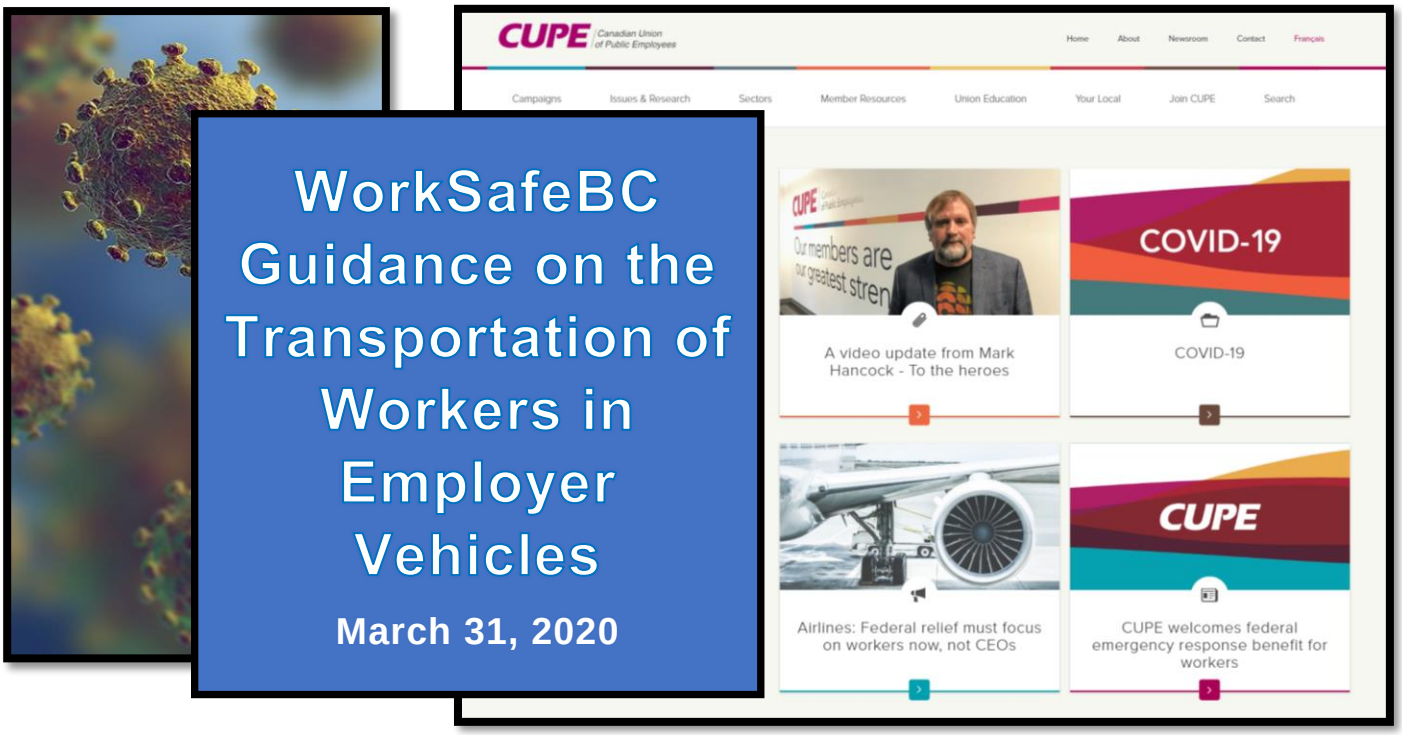



## I. Introduction:

There have been concerns from CUPE Locals in many municipalities regarding multiple workers travelling in Employer vehicles despite the strict physical distancing measures that are in place in BC.[1] This issue is occurring in several provinces, including BC, Ontario and Saskatchewan. WorkSafeBC has provided guidance on this issue as per Section III below.

## II. Current Status of Issue:

CUPE has contacted WorkSafeBC Prevention several times over the past week regarding this issue. The direction from WorkSafeBC as of March 31, 2020 has been guidance (as opposed to mandatory rules) for Prevention Officers who receive inquiries regarding multiple workers travelling in work vehicles (other than buses or other forms of commercial transportation). CUPE has been advised that written guidance will be put on the WorkSafeBC website in the next week or so.

Any information is subject to change without notice and is subject to the Provincial Health Officer (BC) and the BC Ministry of Health.

[1] Office of the Provincial Health Officer. See https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus

## III. WorkSafeBC Guidance on Number of Workers Per Employer Vehicle:

As stated above, CUPE has been advised that written guidance will be put on the WorkSafeBC website in the next week or so. See https://www.worksafebc.com/en for the main WorkSafeBC website and for health and safety updates related to COVID-19. The following guidance is being given to WorkSafeBC Prevention Officers if they receive calls on this issue:

- Employers should conduct risk assessments as required by the OHS Regulations (for all workplace hazards, not just COVID-19) as part of a health and safety program. See https://www.worksafebc.com/en/health-safety/create-manage

- Employers should apply the hierarchy of control to all workplace hazards, not just COVID-19. See https://www.worksafebc.com/en/health-safety/create-manage/managing-risk/controlling-risks

- Employers should assess the number of workers being transported in order to try to maintain 2 metres distance between workers. To implement this, Employers should assign 1 worker to a row of seats, with riders staggered e.g. if the driver is in the front seat, the second worker would be in the second row on the far right side of the vehicle – opposite the driver. If this is not possible, Employers should consider the following options and apply risk assessments and the hierarchy of control as per bullets 1 and 2 above and as per Appendix A. These options are based on what is reasonable in the circumstances - see the due diligence tests in Appendix B, page 1, top left.

  - ❖ Assigning 1 worker per vehicle
  - ❖ Adjusting the number of workers taken in the vehicle per trip
  - ❖ Using multiple vehicles
  - ❖ Using a larger vehicle
  - ❖ Putting screens in vehicles to separate workers
  - ❖ Using Personal Protective Equipment (PPE). PPE should be the LAST option if it is not possible to have 2 metres distance between workers. PPE is the last level of control of hazards (see the WorkSafeBC and CCOHS materials on hazard control as well as the WorkSafeBC Due Diligence Checklist in Appendix B). If used, the PPE should be an N-95 or P100 respirator, as per WorkSafeBC.

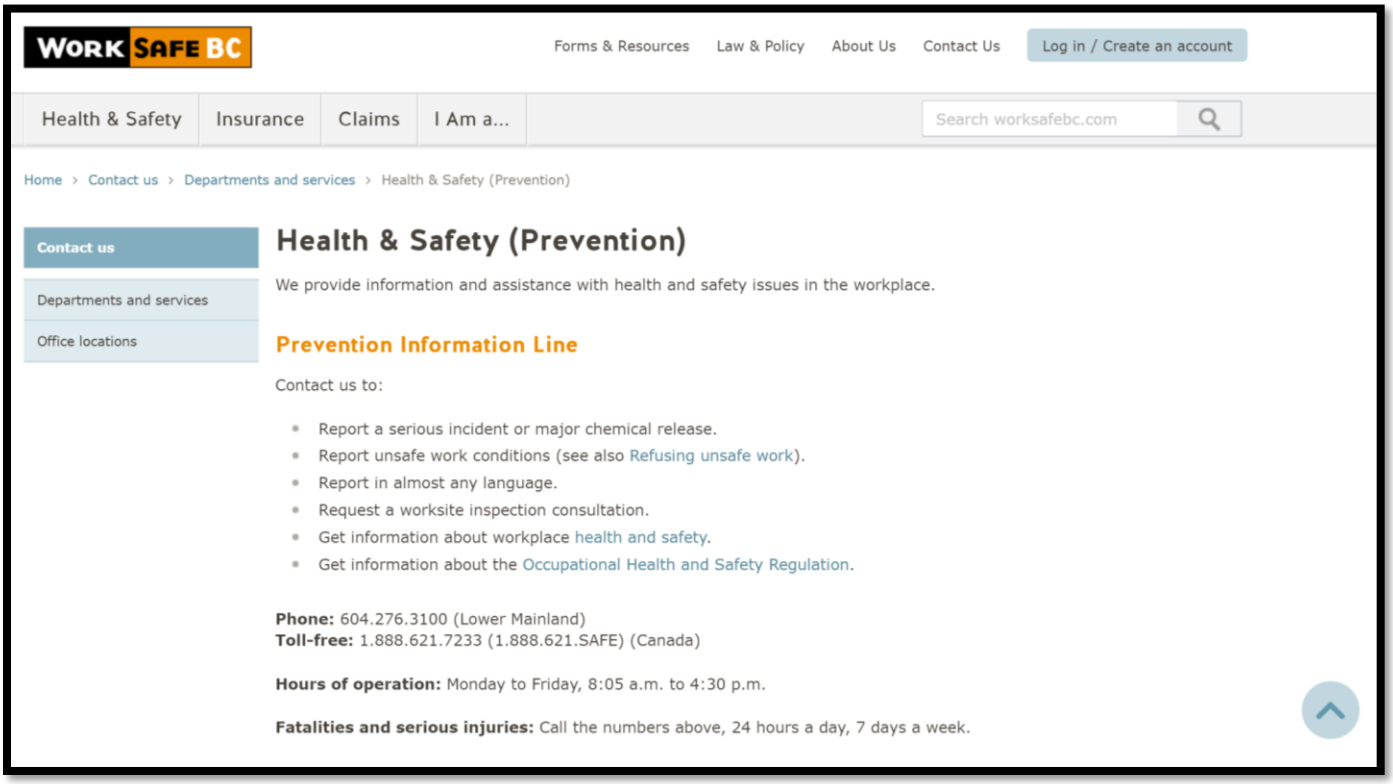
- Workers should have access to hand washing facilities or sanitizing facilities (or items) as they BOTH enter and exit the work vehicle

- High contact surfaces of the vehicles should be cleaned before and after each use of the vehicle

## IV. Contact Information:

Most inquiries for health and safety information, including the Right to Refuse Unsafe Work, are made by contacting a Prevention Officer at WorkSafeBC at:

https://www.worksafebc.com/en/contact-us/departments-and-services/health-safety-prevention

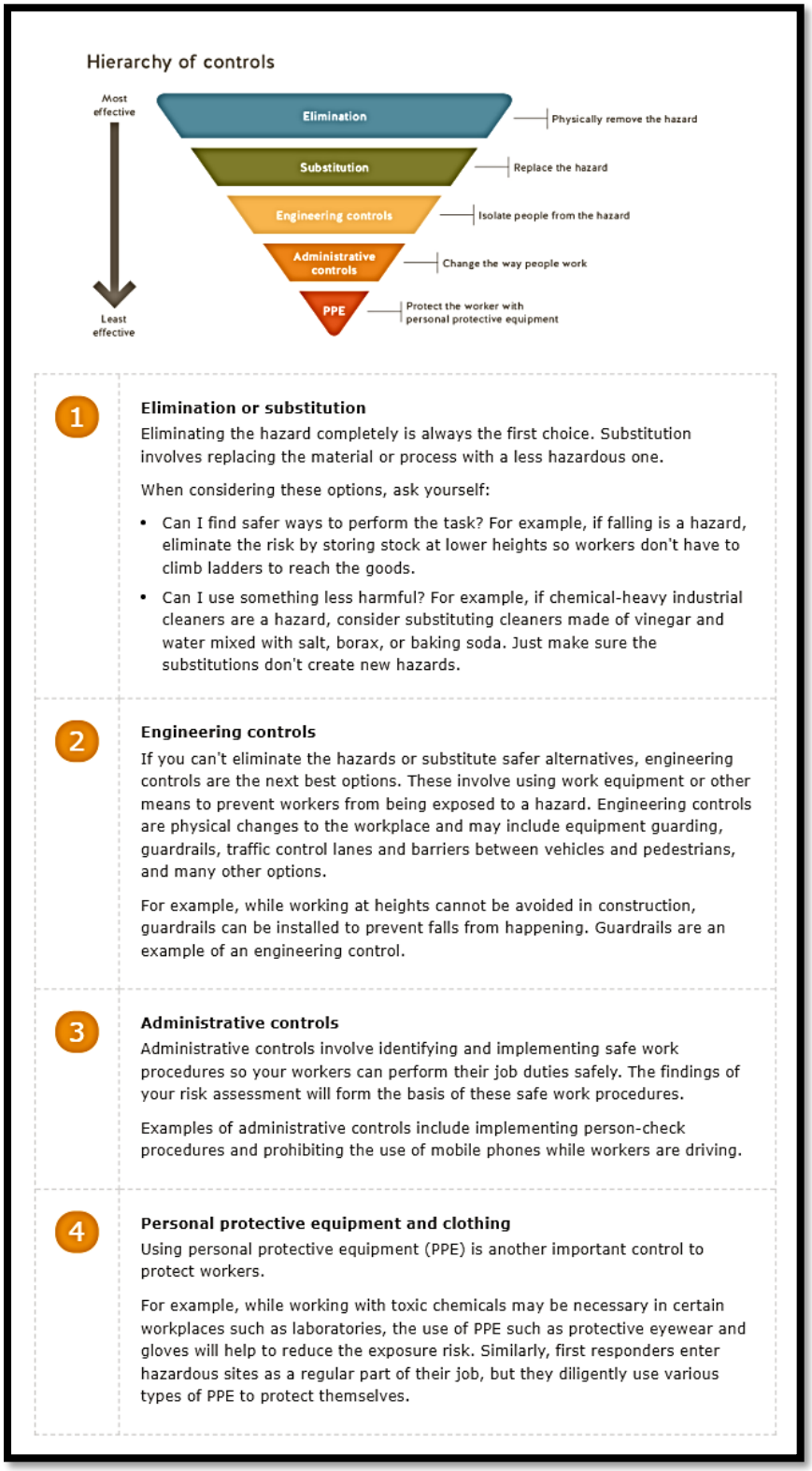


## V. Appendices:

Appendix A – CCOHS Hierarchy of Control and WorkSafeBC Controlling Risks:

https://www.ccohs.ca/oshanswers/hsprograms/hazard_control.html

https://www.worksafebc.com/en/health-safety/create-manage/managing-risk/controlling-risks



Appendix B – WorkSafeBC Bulletin - Due Diligence:

https://www.worksafebc.com/en/resources/health-safety/checklist/due-diligence-checklist?lang=en

## DUE DILIGENCE CHECKLIST



**What is the *standard* of due diligence?**
Taking all reasonable care to protect the well-being of employees or co-workers.

**What is the *defense* of due diligence?**
All reasonable precautions to comply were taken in the circumstances.

**What is the *test* of due diligence?**
Documentation of an effective OH&S program; an effective OH&S program includes:

- ☑ A written OHS program that has been implemented.
- ☑ An employer who takes steps to control or eliminate specific hazards.
- ☑ Written safe work procedures that are understood and followed by workers.
- ☑ Workers who are provided with adequate instruction, training, supervision and discipline to work safely.

**How can this checklist help?**
The following checklist is intended to help employers determine if they have sufficient documentation of an effective OH&S program. Other due diligence factors to consider include health and safety performance in the workplace, the employer's history of compliance with the Workers Compensation Act and OH&S Regulation, the degree of hazard associated with violations, etc. This checklist is only a guideline.

*Workplace (specify):*

### Part 1: Does the employer keep the following types of records or documents?

| | |
|---|---|
| ❒ Worker orientation records | ❒ Records of worker/supervisor training showing the date, names of attendees and topics covered (e.g. Lockout, WHMIS) |
| ❒ Inspection reports and records of corrective actions taken to solve problems | ❒ Incident/accident investigation reports and records of corrective actions taken to solve problems |
| ❒ Records of meetings and crew talks where safety issues were discussed | ❒ Supervisor's notes and logs of safety contacts with workers |
| ❒ Records showing use of progressive discipline to enforce safety rules and written safe work procedures | ❒ Joint OH&S Committee meeting reports showing steps taken to address health and safety issues |
| ❒ Subcontractor pre-qualification documents | ❒ Equipment log books and maintenance records |
| ❒ First aid records, medical certificates, hearing tests | ❒ Forms and checklists showing the employer requires workers to follow safe work procedures (e.g. confined space entry permits) |
| ❒ Sampling and monitoring records of exposures to harmful substances | ❒ Emergency response plan and record of drills and any resulting improvements |
| ❒ OH&S related budget items and purchase orders | ❒ Statistics on the frequency and severity of accidents |

### Part 2: Do the employer's records or documents show an effective OH&S Program?

| **Do records/documents indicate that the employer/management:** | | |
|---|---|---|
| 1. State and communicate a clear workplace OH&S policy | ❒ Yes | ❒ No |
| 2. Assign responsibility and resources for implementing OSH Program to identified person(s) | ❒ Yes | ❒ No |
| 3. Include workplace OH&S issues on management meeting agendas | ❒ Yes | ❒ No |
| 4. Require contractors to conform to OH&S regulations | ❒ Yes | ❒ No |
| 5. Ensure records are maintained (See Part 1) | ❒ Yes | ❒ No |
| 6. Review statistics on the frequency and severity of accidents, as well as injury and illness trends over time | ❒ Yes | ❒ No |
| 7. Assign responsibility for identifying hazards and conducting risk assessments | ❒ Yes | ❒ No |
| 8. Implement appropriate controls (engineering, work practice/administrative, PPE) for identified hazards (e.g. machine guarding, lockout, bloodborne pathogens, confined space, falls from elevation, chemical hazards, repetitive strain injury, etc.) | ❒ Yes | ❒ No |
| 9. Implement a preventative maintenance schedule as required by manufacturers' and industry recommendations and standards | ❒ Yes | ❒ No |
| 10. Address Joint Health & Safety Committee or health & safety representative recommendations | ❒ Yes | ❒ No |
| 11. Review OH&S Program activities (e.g. once a year) and make improvements as needed | ❒ Yes | ❒ No |

## DUE DILIGENCE CHECKLIST



| **Do records/documents indicate that supervisors:** | | |
|---|---|---|
| 12. Receive training to perform their safety and health responsibilities | ❒ Yes | ❒ No |
| 13. Give crew talks/conduct safety meetings | ❒ Yes | ❒ No |
| 14. Participate in inspections | ❒ Yes | ❒ No |
| 15. Conduct incident/accident investigations | ❒ Yes | ❒ No |
| 16. Take action to correct reported hazards | ❒ Yes | ❒ No |
| 17. Conduct orientation | ❒ Yes | ❒ No |
| 18. Conduct on-the-job training | ❒ Yes | ❒ No |
| 19. Evaluate training to ensure that it is effective | ❒ Yes | ❒ No |
| 20. Monitor work conditions and practices in areas where they have responsibility | ❒ Yes | ❒ No |
| 21. Correct employees not following rules and procedures | ❒ Yes | ❒ No |
| 22. Keep records of progressive discipline | ❒ Yes | ❒ No |
| 23. Have OH&S considered as an element in their performance evaluation | ❒ Yes | ❒ No |

| **Do records/documents indicate that workers:** | | |
|---|---|---|
| 24. Receive orientation | ❒ Yes | ❒ No |
| 25. Receive specific job instruction | ❒ Yes | ❒ No |
| 26. Receive health and safety training (e.g. responsibilities, hazards, engineering controls, written safe work procedures, use of PPE) | ❒ Yes | ❒ No |
| 27. Demonstrate the skills/knowledge necessary to perform their jobs safely | ❒ Yes | ❒ No |
| 28. Report injuries and hazards | ❒ Yes | ❒ No |
| 29. Participate in inspections | ❒ Yes | ❒ No |
| 30. Participate in incident/accident investigations | ❒ Yes | ❒ No |

| **When dealing with disciplinary procedures for workers, supervisors and managers who don't follow safety rules or safe work procedures:** | | |
|---|---|---|
| 31. Are there disciplinary procedures in place? | ❒ Yes | ❒ No |
| 32. Are workers/supervisors/managers aware of them? | ❒ Yes | ❒ No |
| 33. Are disciplinary procedures used effectively? | ❒ Yes | ❒ No |
| 34. Are they monitored by the Joint Health & Safety Committee or health and safety representative? | ❒ Yes | ❒ No |
| 35. Are good records kept of progressive discipline used to enforce safety rules and written safe work procedures? | ❒ Yes | ❒ No |

| *Checklist completed by (name):* | *Date:* |
|---|---|

### Employer's Action Plan

| Item # | Action Required (specify) | Action by (name) | Target Date | Completed |
|---|---|---|---|---|
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |
| | | | | ☐ |

*For more information on OH&S Programs or answers to other health and safety questions, contact your local WCB officer or the Prevention Information Line at 1 888 621-SAFE (7233) or 604 276-3100.*