

## Legal Issues in Sun Safety for Workplaces in British Columbia

This fact sheet provides an overview of legal issues in sun safety for workplaces in British Columbia. This covers jurisdiction-specific occupational health and safety (OHS) legislation for both solar UV radiation and heat stress. The focus is on OHS legislation, workers compensation legislation has not been covered. The purpose of the fact sheet is to provide an overview of the OHS laws as they apply to sun safety at the time of writing (August 2016), the purpose is not to provide legal advice or opinion. This jurisdiction-specific information should be read with our fact sheet on *Legal Issues in Sun Safety for Canadian Workplaces* which provides an introduction to legal issues associated with implementing a sun safety program.

Part 3 of the British Columbia *Workers' Compensation Act* (BC WCA), RSBC 1996, c. 492, is about occupational health and safety. The general duties are found here. The primary regulation is the *Occupational Health and Safety Regulation*, BC Reg 296/97.

Key words in the BC WCA:

- officer;
- order;
- worker;
- worker health and safety representative;
- worker representative (on the committee);
- "joint committee" means a joint health and safety committee; and
- prime contractor.

The BC WCA has a general duty for employers in subsection 115 (1): Every employer must ensure the health and safety of workers. There are a number of other broad duties of the employer of relevance: for example, an employer must remedy any workplace conditions that are hazardous to the health or safety of the employer's workers and must ensure that the employer's workers are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work. Workers also have a general duty to take reasonable care. Every supervisor must ensure the health and safety of all workers under the direct supervision of the supervisor and must ensure that the workers under his or her direct supervision are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work. There is also a general duty for prime contractors.

A committee is required where there are 20 or more workers. A joint committee has a number of functions including duties to identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations; to make recommendations to the employer and the workers for the improvement of the occupational health and safety and occupational environment of workers; and to make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with this Part and the regulations and to monitor their effectiveness.

A worker health and safety representative is required in each workplace where there are more than 9 but fewer than 20 workers of the employer regularly employed. A representative's duties are similar to those of the committee.

Key words in the *Occupational Health and Safety Regulation*, BC Reg 296/97.

- "administrative controls" means the provision, use, and scheduling of work activities and resources in the workplace, including planning, organizing, staffing, and coordinating, for the purpose of controlling risk;
- "engineering controls" means the physical arrangement, design, or alteration of workstations, equipment, materials, production facilities or other aspects of the physical work environment, for the purpose of controlling risk;
- "hazard" means a thing or condition that may expose a person to a risk of injury or occupational disease;
- "hazard area" means an area in a workplace where a hazard exists, or is created, due to a condition in the area or the activities conducted in it;
- "incident" includes an accident or other occurrence which resulted in or had the potential for causing an injury or occupational disease;
- "risk" means a chance of injury or occupational disease; and
- "supervisor" means a person who instructs, directs, and controls workers in the performance of their duties.

The *Occupational Health and Safety Regulation*, BC Reg 296/97, sets out the requirements for an OHS program. There are detailed requirements for heat stress and the supply of drinking water. There is little of relevance regarding UV radiation from the sun.

#### Division 4 — Thermal Exposure Definitions

##### 7.26 In this Division:

"ACGIH Standard" means the American Conference of Governmental Industrial Hygienists' publication entitled Threshold Limit Values and Biological Exposure Indices; date 2003, as amended from time to time, except as otherwise determined by the Board;

"unacclimatized worker" means a worker who is not accustomed to working in a hot environment or who has been out of a hot environment for seven consecutive days.

#### Heat Exposure Application

7.27 (1) Subject to subsection (2), sections 7.28 to 7.32 apply to a workplace if

- (a) a worker is or may be exposed to thermal conditions which could cause heat stress,
- (b) the thermal conditions could result in a worker's core body temperature exceeding 38°C (100°F), or
- (c) the thermal conditions are in excess of the levels listed in the screening criteria for heat stress exposure in the heat stress and strain section of the ACGIH Standard for unacclimatized workers.

(2) Subsection (1) does not apply to firefighting if special provisions, satisfactory to the Board, are in place to ensure that the firefighter's core body temperature is maintained below 38°C (100°F).

#### Exposure limits

7.28 (1) A worker must not be exposed to levels that exceed those listed in the screening criteria for heat stress exposure in the heat stress and strain section of the ACGIH Standard.

(2) Clothing corrections must be applied in accordance with the heat stress and strain section of the ACGIH Standard.

#### Heat stress assessment and exposure control plan

7.29 (1) If a worker is or may be exposed to the conditions specified in section 7.27, the employer must

- (a) conduct a heat stress assessment to determine the potential for hazardous exposure of workers, using measures and methods that are acceptable to the Board, and
- (b) develop and implement a heat stress exposure plan meeting the requirements of section 5.54 (2).

#### Heat stress controls

7.30 (1) If a worker is or may be exposed to the conditions specified in section 7.27, the employer must implement engineering controls to reduce the exposure of workers to levels below those listed in the screening criteria for heat stress exposure in the heat stress and strain section of the ACGIH Standard.

(2) If the action described in subsection (1) is not practicable, the employer must reduce the exposure of workers to levels below those listed in the screening criteria for heat stress exposure in the heat stress and strain section of the ACGIH Standard by providing

- (a) administrative controls, including a work-rest cycle, acceptable to the Board,
- or

(b) personal protective equipment, if the equipment provides protection equally effective as administrative controls.

#### Provision of water

7.31 If a worker is or may be exposed to the conditions specified in section 7.27, the employer must provide and maintain an adequate supply of cool potable water close to the work area for the use of a heat exposed worker.

#### Removal from and treatment for heat exposure

7.32 If a worker shows signs or reports symptoms of heat stress or strain, the worker must be removed from the hot environment and treated by an appropriate first aid attendant, if available, or by a physician.

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Subsection 7.19(5) refers to a worker's exposure to ultraviolet radiation produced by equipment or industrial processes, but not exposure to sun. A worker's exposure should not exceed the ACGIH TLVs.