

COALITION OF BC BUSINESSES

913 10th Street, New Westminster, BC V3M 4A5
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Submission to

Workers' Compensation Board of BC

Re

Proposed amendments to Occupational Health and Safety Regulation, The Regulations for Agricultural Operations and the Industrial Health and Safety Regulation

April 10, 2003

The **Coalition of BC Businesses** was formed in 1992 to represent the voice of small and medium-sized businesses in the development of British Columbia's labour and employment policies.

The Coalition is made up of organizations that collectively represent over 50,000 small and medium-sized businesses active in all sectors of BC's diverse economy in communities throughout the province. The Coalition's focus is the development of labour policies that will help foster a positive relationship between employers and employees and a climate for new economic growth, opportunities and jobs.

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Mr. David Young
Policy Director
Policy and Regulation Development Bureau
Workers' Compensation Board of British Columbia
P.O. Box 5350, Station Terminal
Vancouver, BC, V6B 5L5

Dear Mr. Young

Re: Proposed Amendments to Occupational Health & Safety Regulations Relating to Exposure Limits, Duplication and Redundancy and Occupational First Aid.

I am writing on behalf of the Coalition of BC Businesses (the "Coalition"), which acts on behalf of over 20 Associations representing over 50,000 small and medium-sized businesses on issues relating to labour, employment and workers' compensation. The Coalition welcomes the opportunity to provide its views on the proposed Occupational Health & Safety Regulation amendments.

Introduction

Over 115,00 of the 150,00 employers assessed by the Workers' Compensation Board of B.C. are small or medium sized businesses with fewer than 50 employees. These firms are responsible for almost 90% of the new jobs created in the Province and have an important perspective to bring to the regulatory review process.

The unique features of a small business must be recognized within the occupational health and safety system. No two businesses are exactly the same – and one size does not fit all employers. Small businesses cannot be lumped into one category by the Board; and certainly small business cannot be treated like a smaller version of large businesses.

The regulatory burden caused by the vast number and variety of prescriptive one size fits all Occupational Health and Safety Regulations is disproportionate for smaller businesses, which have fewer resources and time to dedicate to ensuring regulatory compliance. In recognition of this fact, small business is very supportive of efforts to reduce duplication and redundancy in the Occupational Health and Safety regulations.

Small business operators are unable to understand or implement complex, ineffective, and overly prescriptive regulations. The end result is non-compliance, which obviously runs counter to the objectives of regulators. Small business supports the concept of performance-based regulations, that set outcome goals, but minimize the use of prescriptive standards that mandate the process by which employers must achieve outcome goals as an alternative to prescriptive one size fits all regulations.

The Coalition of BC Businesses believes there is a fundamental test for developing effective, fair and balanced Occupational Health and Safety regulations. The test is based on three interlocking objectives; ensuring worker protection, encouraging compliance and, and reducing employer costs. Our comments on the proposed regulations are made with these objectives in mind.

Occupational Exposure Limits

The Coalition does not wish to get into a detailed discussion on changes to specific exposure limits on various substances. Coalition member associations affected by these changes will make their own industry specific recommendations on those proposed changes.

The Coalition understands that the development of new exposure limits by the WCB has been an expensive and time-consuming process. The proposed adoption of the American Conference of Governmental Industrial Hygienists (ACGIH) exposure limits will significantly reduce these costs. However, we understand that any future changes in exposure limits by the ACGIH would be automatically imposed with the force of law. These changes would occur without the benefit of due notice or public hearings as required under Section 226 (1) of the Workers' Compensation Act which eliminates an important opportunity for the business community to provide input into changes that could significantly affect the ability of businesses to remain in compliance and remain competitive.

While the Coalition supports in principle the proposed adoption of the ACGIH exposure limits, the phrase "as amended from time to time" must be eliminated and future changes to exposure limits brought forward by the ACGIH must be subject to public notification and hearing as required by section 226 of the Act.

The Coalition also opposes the unwarranted expansion of regulatory requirements included in the proposal. The concept of requiring chemicals to be As Low As Reasonably Achievable (ALARA) should be deleted completely from the Occupational Health and Safety Regulations as no other jurisdiction attempts to enforce ALARA for chemical substances. The other ACGIH standards already protect worker health.

Finally, the Coalition recommends that all Threshold Limit Values (TLVs) be made available through the WCB website.

Duplication and Redundancy

The Coalition is very supportive of all efforts to reduce duplication and redundancy in the regulations as well reducing the regulatory burden the regulations place on small businesses. While we support the proposed elimination of duplicate requirements in the regulations we would point out that the substance of the complex prescriptive regulations remains. Small business owners will be no better off trying to understand the regulations with which they are meant to comply. The Coalition believes that WCB has only scratched the surface when it comes to reducing the regulatory burden placed small businesses by the regulations and recommends that much more effort be made to make the regulations less prescriptive and easier to understand.

Occupational First Aid

The Coalition is very supportive of the move to performance-based first aid regulations. The proposed performance based regulations will allow smaller businesses greater flexibility to achieve the appropriate level of first aid services, while still providing small business employers useful information on determining the appropriate level of first aid for their business through the guidelines.

The Coalition encourages WCB to expand the performance-based model to other Occupational Health and Safety Regulations as an alternative to the complex and difficult to understand one size fits all prescriptive regulations still in place.

Conclusion

In closing, I would like to reiterate that small and medium-sized businesses comprise approximately three-quarters of the employers who are registered with the WCB. As such, occupational health and safety and the operation of the workers compensation system as a whole, with its associated costs to small business employers in B.C., is of significant importance to the Coalition and its members. The Coalition looks forward to continuing being an active participant in all aspects of the revised workers compensation system. Thank you for the opportunity to comment.

The Coalition would be happy to discuss any of the above issues with you in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Hochstein". The signature is written in a cursive, flowing style.

Philip Hochstein
Chair