

Occupational Health & Safety

Construction Regulations

Individual safety records unlikely in Canada

SHANNON MONEO
CORRESPONDENT

While the U.S. construction industry is hotly debating whether personal safety records for construction workers are feasible, those in the Canadian industry say the concept won't take off.

"My opinion is that it will not fly here and I also don't think it will fly in the U.S.," said Grant McMillan, president of B.C.'s Council of Construction Associations.

McMillan cited Canadian privacy laws as the primary stumbling block.

Earlier this year, San Diego-based safety director Peter Lupo wrote an article calling for personal safety records (PSR) as a way to make individual construction workers accountable for their actions.

He proposed that the federal Occupational Safety and Health Administration oversee the PSR program.

He proposed that PSRs would be akin to a credit history, driving abstract or criminal record.

The PSR would list a worker's safety infractions, incidents and accidents.

Workers without demerits would be in high demand, while those with a list of offences could face "fines, demotion or other sanctions," Lupo wrote.

It didn't take long for critics to hammer holes into his plan.

Many commented that it would be difficult to administer and that many incidents are not the fault of the worker.

However, the president of the 1,000-member Independent Contractors and Businesses Association said personal accountability, sometimes overlooked, should be considered.

"If this is a method by which workers are held accountable for their own safety, my members would support that," said Philip Hochstein from his Burnaby office.

But, he doesn't think it should be punitive because that would violate people's rights.

"It should be used like a work history," he said. "It's another source of information employers can use."

Good points aside, the president of the Canadian Construction Association hasn't heard any talk of PSRs infiltrating Canada.

"If it did happen, it would happen at the provincial level," Mike Atkinson said from Ottawa.

"In the U.S., it's a federal issue. Here, each province would take that step."

While acknowledging the pros and cons

of PSRs, Atkinson added that it's hard to say if the tell-all work document is needed.

"Anytime there's a central database, some people get spooked," he said.

"Some think it could be used by unions to organize."

McMillan doesn't think it will get that far.

"Under existing Canadian law, the Protection of Privacy Act would prohibit distribution of data," he said.

"It can be collected, but it can't be released."

Already, a history of collecting such data exists.

When McMillan worked for the Workers' Compensation Board of B.C. in the mid 1980s, the agency collected and analysed data from work-based claims.

Workplaces can also collect data on employees, but the information can only be released to the employee.

McMillan said he believes that in some cases, such as when safety is a concern, information should be available because it can save lives.

"It would have a positive effect on workers. It would cause them to reflect on why they're having accidents," McMillan said.

He cited the example of a worker, who leaves tools lying around, which can be kicked and then strike and injure another worker.

Still PSRs, while helpful, aren't realistic due to the amount of work that would be necessary to keep them accurate and fair, McMillan added.

Vancouver lawyer Christopher Hirst agrees that the economic and administrative burden would be enormous.

It amounts to a "fairly large hammer" being used to tackle problems caused by few workers.

"It seems unlikely that certain 'bad apple' individual workers are, in fact, solely responsible for anything more than a very small minority of workplace accidents. Accordingly, what would be a very administratively complex and costly system would likely have very little appreciable impact on worker safety," said Hirst, a specialist in construction and engineering law.

PSRs appear to be an attempt to transfer responsibility from the employer to employee, he added.

And who will police PSRs is a question fuelling opposition to the proposal in the U.S.

"Given the significant potential this proposal would have to impact a worker's abil-

ity to earn a livelihood, it would be critically important that it be overseen in some fashion. How would that overseeing role be accomplished and who would pay for it?" Hirst asked.

If employers are doing their due diligence, PSRs become a non-starter. Employers should thoroughly check references and former employers, McMillan said.

Informal verbal exchanges can reveal valuable information about an employee's performance, he added.

When the construction industry was in high gear, employers were taking anybody with a pulse, McMillan said. He added that since things have cooled off, fact-checking calls can replace PSRs.

On a national level, Canada's Construc-

tion Sector Council (CSC) has developed, tested and endorsed smart card technology, which keeps personal training records for construction workers, Atkinson said.

Carried by the worker, the credit-card like card has an embedded chip, which stores key employee information such as name, address, phone, emergency contact, labour group status, trade, status, certifications and medical alerts.

That information would ensure that workers, some of whom move from company-to-company and also province-to-province, have the necessary skills and certification.

Only just though the pilot stage, the CSC can assist companies interested in the cards.

"It would have a positive effect on workers. It would cause them to reflect on why they're having accidents."

**Grant McMillan
COCA**

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Occupational Health & Safety

Crane Operators

Big demand for certification

RICHARD GILBERT
STAFF WRITER

A carefully crafted letter from the BC Association for Crane Safety (BCACS) generated a massive response from crane operators looking to get certified.

"The demand for assessment has quadrupled in the last month (August), with just over 300 applications received," said Lee Middleton, managing partner with Fullford Harbour Group, the company carrying out the certification assessments.

"So far in September, we are already at 340 applications. This means we could hit 1,000 by the end of the month, which is a tenfold increase."

Middleton said that CraneSafe has so far assessed about 1,450 individuals and issued almost 1,000 certifications cards, since the mandatory certification system was launched in B.C. and the Yukon in December 2008.

The association has identified and registered more than 10,000 crane operators.

When all the new people com-

ing into the system are included, it is estimated that 14,000 crane operators need to be certified.

CraneSafe has set a goal of completing this process by February 2011.

However, the initial response from operators and employers was slower than expected.

CraneSafe hired nine assessors and had planned to assess 300 crane operators a month.

However, the average was closer to 100 crane operators a month and this included the pilot program before the official launch.

The initial numbers raised concerns that the certification wouldn't be completed by the deadline.

"We worked with the BC Association for Crane Safety to communicate to the operators that there is a need to get on this sooner, because if everyone waited to be certified, there would be chaos" said Middleton.

"The crane safety association sent out 2,000 letters in late July. That was a second notice of mandatory assessment."

This first group to be targeted for assessment is made up of incum-

bent operators, who are presently working in the industry.

The incumbent crane operators, who registered before July 1, 2007, are required to take a practical exam, but they aren't required to take the written exam.

"The warning letter said if they did not come in before Oct. 31, they would no longer be considered incumbent operators and would be required to write the exam," explained Middleton.

It worked.

The new approach may just be what the doctor ordered to help CraneSafe meet its deadline for the thousands of certifications.

According to Middleton, CraneSafe is planning to hire some people to ramp up assessment with the goal of increasing capacity to meet the new demand.

He estimated that they will need to do 600-700 assessments a month.

Right now, their base capacity is about 400 per month.

In the span of just a few months, CraneSafe went from a situation of being underutilized to having to ramp up quickly to meet surging demand.

Legislation

Newfoundland's new safety regs kick in

ST. JOHN'S, NFLD

The government of Newfoundland and Labrador has unveiled new occupational health and safety regulations intended to improve the regulatory conditions under which employers and employees work.

The new regulations replaced 30-year-old rules and came into effect on Sept. 1.

"These new regulations... will reflect and, in fact, complement the safe work practices that many safety-minded employers already have in place," said government services minister Kevin O'Brien.

In drafting of the regulations, the department consulted with industry, labour, employers and provincial government departments.

It said feedback was positive, with all groups agreeing that the current regulations were outdated and did not reflect current safety practices. The consultations also highlighted the need to improve regulations related to high-risk activities.

Highlights of the new regulations include:

- Recent codes and standards: Requirements to comply with the most recent version of a named code or standard as opposed to a specific version of that code or standard which could be outdated.
- Confined space entry: Procedures to enter an enclosed or partially enclosed space having restricted access and egress;
- Fall protection: Addition of general requirements as well as identification of fall arrest systems and construction of guard-rails.
- De-energization and lockout: Proper procedures for de-energizing and locking out equipment prior to performing work on that equipment.
- Noise hazards: Requirements to establish and maintain a hearing conservation program where noise exposures exceed permissible levels;
- Blasting: Clarification of blaster responsibilities and industry-accepted safe blasting practices.
- Ergonomic requirements: Requirements to identify and assess risks and provide education and training to workers who may be exposed to musculoskeletal injuries.
- Working alone: Requirements to develop a written procedure for checking the well-being of employees who work alone;
- Crane operators: New requirements to certify operators who must have the appropriate trade qualification as determined by the Department of Education; and
- Violence prevention: New requirements to have employers conduct a risk assessment, establish procedures to control the risk and communicate those procedures to the workers.

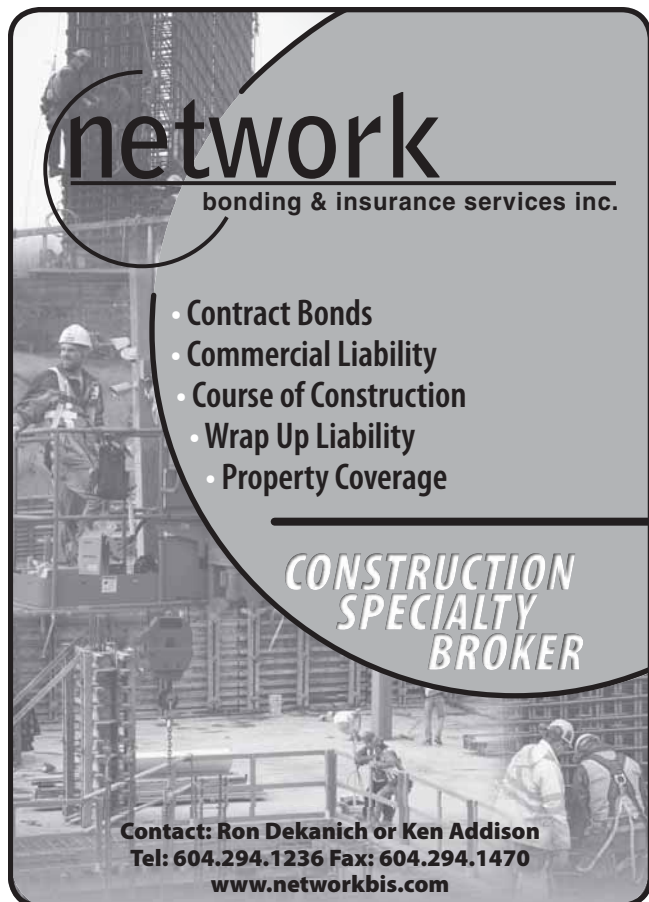
"Overall we are pleased with these new OH&S regulations and believe they are a step in the right direction, clarifying a number of grey areas in the previous regulations," said Newfoundland & Labrador Employers' Council executive director Richard Alexander.

The council, which has representation from the construction sector, organized a committee of safety professionals who provided input on development of the regulations.

Prior to the announcement, the government services department made changes this spring to the Occupational Health and Safety Act.

These included adding the definition of a supervisor and the duties and responsibilities of a supervisor, recommendations coming from the consultation process.

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Occupational Health & Safety

Worker Health

Flu pandemic is one of many concerns for construction

SHANNON MONEO
CORRESPONDENT

As the H1N1 virus continues to grab headlines, should construction worksites be outfitted with hand sanitizers and workers urged to get flu shots?

"It's good to focus on H1N1, but we don't want to be swept away by that one flu," said Grant McMillan, president of the Council of Construction Associations.

McMillan, whose organization represents more than 20 B.C. construction associations and acts on behalf of the industry for WorkSafeBC matters, said that workers need to be educated about prevention of all influenza viruses, not just H1N1.

Because H1N1 has captured the media's attention, by default there's been a greater focus on health, McMillan said, making it the ideal time to drive home pandemic prevention.

H1N1 is categorized as a Phase 6 Pandemic, which means there is sustained worldwide transmission.

While H1N1, originally called "swine flu," can't be ignored, at the same time, it shouldn't be overblown, said the spokesperson for B.C.'s Construction Safety Network (CSN).

"It's forecast to be a resurgence, but I wouldn't say it's a panic," Alicia Brady said.

To ensure its members receive the latest H1N1 information, the CSN has used its newsletter and its website, to distribute updates.

Similar information has been made available by the Construction Safety Association of B.C. (CSABC), the province's other construction safety group.

One revelation has been that H1N1 has proven to be not as serious or debilitating as originally predicted, based on the less-than-severe outbreaks in Australia and New Zealand, where flu season is winding down.

Scientists feared that H1N1 would mutate into a dangerous virus, but that has yet to occur.

How H1N1 will present itself as it moves into Canada

this fall remains a mystery.

The federal government has said that every Canadian can get a flu vaccine, forecast to be available in November.

Brady, whose organization has 34,000 member companies in B.C., said construction workers tend not to get flu vaccines when they're offered at the start of flu season.

But, if companies see H1N1 as a risk, they may urge their employees to bare their arms.

Also, if the boss gets a vaccine, in what Brady called the "top down effect," employees are more apt to follow.

Other factors are at work too.

But by the nature of their work, construction employees are generally pretty healthy and often consider themselves less likely to be stricken, McMillan said.

They often work outdoors and benefit from on-the-job physical activity. They also tend not to work in groups, all factors which reduce the likelihood of flu transmission.

It's what they do after work that could lead to problems.

"You want to make sure you're making responsible choices," McMillan said.

One area of concern is that for some as-yet unknown reason, H1N1 is targeting teenagers and up to people in their early 40s.

Most construction workers are males in the 25-64 age range, Brady said, which puts many of them at risk.

However, as the summer construction winds down, there may be fewer workers during flu season.

It's usually skeleton crews, made up of the most skilled workers, who continue to work during slow periods, Brady said.

It's important that those valued employees don't get sick.

Still, McMillan said, he believes that hardy construction workers will catch H1N1 at a lower than average rate compared to the general population.

Influenza kills about 4,000 Canadians each year.

By September, there had been 72 deaths from H1N1 in Canada since the first

recorded death in May 2009, an average of about 18 per month.

Typical flu symptoms – fatigue, sore throat, runny nose, headache – could be more severe with H1N1.

A high fever, chest pain and difficulty breathing have been evident in some, but not all, H1N1 cases.

Many of those who have died from H1N1 in Canada already had health problems.

Still McMillan said he believes there are bigger fish to fry beyond pandemics when it comes to construction employees' health and safety.

He cites the three major work risks: falls from elevation, often resulting in fatalities; strikes by moving objects; and muscular-skeletal injuries.

Added to that nasty trio are serious health problems caused by asbestos and silica dust, as well as workplace chemicals.

"In terms of doing an unemotional risk analysis, we should continue to focus on where the real dangers are,"

said McMillan, who has several decades of experience in the workers' compensation sector.

He is an adviser to the CSABC and said there are precautions all workers can take to avoid catching H1N1 or any influenza:

1. Stay home if sick.
2. Wash hands frequently.
3. Use hand sanitizers when hands can't be washed.
4. Avoid touching eyes, mouth and nose, places the virus enters.
5. Cough into elbow.
6. Avoid shaking hands, a perfect transmission route.
7. If wearing gloves, wash hands upon removing them since virus can live in gloves.
8. Group meetings should be minimized; use tele-conferencing.
9. Limit unnecessary visitors to the workplace.
10. Live a healthy lifestyle which includes rest, nutritious diet, exercise and relaxation.

The CSN and the CSABC websites have H1N1 information. Additional resources can be found at www.gov.bc.ca/h1n1.

U.S. Construction Falls spur safety push

PITTSBURGH

Following four recent fatal construction fall accidents in a week in southwestern Pennsylvania, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has called on construction companies to ensure employees working above six feet have the proper equipment to protect themselves from falls on the job.

The first of the fatal falls happened in mid August and they ranged in height from two to 13 storeys.

"Falls are the leading cause of fatalities in the construction industry," said Robert Szymanski, director of the Pittsburgh OSHA office, in a statement.

"These recent accidents are tragic reminders of the dangers posed to workers when adequate protection is not provided."

There are a number of ways to protect workers from falls including guardrail systems, safety net systems and personal fall arrest systems, including properly anchored body harnesses and lanyards, as well as through the use of safe work practices and training.

OSHA conducted almost 39,000 inspections and found nearly 88,000 violations of its standards and regulations in fiscal year 2008.

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Occupational Health & Safety

Labour Law

Court upholds drug ruling

VINCE VERSACE
STAFF WRITER

Construction worker drug testing in Alberta is a workplace safety issue which supersedes the rights of an individual, an appeal court in that province recently ruled.

The Alberta Court of Appeal has overturned a lower court judgment that Kellogg, Brown & Root (Canada) Company discriminated against a man in 2002 when it fired him from an oilsands project after he tested positive for marijuana.

"We see this case as no different than that of a trucking or taxi company which has a policy requiring its employees to refrain from the use of alcohol for some time before the employee drives one of the employer's vehicles," the justices wrote.

John Chiasson, an admitted recreational pot smoker, filed a complaint with the Alberta Human Rights Commission. The commission ruled against him, stating there needs to be a balance between an individual's human rights and the needs of an employer in protecting others.

However, a Court of Queen's Bench Justice Sheilah Martin then ruled in his favour. She said that Chiasson should have been treated the same as someone with a drug addiction, which is considered a disability in human rights case law.

A panel of three Appeal Court justices disagreed with Justice Martin in a written decision released late last month.

The panel said it is legitimate for Kellogg, Brown & Root to presume that people who use drugs are a safety risk in an already dangerous workplace.

"Extending human rights protections to situations resulting in placing the lives of others at risk flies in the face of logic," the justices wrote.

Neil Tidsbury, Alberta Construction Labour Relations Association president, said the court ruling introduces some common sense language for ensuring workplace safety.

Tidsbury noted that the Alberta construction

industry has been active in developing alcohol and drug guidelines.

A best practices guideline document was developed by various industry partners, which standardizes the testing, application and rehabilitation of workers.

It also helps ensure fair treatment of all employees. "The testing is an important part but it is too bad that it gets all the focus," explained Tidsbury.

"Testing is just a component of a whole approach we believe in, which includes education and awareness, self help and clear rules and responsibilities for all involved."

Kellogg, Brown & Root were helping to build an expansion to Syncrude Canada's plant in Fort McMurray at the time of Chiasson's dismissal.

Syncrude and other major oilsands companies test their employees for drugs before they are allowed on jobsites.

Heather Browne, spokesperson for Kellogg, Brown & Root, applauded the Alberta ruling.

"KBR is a leader in workplace safety, and maintaining that commitment is the company's top priority," Browne said.

"The court ruling upholds that commitment and we look forward to continuing our work in that regard."

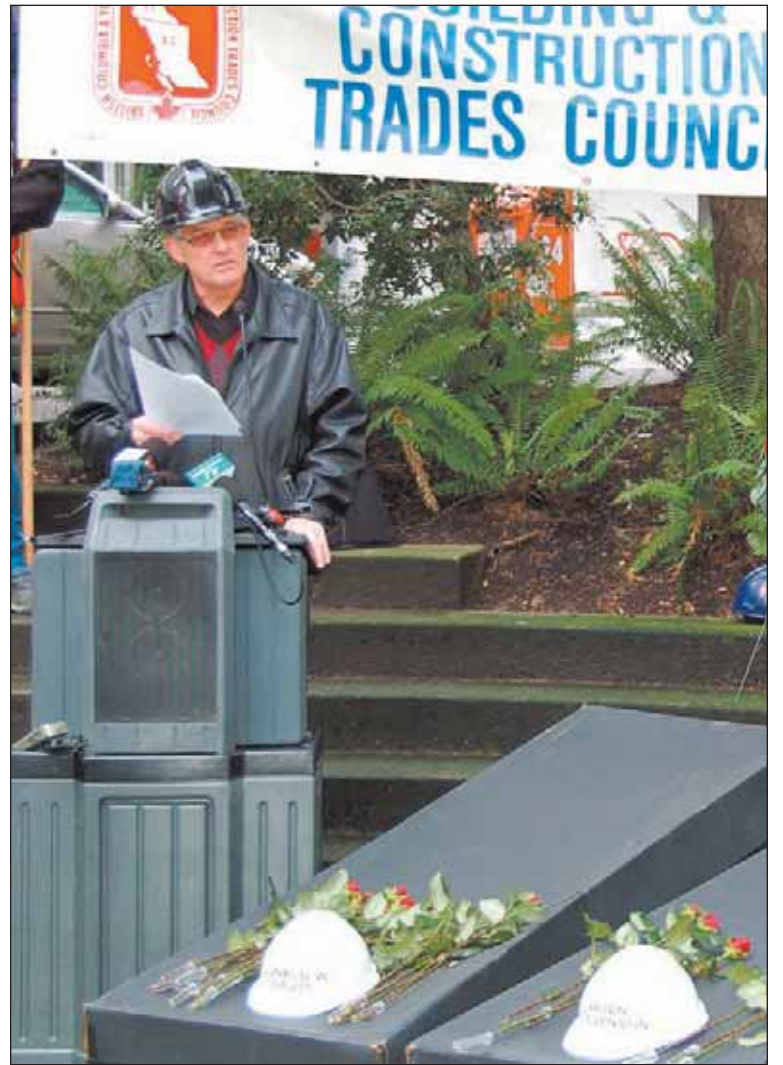
Phil Hochstein, president of the Independent Contractors and Business Association in British Columbia, said that workplace drug testing is rare in British Columbia.

"I think this case is going to spur more of this job-site testing, not only on big industrial jobs, but on commercial and institutional jobs throughout the country," says Hochstein.

Despite the court ruling, more provincial guidance is needed on the drug testing issue, says Lloyd Dick, Construction Owners Association of Alberta spokesperson.

"It is a situation which has conflicting human rights and work place safety legislation," explains Dick. "The two pieces do not exactly line up. The ruling makes a lot of sense and clears up things a bit for employers."

In Memory



RICHARD GILBERT

Wayne Peppard, executive director of the B.C. and Yukon Building Trades Council at an event in Vancouver recalls a tragic workplace construction accident from the early 1980s. Four construction workers plunged to their deaths on Jan. 7, 1981, while building the Bentall Four tower at Melville and Thurlow streets in Vancouver. The anniversary of the tragedy is used to focus public attention on jobsite safety, safety legislation and government policy.

Training

Fundamentals Training key to safety for traffic control persons

CATHY LANGE
CONSTRUCTION SAFETY ASSOCIATION OF BC

As a result of a relatively new WorkSafeBC regulation, Traffic Control Persons (TCPs) working in high-risk situations have been a newsworthy topic in recent months.

To heighten driver awareness in construction zones, the Construction Safety Association joined forces with WorkSafeBC to launch a Slow Down campaign, which focuses on improving safety for traffic control persons.

While training for high-risk situations is critical, there is per-

haps even a greater need for training in low/moderate risk traffic control situations.

Construction company owners and supervisors may not be aware that section 18.4 of the WorkSafeBC Occupational Health and Safety Regulation states that all TCPs, must be trained in a manner acceptable to the board.

This includes construction workers who stop traffic intermittently to facilitate construction or maintenance traffic such as trucks and other equipment entering and exiting the jobsite, flying tables, moving concrete and other materi-

als over a roadway by crane, as well as traffic stops for loading and off loading materials for a jobsite.

To meet the training requirement created by the new regulation, the Construction Safety Association of BC, in partnership with the BC Safety Council, announced a new course offering in Low/Moderate Risk Traffic Control Person Fundamentals.

In low/moderate risk situations, the comprehensive TCP training for high-risk workplaces is not necessary.

However, TCPs must, at a minimum, receive training that

addresses elements identified in the job task analysis.

Training covered in the new Low/Moderate Risk Traffic Control Person Fundamentals course includes: an overview of basic traffic control techniques including setting up and taking down basic traffic control devices at a work site, proper hand signals, proper positioning, instruction on personal protective clothing and safety equipment, responding to aggressive drivers, identifying an escape route and reporting of near misses and incidents.

This one-day program, consist-

ing of both theory and practical instruction, offers the necessary training to meet the WorkSafeBC Traffic Control Persons regulation in low/moderate risk situations.

Courses are being launched in Vancouver, Kelowna, Prince George, Victoria and Nanaimo.

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Occupational Health & Safety

Certification

Single standard being issued for crane operators

RICHARD GILBERT
STAFF WRITER

A plan to certify crane operators in B.C. is receiving a huge lift from a new partnership between the B.C. Industry Training Authority (BCITA) and the B.C. Association for Crane Safety (BCACS).

WorksafeBC plans to require all operators of boom, tower and mobile cranes to pass a mandatory written and hands-on exam by July. Since July 1, 2007, a valid operator's certificate is required by the person operating a mobile crane, tower crane or boom-truck in B.C. To be in compliance, crane operators must have a document issued by the BCACS, which indicates they are fully certified or registered for assessment.

The BCACS has a large num-

ber of applications, with more than 10,000 crane operators being registered and identified, which was more than double initial estimates.

Despite the overwhelming response, the implementation of new regulations that require B.C.'s crane operators to pass safety exams is moving forward as planned. One of the most significant factors behind the drive to certify the province's crane operators is a new partnership between the BCITA and the BCACS.

"The most important recent development with the certification of crane operators in B.C. has been a change with the (BC) ITA, who are taking a very proactive role," said Fraser Cocks, executive director of the B.C. Association for Crane Safety. "Certification is now being credentialed by the apprenticeship

training body in B.C., which is the (BC) ITA."

The BCACS with the support of the BCITA are pushing forward with their plan to certify the province's crane operators.

"We are working with the ITA to process the 10,000 registered crane operators. We are getting help and joining forces with our organization and structure to make it work," said Cocks.

As far as dealing with the backlog of crane operators the BCITA and the BCACS are still in the preliminary stages of the process.

"We have gone through all the resumes and are getting ready to assess individuals," Cocks said. "We will start with pilot assessments, using a small team of 6 assessors and gradually ramp up the program as the need arises."

One of the most important roles played by the BCITA is to determine the provincial standard for crane operators.

"What the BCACS and WorksafeBC needed was a standard to which they could assess if a crane operator is competent," said Kevin Evans, the CEO of the BCITA.

In B.C., some crane operators have Red Seal certification, while some receive provincial credentials.

"We felt it was in everyone's interest to have one standard in B.C. that everyone understands. We already have that standard in B.C. with Red Seal certification," Evans said.

As far as meeting the original deadline for certification of July 1, WorksafeBC is taking a practical and realistic approach.

"We are not advertising the fact that not all applicants will meet the deadline, because we want to push ahead with the program and we don't want people to relax," said Don Nelson, manager of industry and manager services at WorksafeBC. "But a significant number will be certified on time."

The ITA also recognizes there is an element of urgency in terms of meeting the certification deadline, but knows the process is still in the preliminary stages.

"Once we get through the backlog, we want a program that stands the test of time. So we are going to do it right," said Evans.

According to WorkSafeBC data there were 43 tower crane accidents in the province between 2004 and 2006, but not every accident is reported.

Training

New worker orientation can reduce the chance of injuries

LEAH ALTIZER
CONSTRUCTION SAFETY NETWORK

New Worker Orientation. The phrase seems to roll off the tongue with relative ease, but what exactly does it mean?

When it comes to training new workers, what are employers' responsibilities?

What basic information must all new workers be made familiar with?

What resources are at your disposal?

According to WorkSafeBC, more than half of workplace accidents involving workers younger than 25 years old and new workers (any worker who is new to the workplace or facing new

job hazards) occur during their first six months on the job.

To remedy this, all employers must be diligent in providing effective orientation and training.

While all employers are obligated to comply with the specific orientation requirements in Section 3.23 of the B.C. Occupational Health and Safety Regulations, there are no hard and fast rules about how long the orientation period must take, or what specific information must be covered.

That's because all workplaces are unique.

Your orientation program begins even before you start

hiring new employees.

First of all, think about what areas your workers will need training in. Review job descriptions and create or customize a Worker Orientation Checklist.

Plan a thorough training session and think about including a quiz or test to be completed after the training as a form of evaluation.

You may also want to think about formulating a handout sheet that summarizes the information covered in the orientation.

This is something the worker can keep with them after their training is finished. Don't forget to document all training and main-

tain this information in your records.

Since many new workers get injured because they are afraid to ask questions, it is important to foster a work environment where people feel comfortable obtaining on-the-job help.

One proven method is pairing a new worker with an experienced mentor or identifying veteran workers who are willing to provide them with practical assistance.

It sounds like a lot of work, developing, implementing and following up on your new worker orientation program, but the benefits far outweigh the time and effort involved.

Being properly trained provides workers with awareness of hazards, health and safety legislation, and their individual rights and responsibilities.

It is in their best interests to be adequately oriented. It could mean their life.

For the employer, orientation training means a workforce that is safer and more productive and poses no added risk to themselves, their fellow workers, company property, and the public.

And don't forget, help is available.

Since every workplace is required to have a new worker orientation program, ask

your colleagues what they have found to be effective.

WorkSafeBC's web site is an excellent aid, and industry-specific safety associations are able to offer you one-on-one help.

In particular, the Construction Safety Network has developed a free kit to assist employers in this regard. Together, we can make the industry safer for all workers.

The free kit is available by calling the Construction Safety Network at 604-436-0232 or emailing info@safetynetwork.bc.ca. More information can also be found at www.safetynetwork.bc.ca/newworkerorientation.html.

Trust your safety to us

Put your safety in the hands of professionals and earn a valuable rebate from WorkSafeBC. The Construction Safety Association of BC's STARCOR is the only safety training program to offer a comprehensive, integrated program for workers, supervisors and managers/owners in the construction industry and the construction service and supply sectors.

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