



**B.C.  
FEDERATION  
OF LABOUR  
(CLC)**

200 - 5118 Joyce Street  
Vancouver, B.C. V5R 4H1

TEL (604) 430-1421  
FAX (604) 430-5917

Website: [www.bcfed.com](http://www.bcfed.com)  
E-Mail: [bcfed@bcfed.com](mailto:bcfed@bcfed.com)

Jim Sinclair  
President  
Angela Schira  
Secretary-Treasurer

Our File

March 3, 2004

City of Richmond  
Mayor's Office  
6911 No. 3 Road  
Richmond, BC V6Y 2C1

Attention: City Clerk

**RE: NEW SAFETY STANDARDS ACT AND REGULATIONS**

The B.C. Federation of Labour is concerned that the new **Safety Standards Act and Regulations** will have a profound detrimental effect on the safety of workers on the job and the safety of citizens in our community. These changes are to be implemented on April 1, 2004.

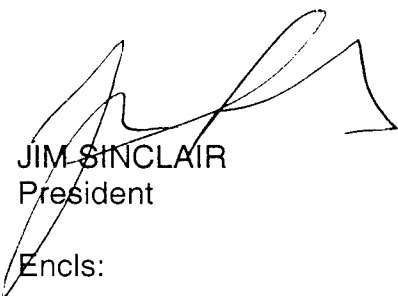
We have done an extensive analysis on the proposed changes and wish to come to the next possible Council meeting as a delegation to express our concerns about changes to the regulations and the impact on municipalities.

Please contact Irma Mohammed at 604-430-1421 ext. 241 to arrange for a delegation to attend your meeting.

Please find enclosed a copy of our document and our resolution.

Thank you for your attention to this matter.

Yours truly,



JIM SINCLAIR  
President

Encls:

IM/mp  
opeiu 15  
1300-04mrg-js-city councils-safety standards act





## REPORT ON CHANGES TO SAFETY STANDARDS ACT

# PRIVATIZING SAFETY STANDARDS AND PUTTING CITIZENS AT RISK

### Introduction

First, I would like to thank your Worship and members of Councillors for this opportunity to speak with you today. The B.C. Federation of Labour and our affiliates are talking to as many municipalities as we can about legislative changes that will impact on the quality of work we do, the safety of the public and the impacts on our municipalities.

Legislation tabled in the provincial legislature over the past year will have a detrimental impact on trades training and safety standards in British Columbia. As you are probably aware we have seen the provincial government pass the **Industry Training Authority Act**, the **Safety Authority Act** and the **Safety Standards Act**.

The Federation is concerned this legislation puts in jeopardy our long-standing apprentice programs in BC jointly created through a partnership between business, labour, educational institutions and government.

The provincial government is putting British Columbians at risk with its new **Safety Standards Act** and **Safety Authority Act** passed in the Legislature March 24, 2003. This is why we are here today to present to you our concerns with respect to the issues of worker safety on the job and public safety with the massive changes taking place. Few people in the province understand the implications on all our lives with changes in the new **Safety Act and Regulations**.

These issues are critical to municipalities in BC that often times administer provincial legislation governing such areas as electrical codes, building codes, gas regulations and more. New legislation will change the way enforcement occurs and the standards that are set. We think these changes will be detrimental to the training of workers in the field; qualifications of workers performing compulsory work under the act will be greatly reduced and with the safety of the public being put in jeopardy.

The government, like so many other areas that it controls, is getting out of the business of policing the safety of products, the construction of facilities and the operations of industry in BC.

The new Safety Authority created to assume the current Safety Branch functions of government will take full control of our current safety system on April 1, 2004. Our view is that this process should be stopped until all parties who will be impacted by the changes have had a chance to make their comments. As you will see the changes proposed are new and radical and have not been instituted anywhere in the world to the extent that they will be in British Columbia.

We are asking you as a council to make your concerns known to the Minister of Community, Aboriginal and Women's Services Murray Coell. He will be the one to make recommendations on changes to be made to regulations that will be governing your activities.

## THE NEW AUTHORITY

The new **Safety Authorities Act** will create a not-for-profit corporation with 15 government-chosen Board Members that will now govern the compliance of safety standards for electrical equipment, boiler systems, gas equipment, all types of pressure vessels, amusement rides, elevator safety and more.

Changes to the safety standards in BC will be dramatic as the government changes the legislation and regulations from a proactive government department that educates implements and polices, to an organizational structure that will be less regulated with the inspection of regulated work being put into the hands of contractors and employers who perform the same work. It will be a self-regulated system where oversight of BC safety standards will no longer be in the hands of the provincial government.

The requirements of the existing safety standards, that makes it compulsory for some certified trades people to work on certain types of equipment for the protection of the public has been stripped out of the existing acts and regulations. In the future, semi-skilled and non-skilled workers will now be required to perform work that compulsory trade's people are required to perform today. This clearly is a lowering of standards from the old legislation and will put British Columbians at risk.

These issues are critical to municipalities in BC that often times administer provincial legislation governing such areas as electrical codes, building codes, gas regulations and more. New legislation will change the way enforcement occurs and the standards that are set. We think these changes will be detrimental to the training of workers in the field and the safety of the public.

Striking administrative agreements with cities and municipalities is a key part of the plan even though most municipalities were never consulted on the matter. Like most other legislation that has been passed by the Liberal government there has been no public consultation process, no independent task force to advise government, only a few hand picked people who sit in back rooms with ministry officials and make decisions that affect the lives of all British Columbians.

The new authority will be financially supported, not by government, but by fees and charges established by the new authority for services rendered.

The purpose of the new authority is;

*"To carry on activities throughout British Columbia that foster safety in design, manufacture, disposal, construction, installation, operation, maintenance and the use of technical products, equipment and systems".*

This new authority will touch the lives of every person who lives in BC when it comes to the safety of products we use and the procedures used when we are at work. The lives of workers in BC have been handed from the responsibility of the government to a 15-person

Board that will be appointed by the provincial government. Substantial power and authority that previously rested with deputy ministers and chief inspectors is being handed to authority officials that are not accountable to anyone but a non-elected Board.

The legislation is very pointed in its language. It makes it clear, "*The authority is not an agent of government*".

The authority will assume the responsibilities of the Safety Standards Branch including credentialing, examination of workers and the enforcement system.

A recent study by the Canadian Institute for Environmental Law and Policy of the Ontario Technical Standards and Safety Authority (TSSA), which has been in operation since 1996, says, "There appears to be no significant changes in the levels of incidents, inspections or industry compliance with regulatory requirements since the creation of the TSSA". Although fees and costs have increased greatly front-line service delivery staff has not. This review raises serious questions about the efficiency of the 'authority model'.

The real agenda of the new system is designed to give large contractors and operators a benefit at the expense of small and medium side contractors, workers and the public. We will see lower standards of trade's qualifications by deskilling the workforce, lowering wages structures, forcing these same standards on corporations that at present do not want the system to change. Many contractors perform work that requires a fully-trained trades qualified person because they can perform all aspects of work required. Because they are smaller they will not be able to compete with large contractors that create modularized trades and/or unskilled gangs of workers. These medium and small size contractors will simply be driven out of business. They are the businesses that do a tremendous amount of work for our municipalities.

The government expects to fix the skill shortage in BC, as they are approaching 2010 Olympics, by deregulating the system so skilled trades are not required. They have started with the complete deregulation of the electrical and elevator trades and will proceed to other compulsory trades as a "work in progress". We can expect this to continue until all trades work in the province will be deregulated and deskilled including those governed by the BC building codes.

## **SAFETY STANDARDS ACT**

### **AGREEMENTS MUST BE STRUCK WITH MUNICIPALITIES**

In the future, the new authority can enter into agreements with municipalities to administer the Act and regulations.

Those cities and municipalities that currently administer compulsory regulations and codes through their own inspection departments will be forced to comply with all aspects of the new act and regulations. They will not be allowed to create standards that are higher than

those created by the provincial regulations and Authority. *“...a local government may not adopt a bylaw concerning a standard that is or could be dealt with under this Act...”*

Each local government can, if it so wishes, enter into an agreement to perform the functions of administration of the **Act and Regulations** in their jurisdiction. However, current standards of safety that cities and municipalities have put into by-laws that are not in compliance with the new **Act and Regulations** will be deemed not in effect. Such issues as the qualifications of workers doing the regulated work will be dramatically altered. These agreements will come in the form of a contract between the provincial Authority and the municipality.

### **Certificate of Qualification is Not Required**

The new Safety Standards General Regulations, which are a preface to specific sets of regulations for compulsory trades, say that in order to do regulated work one must *“provide proof, acceptable to a provincial safety manager, of the applicant’s relevant training and work experience”*. Under the current system a person must prove they have been qualified under an apprenticeship program and passed a relevant exam. They have now thrown the door open to unqualified, untrained workers working under the supervision of someone who is *qualified* to do that work. In the General Regulations, section 4, called *“When authorization not required”*, allows for non-qualified workers to work under the supervision of a qualified supervisor. The regulations do not outline the definition of supervision nor do they allow for ratios of workers to supervisors.

The requirements of the existing safety standards that make it compulsory for some certified trades people to work on certain types of equipment for the protection of the public has been stripped out of the existing acts. In the future, semi-skilled workers will now be required to perform work that compulsory trade’s people are required to perform now. This clearly is a lowering of standards from the old legislation and will put British Columbians at risk.

The new **Act and Regulations** have singled out electricians and elevator mechanics as the first area to make substantive changes. The Electrical Safety regulations allow for non-qualified workers to work under the supervision of a person who, *“is authorized under the Act to perform that type of work, ...and provides guidance and assistance to the individual...”*. This will allow a worker who is qualified for a particular aspect of electrical work to supervise as many as can be handled non-trained, non-qualified workers off the street. These are the changes that will allow for minimum wage electrical workers on to construction sites. This will put into danger workers and the public who will have to live with the electrocutions, fires and high insurance claims all in the name of profit. There are no provisions for a ratio system such as there is now with electricians that provide for the training of apprentices. The mentoring system of training that sees an apprentice learn the trade while working with other skilled trades will be gone.

These changes will cause a “rush to the bottom” attitude among contractors. Contractors that do employ fully trades qualified workers will be undercut by those that do not. As more and more employers are forced into this same type of system, we will find less of a need in the

market for trade's people at all. The Red Seal program will be of a much less importance as less TQ trades people will be required. For those who do obtain the modularized certificates, under the new Industrial Training Authority, there is no laddering system for them to become a fully qualified trade's person.

### **Self-Inspection Will Dominate the Construction and Home Renovation Industry**

The new **Acts and Regulations** are going to allow construction companies and others to self inspect their own work. The provincial electrical inspectors, for instance, who will now work under the new Authority and be called Safety Officer's, will not be required to inspect all work in the province.

The new legislation has created new positions called Field Safety Representatives (FSR's) who are hired by a construction company to inspect the work that is performed on the job site. FSR's did exist in the old regulations but they did were not required to perform final inspections. That was the role and responsibility of provincial and municipal inspectors in the field.

The problem now is these FSR's can be the company foreman or others, they can at the same time hold a contractor license, be the person responsible for making sure workers have the correct qualification and they can, in some cases, be the person who is also doing the work. In the home renovation industry an FSR can be the owner of the company, the worker who does the work and the person who inspects and reports out to the authority compliance with the codes.

Like the Board of the new Authority, FSR's will continually find themselves in a conflict of interest in their duties on the job. To the person who inspects the work of their own employer it puts these workers in a situation where they will have to tell their employer their operation cannot start up, or perhaps, they will have to pay money to have work redone that is not satisfactory. These workers will be in a conflict of interest that everyone knows the employer will win at the expense of safety.

### **Who and What Quality of Training Will Occur?**

The new regulations are silent on the issue of who is responsible for training or what type of training will be required by those that do regulated work. Employers are required to ensure that qualified people are doing the work, but there is no prescription or standard. Currently the provincial government through the agencies that control compulsory trades, grant certificates of competency through regulating the experience required and the examinations needed to pass before certificates are granted. The new **Act** makes reference to the new Industry Training Authority but does not require particular standards in the **Safety Standards Act**. They do require such standards under the new Gas and Boiler Pressure Vessels Regulations but not for Electrical and Elevator Devices Regulations.

## **Equivalent Standards Agreements**

Self-inspection will also occur under the new **Equivalent Standards Agreements**. These agreements will be in the form of a contract between the Authority and a company that will allow all aspects of the safety system to be controlled and run by the corporation, including oversight.

The new Authority will be conducting three pilot projects before the new system is put into full force. This is the wave of the future where there will be little intervention and oversight by the Authority or government in safety standard in large construction sites and industrial operations. The focus is to create “*alternative management approaches*”, “*increased operational flexibility and accountability*” and “*promote innovative and effective compliance and enforcement mechanisms*”.

It is seen as an area to give heavy industry the ability to hire non-certified trades people to do trades work allowing for lower wages and more profits for larger companies. It will allow one certified trade’s person to supervise an entire crew of semi-skilled workers such as in the construction of a large office building. This will allow employers to pay low wages to most of the crew while paying trades rates for only one foreman. The semi-skilled workers will be working under the trade’s qualification of the foreman. It is easy to see we will have less trades people in the province, less need for a Red Seal Apprenticeship program with huge savings in wages for employers.

These new safety standards agreements will allow for, “*...more flexibility and support self-management of their sites...*”. What we are seeing here is the dismantling of the safety inspection system we currently have and allowing larger companies to self-inspect and manage their own sites. This is a throw back to the 1940’s and 50’s which saw the struggle by the public, unions and workers to make products they buy, and their work sites, safe from employer abuse. This is akin to the police investigating themselves without any outside judicial review allowed.

The legislation is clear that safety standards agreements will not be forced on municipalities that have agreed to administer the **Act**. However, this will allow for competition between municipalities to attract corporations into their jurisdiction. We will see a rush to the bottom in the application of safety standards to attract more business and a larger tax base in some cities and municipalities.

Safety standards agreements can be multi-site. They can be for one large company that operates province-wide.

## **Registration of Certified Individuals**

The registration of qualified individuals will no longer be required. It will make it much more difficult for companies and homeowners to check to see if those doing work for them are really qualified under the new **Act**.

### **Advisory Board System As We Know It Will Be Gone**

Advisory Boards for each compulsory trade has been the backbone of the system in the review and control of standards in the province. The new Advisory Committees will be created at the discretion of the new Authority. We have clearly seen in other jurisdictions that advisory boards are controlled by the same people that control the authority to the exclusion of workers, educational institutes and the public.

### **The New System of Penalties**

There have yet to be proposed regulations on this matter. We expect the new Authority to be completely in control of the implementation of the new system when it is fully developed. Compliance through fines is a key aspect of the new system of accountability.

### **Liability is an Open Question**

The issue of liability and insurance costs need to be investigated by municipalities that will enter into agreements with the new authority to administer the new system in their jurisdiction. The experience in California where a similar deregulation program took place in 1985 was such that the issues of liability and cost has forced the state to reinstitute a program BC is now abandoning of certified electrician being required to perform electrical work.

### **Summary**

We need to make our voices heard in Victoria before it is too late. The proposed changes to the safety standards system puts those that are subject to its controls in charge of what those safeguards should be. This is not in the best interests of worker or public safety. We hope you will consider our presentation and resolution and act on them to help safe guard out high standards of public safety in our province.



## **RESOLUTION TO COUNCIL**

**WHEREAS** the provincial government has passed legislation creating a new Safety Standards Authority that will remove our safety standards system from government control; and

**WHEREAS** the provincial government is currently creating new **Safety Standards Act and Regulations** for the compulsory trades that deregulates the qualifications required to perform regulated work; and

**WHEREAS** the new regulations will no longer require government oversight of regulated work; now

**THEREFORE BE IT RESOLVED** that the City of Richmond write a letter to Minister Murray Coell expressing our opposition to both the creation of the new authority and the **Safety Standards Act** changes; and

**BE IT FURTHER RESOLVED** that Council requests a meeting with local MLA's to express our concerns on these matters.



## City of Richmond

---

6911 No.3 Road, Richmond, BC V6Y 2C1  
Telephone (604) 276-4000  
www.city.richmond.bc.ca

March 11<sup>th</sup>, 2004  
File: 12-8360-03-04

BC Federation of Labour  
#200 – 5118 Joyce Street  
Vancouver, BC V5R 4H1

Attention: Mr. Jim Sinclair,  
President

Dear Mr. Sinclair:

Re: New Safety Standards Act and Regulations

In response to your letter dated March 3<sup>rd</sup>, 2004, addressed to the Mayor's Office, this is to confirm your attendance as a delegation to Council regarding the above matter, at the Council Meeting scheduled for Monday, March 22<sup>nd</sup>, 2004, at 7:00 p.m. in the Council Chambers, Richmond City Hall. Because this item is not on the agenda you will be heard at or near the end of the Council meeting.

Council procedures allow five minutes for you to make your presentation, not including any questions which Council members may ask. This five-minute limit is strictly enforced to ensure that all business for the meeting is dealt with.

Please conclude your presentation with a specific request on what you are seeking by appearing before Council as a delegation.

Yours truly,

David Weber  
*Acting City Clerk*

fja