protect workers," she said. - Much of this language has been carefully negotiated over years and years of consultation. And "poof ... theyre going to make it disappear, just like that. Workers should be angry."

In addition to eliminating much of the *Regulation*, the Liberals are also pressuring the WCB to redraft the remaining regulation in very general terms, which provide little or no guidance to employers or workers as to what steps actually need to be taken to deal with a hazard. This move ... from prescriptive to performance-based regulation ... also makes it difficult for WCBs Prevention Division to compel employers by law to improve workplace health and safety, because such general provisions can be very unclear as to what standard must be met.

For example, s. 115(2)(e) the *Workers Compensation Act* places a general duty on employers to train workers, stating that employers must provide their workers with the -information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work."

There are also many sections in the *OH&S Regulation* that outline specific things that must be included in training to minimize certain types of hazards. For example, s. 4.51(2) of the *Regulation* currently states that where a worker is assigned to work that requires specific measures to control the risk of musculoskeletal injury, the employer must ensure the worker is -trained in the use of those measures, including where applicable, work procedures, mechanical aids and personal protective equipment."

-The WCB is proposing to eliminate most of the sections of the *Regulation* that list such specific training requirements," Spain said.

-They say theyre redundant ... that they merely repeat the requirement under the *Act*. In fact, the real motivation to eliminate s.4.51(2) is to be able to say theyve eliminated one or more regulations, as part of the

Liberals numbers game. The obvious negative impact on workers, especially in sectors like health care where musculoskeletal injuries are by far the most common type of workplace injury, is not even a consideration for them," she said.

In addition to eliminating many of the *OH&S Regulations* requirements, the provincial government has also forced the WCB to eliminate hundreds of staff positions, cut services and close regional offices. There will now be far fewer trained staff ... especially outside of urban areas ... to provide assistance in identifying or dealing with workplace hazards, as well as fewer prevention officers to enforce the *Regulation*.

Why should HSA members care?

Spain said health care already has the highest rate of workplace injury and illness among *all* sectors in BC. - Dismantling the regulatory scheme that promotes OH&S will significantly increase workplace risks for all HSA members," she said. -As more staff are injured on the job, staffing shortages are exacerbated, resulting in even more injuries as fewer staff struggle to manage the same amount of work."

Eliminating OH&S safeguards will also result in more workers suffering work-related injury and illness in *all* BC workplaces.

-As health care workers, our members will experience first-hand the additional stresses as the health care system tries to care for the increasing number of workers from all walks of life," Spain said.

-I hate to imagine how many people will be unnecessarily injured on the job because of these government cuts."

The cuts that the Liberals have already made to the workers compensation system will leave these injured workers with significantly reduced financial and medical support for their workplace injuries. The medical costs of treating work-related injury and illness are supposed to be covered by the employer-funded workers compensation system.

With the Liberals recent cuts to workers compensation, many of these treatment costs will now be borne by the taxpayer-funded public health system, whose resources are already strained. (See [article below](#) on recently-announced changes to WCB.)

-I cant help thinking that the Liberals deliberately cut the workers compensation system before gutting the *OH&S Reg*, to try to hide the inevitable increase in workplace injuries," Spain said. -The Liberals cuts to the workers compensation system mean fewer claims will be accepted, and more limited financial and medical benefits will be provided than in the past." WCB bases its statistics describing injury rates on numbers of *accepted* workers compensation claims, and its statistics describing injury costs on the amount of money it pays on accepted claims. With the cuts to compensation, injury rates and costs may well appear to have been reduced, even though more workers will be injured as OH&S protections are eliminated.

Whats the process for dismantling the OH&S Regulation?

The WCB periodically distributes "discussion papers" outlining the changes they plan to make to the *Regulation*, and invites written feedback from anyone interested in providing it. -WCB then reviews this feedback, but is not required to accept any of it," Spain said. -Its infuriating. This is not meaningful use of public feedback."

WCB then recommends to the WCBs Board of Directors what proposals to change the *Regulation* should go to public hearings (a required process under the *Workers Compensation Act* before the *Regulation* can be amended). Again, the WCB is not required to adopt anything from the public hearing submissions, when it makes its final recommendations to the WCB Board of Directors on how the *Regulation* should be amended.

Whats on the chopping block first?

At the time of writing this article, the WCB has scheduled a one-day public hearing in Prince George on March 25, and a one-day public hearing in Richmond on March 27 to hear submissions on WCBs plans to eliminate hundreds of sections from the *OH&S Regulation*.

-These cuts will also change the entire scheme of chemical exposure limits," Spain said. -This affects all HSA

members who work in labs, imaging, pharmacy, just to name a few areas. Despite the huge impact these changes will have on worker health and safety, in virtually every workplace throughout the province, WCB is holding hearings for only two days, and in only two communities." 

HSA has made a [submission to the Workers' Compensation Board](#) regarding proposed amendments to the OH&S Regulation, concerning Chemical Exposure Limits, "Duplications and Redundancies", and First Aid (PDF file - 485 KB - requires [Adobe Acrobat](#)).

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