

BRITISH COLUMBIA REGIONAL OFFICE

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January 23, 2020

Via E-mail: policy@worksafebc.com

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**Re: Consultation – OHS Regulations Part 26 Forestry and Similar Activities
Worker Stakeholder Position
Canadian Union of Public Employees (“CUPE”) Submission**

I. INTRODUCTION:

I.I. OVERVIEW:

Thank you for requesting stakeholder feedback on the Proposed new OHS Regulations regarding Forestry and Similar Activities.¹ CUPE appreciates the opportunity to comment on this Consultation. CUPE agrees with the WCB that:

“While Part 26 of the *OHSR* addresses forestry operations and similar activities (including arboricultural work), it does not clearly cover the range of work activities undertaken by Arborists. These regulatory gaps need to be addressed to improve health and safety in this industry.”

CUPE is unable to agree with the changes to the proposed Part 26 of the OHS Regulations. The reasons for this are contained below. The primary issues are the need to implement much more rigorous work practices, procedures, risk assessment and management of hazards.

¹ WorkSafeBC. Consultations. Part 26 Forestry and Similar Activities. See <https://www.worksafebc.com/en/law-policy/public-hearings-consultations/current-public-hearings-and-consultations/consultation-on-proposed-amendments-to-the-ohsr-january-10-20>

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National Secretary-Treasurer/Secrétaire-trésorier national

DENIS BOLDUK, FRED HAHN, JUDY HENLEY, DANIEL LÉGÈRE, MARLE ROBERTS
General Vice-Presidents/Vice-présidences générales

I.II. STAKEHOLDER INFORMATION:

CUPE is Canada's largest Union with 700,000 members and more than 70 offices.² CUPE represents workers in many sectors including health care, emergency services, education, early learning and child-care, municipalities, social services, libraries, utilities, transportation, airlines and more. There are nearly 97,000 members in over 160 Locals in B.C.³



I.III. EXECUTIVE SUMMARY:

This submission responds to proposed Consultation Discussion Paper regarding the Forestry and Similar Activities. CUPE is unable to agree to the proposed changes to Part 26 of the OHS Regulations for the reasons provided in this submission e.g. Section III. The WCB states that:

“The proposed amendments will add new regulations to Part 26, Forestry Operations and Similar Activities, of the Occupational Health and Safety Regulation (“OHSR”) respecting arborists and arboricultural work.”

There are a number of issues and concerns related to the creation of the new OHS Regulations. These include:

² See <https://cupe.ca/>

³ See <https://www.cupe.bc.ca/>

I.III.I. RELATED GUIDELINES:

Will related Guidelines be created and updated, and, if so, will there be Consultations on the proposed changes?

I.III.II. HAZARD AND RISK ASSESSMENTS:

Has the WCB addressed the hazard and risk assessment and management issues identified in previous CUPE submissions, which directly overlap with the current Consultation e.g. 26.2.1.(4)(2)(a)(ii) and (iii), 26.12.0.2, 26.12.0.3? As per Explanatory Notes Section of the Consultation Discussion Paper, Arboriculture is a dangerous sector:

“Arboricultural work can be dangerous with the potential for serious injury or death. This work often involves working at heights, relying on the structural integrity of a tree for support, and using sharp cutting tools.”

I.III.III. STAKEHOLDER FEEDBACK – PRE-CONSULTATION:

Have there been pre-consultation (as this is a new OHS Regulation as opposed to an amended one) feedback or submissions on the 2019 related Guidelines from other stakeholders?

- The BC Municipal Safety Association at <https://www.bcmsa.ca/>
- The International Society of Arboriculture at <https://www.isa-arbor.com/>
- Other Workers Compensation Boards e.g. Workplace Safety and Insurance Board (“WSIB”) Ontario
- The Ontario Chapter of the International Society of Arboriculture at <https://isaontario.com/>
- Tree Care Industry Association at <https://tcia.org/TCIA/Default.aspx?hkey=18f94022-9bd6-4327-bec9-0a790dae328c&WebsiteKey=b9a41e1f-978d-4585-9172-c411c78c5c14>
- Related educational institutions e.g. British Columbia Institute of Technology (“BCIT”) at <https://www.bcit.ca/study/programs/7470dipma>

I.IV. SCOPE OF THE PROBLEM

Forestry has high injury and fatality rates as shown by WCB and other statistics. This submission reviews the extensive injury and fatality statistics for both forestry in general and arboriculture.

Figure 1 – National Post – How cutting down trees can be one of the most dangerous jobs you can get in a city:⁴



⁴ Thompson, P.J. "How cutting down trees can be one of the most dangerous jobs you can get in a city" Retrieved January 17, 2020 from <https://nationalpost.com/news/toronto/how-cutting-down-trees-can-be-one-of-the-most-dangerous-jobs-you-can-get-in-a-city>

While recognizing that the Consultation Discussion Paper focuses on Arborists, it is important to reiterate the safety issues inherent in forestry in general.

WorkSafeBC BC media relations director Craig Fitzsimmons said that in 2018, there were 834 time-loss claims in forestry in B.C., including overexertion (127), fall from elevation (118), fall on same level (117), struck by (114), and motor vehicle incident (MVI). Other sources of information show a much higher number of injuries and fatalities.

Figure 2 – WCB Statistics 2018:⁵

Statistics 2018

The information in *WorkSafeBC Statistics 2018* sheds light on our core areas of operation, including claims, assessments, prevention, and service.

To learn more, explore our industry health and safety data, which includes the work-related deaths and serious injury dashboards.

You can also read our *2018 Annual Report* and *2019 – 2021 Service Plan* to see our performance results and financial highlights for the year.

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Publication Date: Aug 19, 2019

File type: PDF (5 MB)

Asset type: Report

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Figure 3 – WCB Table 2-5: Claims First Paid by Subsector and Type of Claim 2018:⁶

Table 2-5: Claims¹ first paid by subsector and type of claim,^{2,3} 2018

Sector/ sub- sector ⁴	Description ⁵	Health care-only claims	Short-term disability claims	Long-term disability claims	Work-related death claims ⁶	Overall total
Sector 70 — Primary Resources						
7010	Agriculture	574	529	90	0	1,193
7020	Fishing	235	133	37	2	407
7030	Forestry	1,022	631	195	5	1,853
7040	Oil and Gas or Mineral Resources	704	212	65	6	987
	Total	2,535	1,505	387	13	4,440

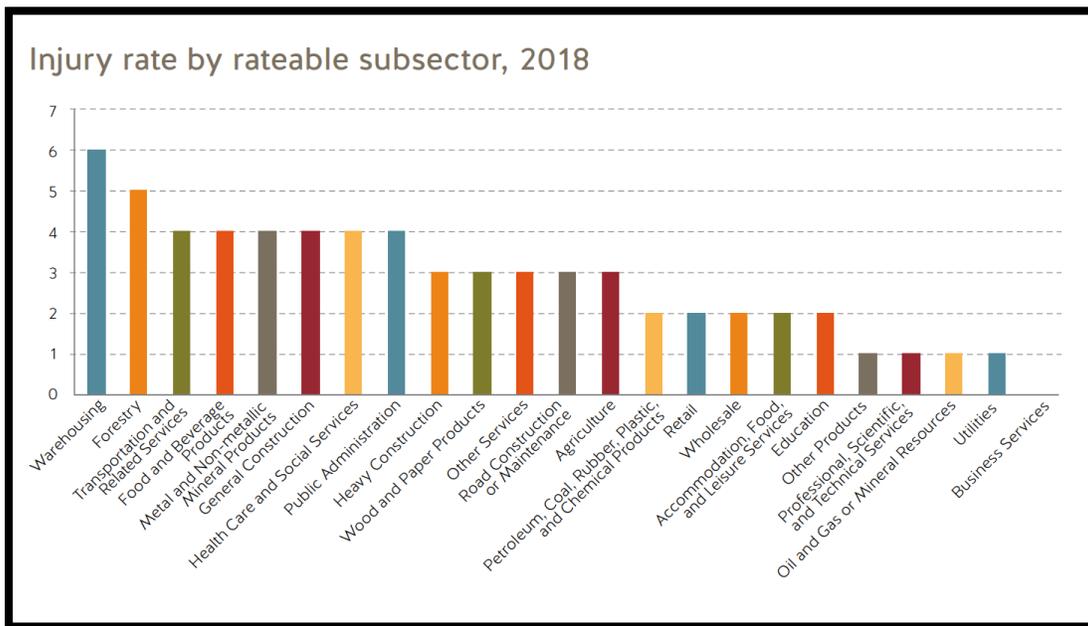
⁵ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

⁶ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

Figure 4 – WCB Table - Injury and Fatality Claims for Forestry 2017 and 2018:⁷

Sector/ sub- sector ¹	Description ²	Health care-only claims		Short-term disability/ long-term disability/ work-related death claims		Total	
		2017	2018	2017	2018	2017	2018
Sector 70 – Primary Resources							
7010	Agriculture	500	574	553	619	1,053	1,193
7020	Fishing	243	235	138	172	381	407
7030	Forestry	950	1,022	792	831	1,742	1,853
7040	Oil and Gas or Mineral Resources	633	704	288	283	921	987
	Total	2,326	2,535	1,771	1,905	4,097	4,440

Figure 5 – WCB Table – Injury Rate by Subsector – Forestry (2nd highest) – 2018:⁸



⁷ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

⁸ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

Figure 6 – WCB Table – Injury Duration by Subsector – Forestry (3rd highest) – 2018:⁹

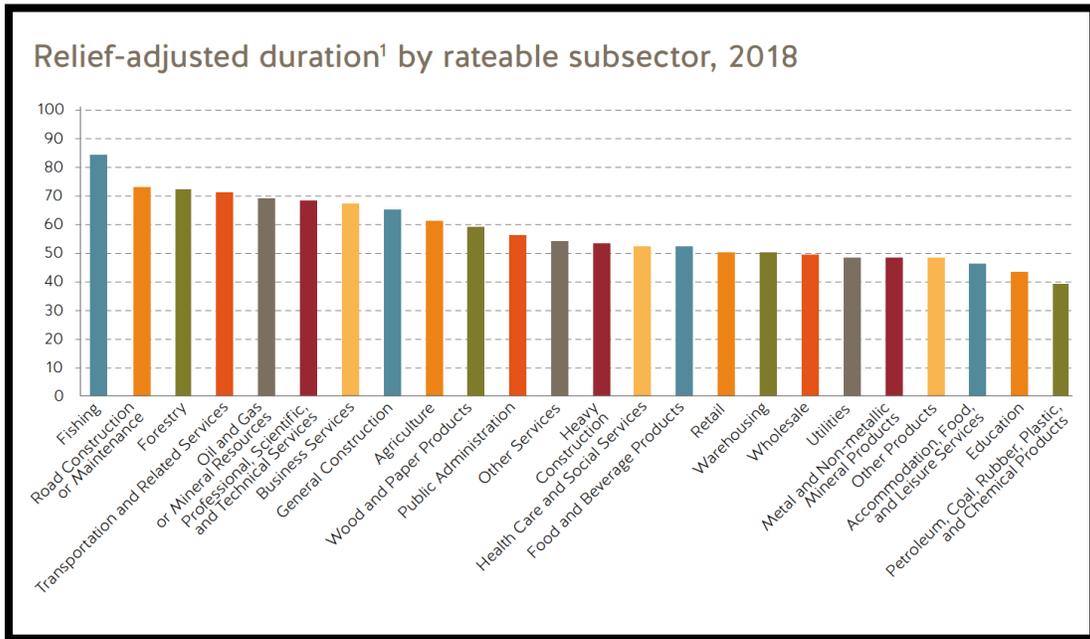


Figure 7 – WCB Table 4-1 – Types of Injuries / Incident Type in Forestry – 2018:¹⁰

62 | Claim Count and General Claim Analysis

Table 4-1: Claims first paid, by subsector and incident type, with number of days lost, 2018

Short-term disability, long-term disability, and work-related death claims first paid in 2018

Number of claims by incident type¹

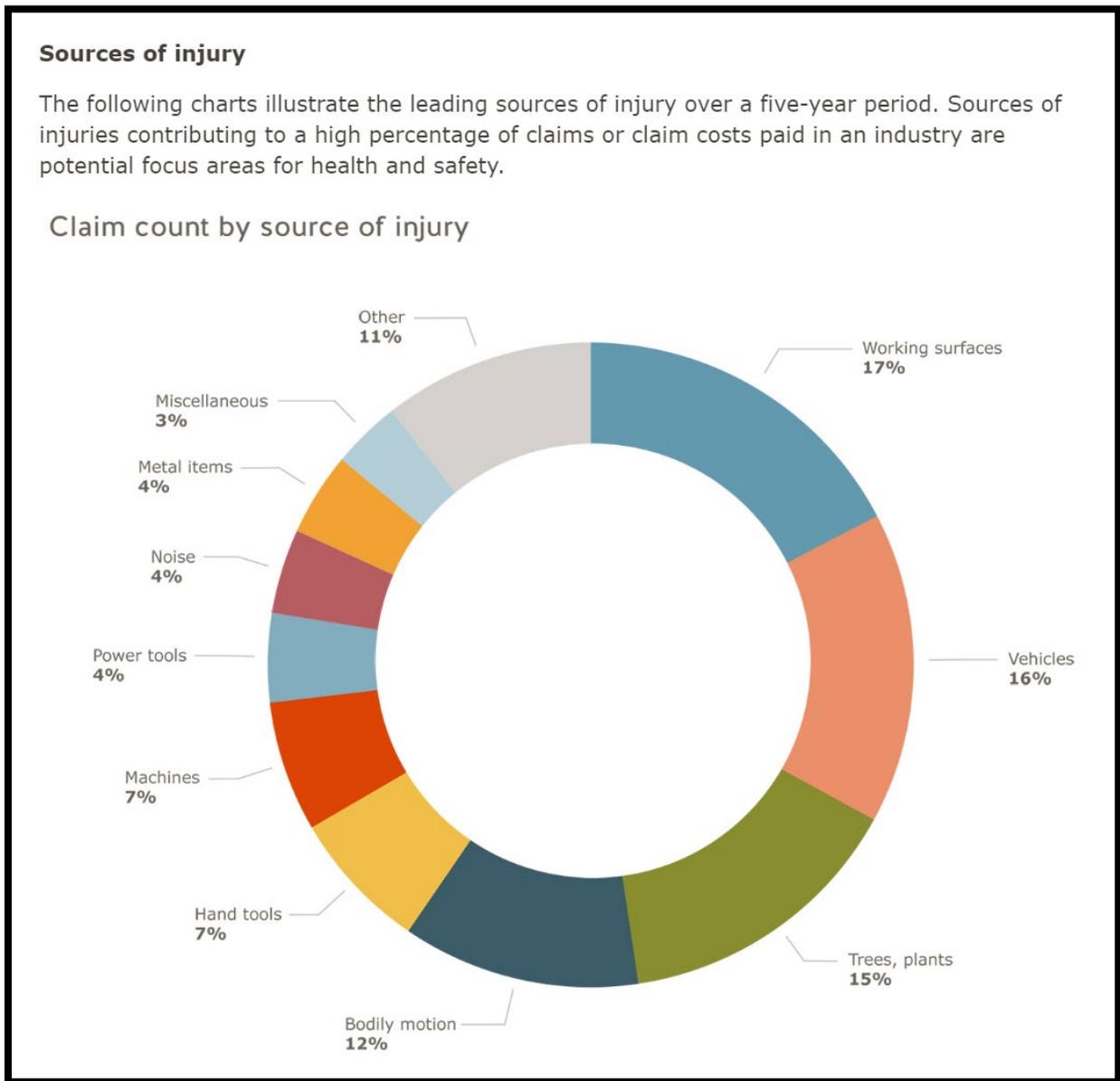
Sector/ sub-sector²	Description³	Days lost⁴ on claims for all years	No. of claims	Number of claims by incident type¹									
				Struck against	Struck by	Fall from eleva- tion	Fall on same level	Caught in	Rubbed or abraded	Over- exertion, bodily motion⁵	Harmful sub- stances	Trans- por- tation	Miscel- laneous
Sector 70 — Primary Resources													
7010	Agriculture	31,786	619	35	85	70	95	40	5	180	20	30	60
7020	Fishing	13,597	172	5	30	5	10	15	5	50	15	40	0
7030	Forestry	55,345	831	30	115	115	115	25	15	240	50	110	15
7040	Oil and Gas or Mineral Resources	14,076	283	5	45	30	25	15	5	80	25	35	15
Total		114,804	1,905	75	275	220	245	95	30	550	110	215	90

Claim Analysis

⁹ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

¹⁰ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

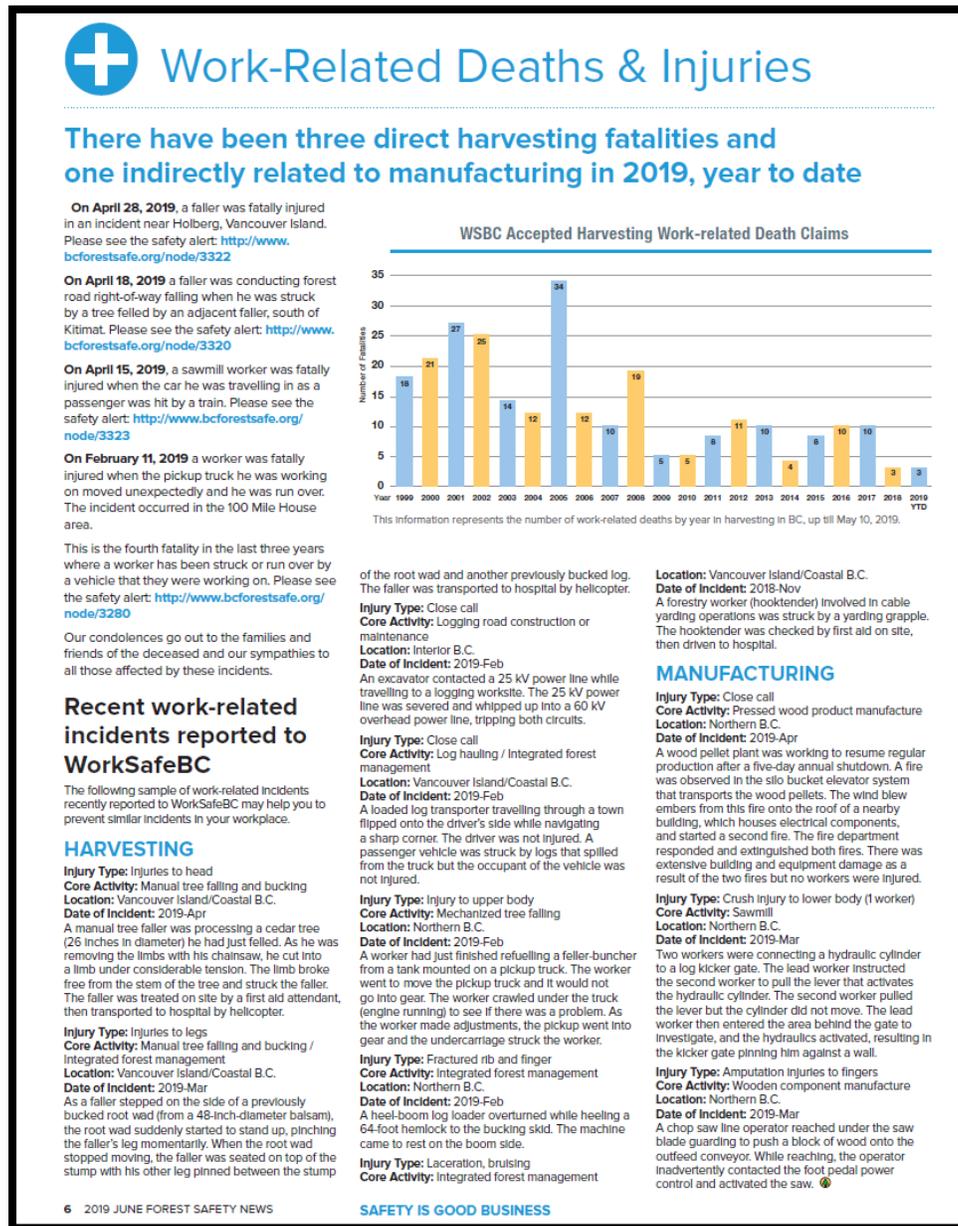
Figure 8 – WCB Table – Sources of Injury – Forestry – 5 Year Period:¹¹



¹¹ WorkSafeBC. See <https://www.worksafebc.com/en/resources/about-us/annual-report-statistics/2018-stats?lang=en>

The Forest Safety News June 2019 report¹² on injury and fatality rates in BC for 2019 show a long-term reduction in work-related fatalities, however, any injury and any fatality is one to many.

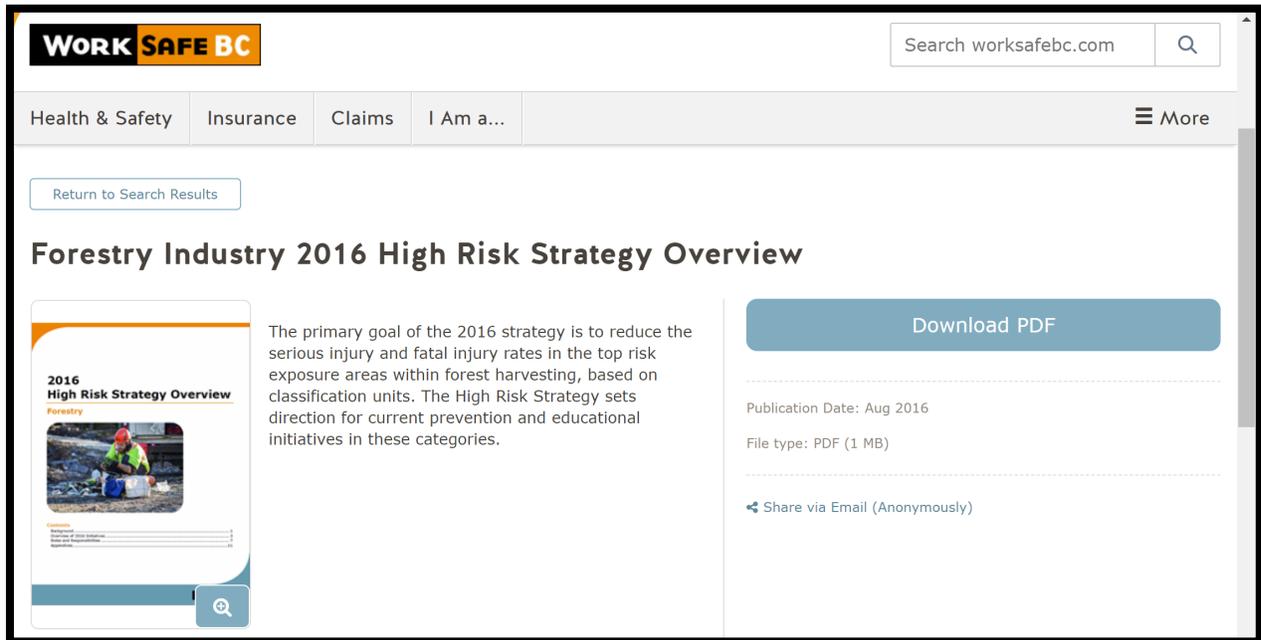
Figure 9 – Work-Related Deaths & Injuries:



¹² See http://www.bcforestsafef.org/files/fsn_2019June_WorkRelatedDeathandInjuriesPg6.pdf

The WCB has acknowledged this in the past, as per the Forest Industry 2016 High Risk Strategy Overview.¹³

Figure 10 – WorkSafeBC Forestry Industry 2016 High Risk Strategy Overview:



The WCB has referred to the “persistently high injury rates” experienced by certain employers and “an apparent lack of commitment to compliance with the OHS Regulation” as per page two of the 2016 WCB Report:

The FHRs recognizes that persistently high injury rates experienced by certain employers and an apparent lack of commitment to compliance with the OHS Regulation (OHSR) point to a need for the employer to be motivated to achieve a sustainable level of compliance with the OHSR. As well, it is recognized that whenever there is a lack of sustained compliance, or High Risk Violations of the OHS Regulation occur, there may be a breakdown or lack of understanding, on the part of the Owner or Prime Contractor for the site, of their Roles and Responsibilities in ensuring that the OHSR is not only coordinated, but that there is a system in place for ensuring compliance with the OHSR.

¹³ WorkSafeBC. See <https://www.worksafebc.com/en/resources/health-safety/information-sheets/forestry-2016-high-risk-strategy-overview?lang=en&origin=s&returnurl=https%3A%2F%2Fwww.worksafebc.com%2Fen%2Fsearch%23q%3D7030%26sort%3Drelevancy%26f%3Alanguage-facet%3D%5BEnglish%5D>

These same concerns should be shared across all occupations in this sector, including arboriculture. This includes the types of injuries and causation. As per page 11 of the 2016 WorkSafeBC Report:¹⁴

Figure 11 – Breakdown of the most common types of injuries in forestry:

Breakdown of the most common serious injuries in forestry							
Accident Type	%	Accident Type	%	Accident Type	%	Accident Type	%
Struck By:	38%	Tree, Plants:	27%	Fractures:	50%	Wrist, Fingers, Hand:	23%
Fall From Elevation:	18%	Working Surfaces:	20%	Lacerations:	15%	Ankle, Toe, Feet:	12%
Fall on Same Level:	12%	Vehicles:	12%	Contusions:	8%	Other Lower Extremity:	10%
MVIs:	10%	Machines:	10%	Concussions:	5%	Back:	8%
Caught In:	7%	Power Tools:	7%	Other Strains:	5%	Knees:	7%

The seriousness of the statistics are international in scope. These statistics also identify causes that need to be addressed in the OHS Regulations, including much more thorough hazard and risk assessments as per previous CUPE submissions.

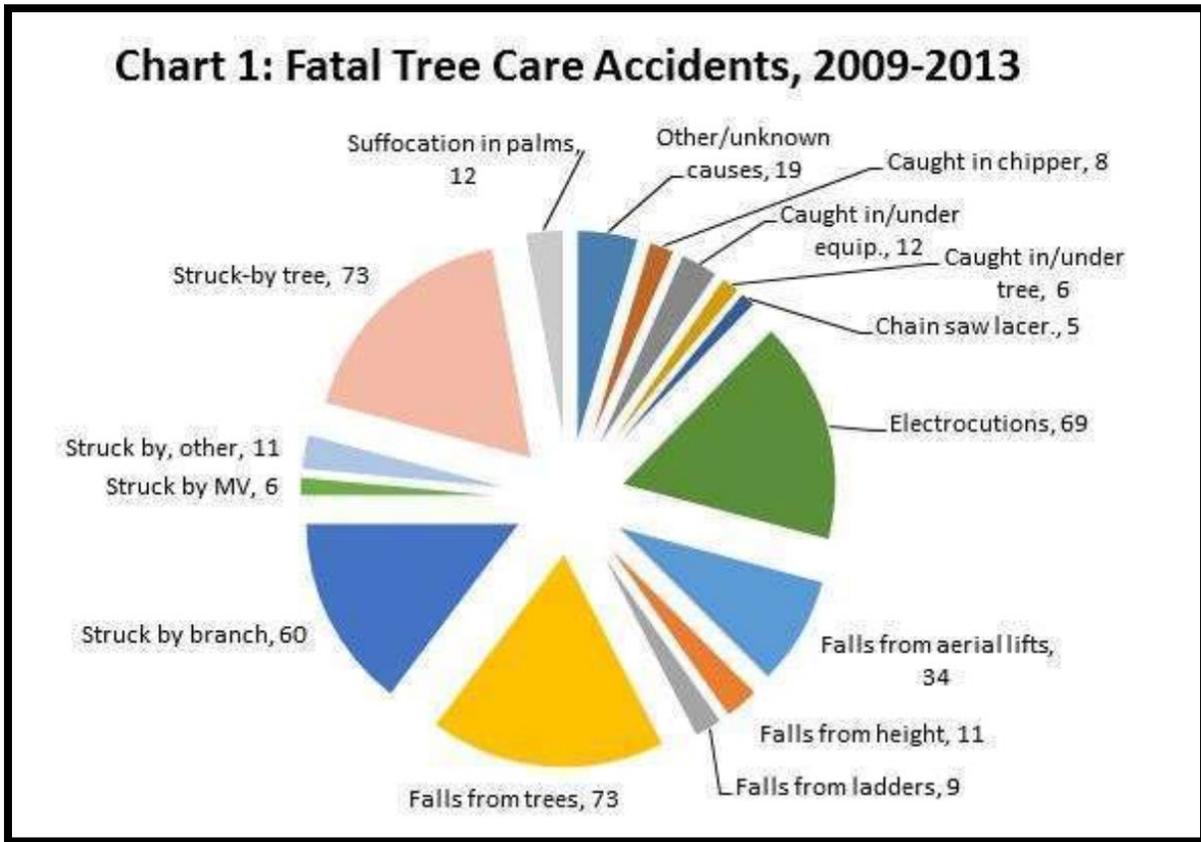
The following Tree Care Industry Association (“TCIA”) 2009 to 2013 Fatal Tree Care Accidents¹⁵ shows the cause of fatalities (US statistics):

See next page.

¹⁴ WorkSafeBC. See <https://www.worksafebc.com/en/resources/health-safety/information-sheets/forestry-2016-high-risk-strategy-overview?lang=en&origin=s&returnurl=https%3A%2F%2Fwww.worksafebc.com%2Fen%2Fsearch%23q%3D7030%26sort%3Drelevancy%26f%3Alanguage-facet%3D%5BEnglish%5D>

¹⁵ Tree Care Industry Association. See <https://www.totallandscapecare.com/newsletter/five-year-breakdown-of-fatal-tree-care-accidents/>

Figure 12 – TCIA – Chart 1: Fatal Tree Care Accidents, 2009 – 2013:



As per the Tree Care Industry Association (US)(“TCIA”):¹⁶

“Tree Care Related Incidents in 2016

TCIA learned of 153 tree care-related occupational incidents¹ in calendar year 2016. Ninety-two of them were fatal. This report provides what we know about these incidents from the media accounts.

Comparing 2016 with previous years, we reported 79, 81 and 87 occupational fatalities in 2013, 2014 and 2015 respectively.

¹⁶ Tree Care Industry Association (US). See http://www.tcia.org/TCIA/Blog_Items/2017/Tree_Care_Related_Incidents_in_2016

The youngest victim we recorded was 18, the oldest was 70. The median age of the victim (all incidents) was 39. This relatively high median age suggests that complacency rather than ignorance plays a significant role in these incidents.

Supporting this claim:

- The typical fall victim was unsecured
- The typical struck-by victim remained in the drop zone
- The typical electrocution victim violated MAD and made contact through a conductive tool/object.

For those accounts in which an employer was identified, 23 percent of all incidents occurred with TCIA member companies, and 77 percent occurred with non-members.

The “Big Three” types of accident causation are the same as they have been in recent years: Fall, struck-by and electrical contact incidents comprise 31, 25 and 22 percent of the total incidents, respectively.

The consistently high number of incidents in tree care over the past few years has attracted OSHA’s attention. At the time this report was published, at least 19 States in five OSHA regions were running “special emphasis” programs targeted at tree care and landscape firms.”

As per the TCIA, the following Table shows the prevalence, severity and cause of injuries and fatalities in tree care in the US in 2016:¹⁷

See next page.

¹⁷ See http://www.tcia.org/TCIA/Blog_Items/2017/Tree_Care_Related_Incidents_in_2016

Figure 13 – TCIA – 2016 Tree Care Incidents:

2016 Tree Care Incidents				
Primary cause of injury	Seriousness			Total
	fatal	serious	minor	
Fall	26	19	3	48
tree	13	8	1	22
aerial lift	9	7	2	18
ladder	3	2		5
height, unspecified	1	2		3
Struck by/against	26	10	2	38
tree	14	4	1	19
tree limb	9	4		13
fence		2		2
aerial lift	1			1
chain saw	1			1
debris			1	1
unknown	1			1

Electric shock/burn	23	9	2	34
through conductive equip.	2	1		3
through aluminum ladder	1	1		2
indirect contact - other	7	2		9
unknown	13	5	2	20
Caught in/under	9	3	6	18
palm fronds	2	1	6	9
brush chipper	3	1		4
log	1			1
stump grinder	1			1
towed equip.	1			1
tree	1			1
tree section		1		1
Motor vehicle accident	6	4		10
struck by motorist	5	2		7
work vehicle (crane)		1		1
unknown	1	1		2

Motor vehicle accident	6	4		10
struck by motorist	5	2		7
work vehicle (crane)		1		1
unknown	1	1		2
Heat illness	1		1	2
Workplace violence		1	1	2
Asphyxiation, positional	1			1
Grand Total	92	46	15	153

In 2017 while the tree care related incidents in the US dropped to 129, there were still 72 fatalities (as compared to 92 fatalities in 2016).¹⁸

“The Tree Care Industry Association (TCIA) learned of 129 tree care-related occupational incidents in 2017. According to research, 72 of the incidents were fatal. In addition, 45 reported were serious injuries and 11 were minor injuries.

Comparing 2017 with previous years, TCIA reported 81, 92 and 92 occupational fatalities in 2014, 2015 and 2016 respectively. The youngest victim recorded was 20, the oldest was 71. The average age of the victim (in all incidents) was 43. This relatively high average age suggests that complacency rather than ignorance plays a role in these incidents. Supporting claim:

- The typical fall victim was unsecured.
- The typical struck-by victim remained in the drop zone.
- The typical electrocution victim violated “MAD” (minimum approach distance) and made contact through a conductive tool/object.

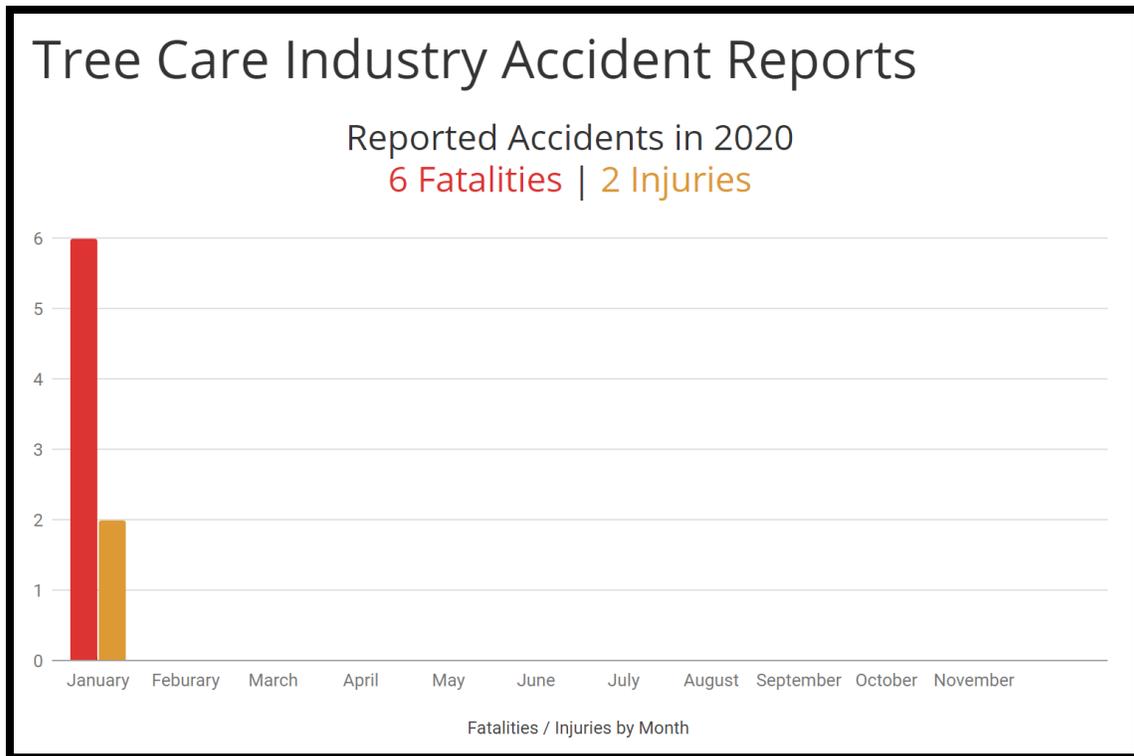
¹⁸ Smalley, M. “TCIA reports tree care-related incidents in 2017” February 19, 2018. Retrieved January 17, 2020 from <https://www.lawnandlandscape.com/article/ll-021918-tcia-tree-care-incidents-2017/>

For those accounts in which an employer was identified, 22 percent of all incidents occurred with TCIA member companies and 78 percent occurred with non-members.

The “Big Three” types of accident causation are the same as they have been in recent years: fall, struck by and electrical contact incidents comprise 33, 33 and 17 percent of the total incidents respectively...”

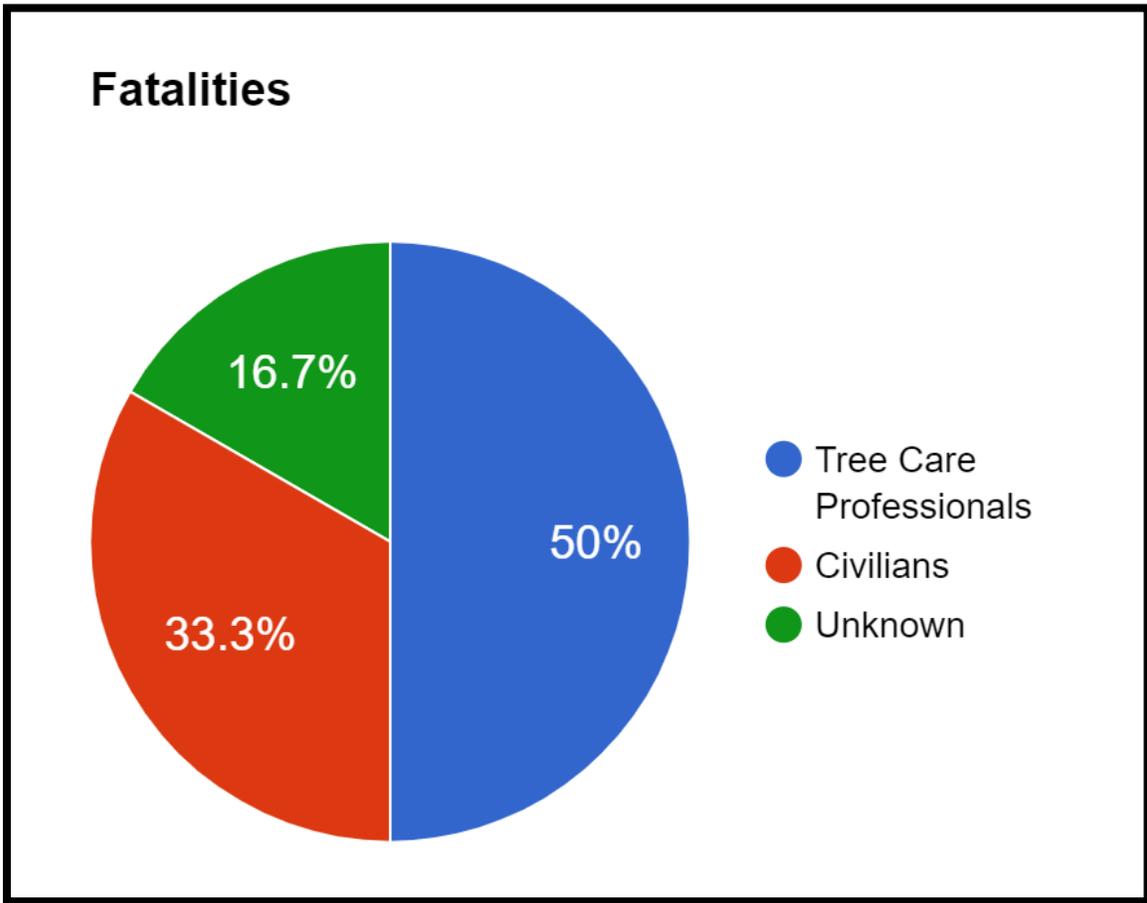
As per the International (all country) interim January 2020 statistics:¹⁹

Figure 14 – Dripline – Tree Care Industry Accident Reports:



¹⁹ See <http://dripline.net/accident-reports/>

Figure 15 – Dripline – Fatalities:



These statistics show that Arborists experience high injury and fatality rates from a variety of causes related to arboriculture. The OHS Regulations for all aspects of Forestry need to be improved. Will this occur with the current Consultation? The WCB stated on page six of the Consultation that:

“The purpose of the proposed amendments is to address the regulatory gaps in Part 26 of the *OHSR* by introducing new regulations for arborists and arboricultural work. The proposed amendments will incorporate best practices from various standards, jurisdictions, arboricultural associations, and training programs.”

The specific associations and training programs were not listed.

II. CONSULTATION OPTIONS AND RECOMMENDATIONS:

There were no Options associated with this Consultation Discussion Paper.

III. REASONS FOR STAKEHOLDER POSITION:

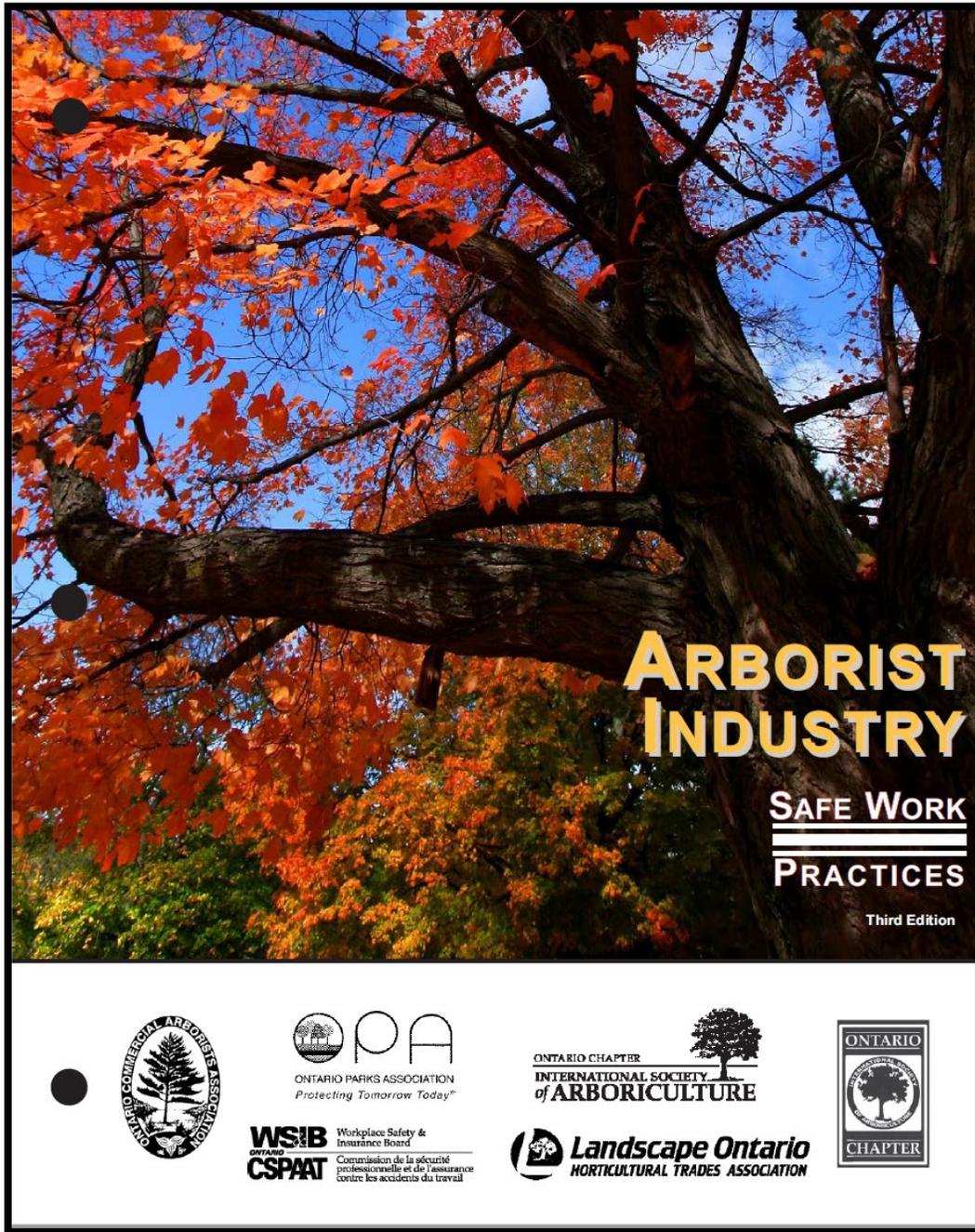
The specific issues and concerns are as follows:

III.I. RELATED GUIDELINES:

Will related Guidelines and materials be created (and regularly updated), and if so, will there be Consultations on these? CUPE would like to see the language of the Ontario WSIB materials reviewed and incorporated (note: this document is from 2011 and there are a number of changes and updates that need to be made). The Ontario Arborist Industry Safe Practices Manual was created by a number of stakeholders. These included:

- Workplace Safety and Insurance Board (WSIB) Ontario
- Arborist Safe Work Practices Committee
- Ontario Parks Association
- Ontario Commercial Arborists Association
- Landscape Ontario Horticultural Trades Association
- Ontario Chapter of the International Society of Arboriculture
- Toronto Parks & Recreation
- City of Burlington
- Hydro One
- Numerous private sector organizations and companies

Figure 16 – Arborist Industry Safe Work Practices:²⁰



²⁰ Workplace Safety & Prevention Services. See <https://www.wspss.ca/Shop/Information-Products/Products/Arborist-Industry-Safe-Work-Practices-3rd-edition.aspx>

While this document is nearly 10 years old, it contains useful information that should be reviewed and incorporated as part of the new OHS Regulations and Guidelines. For example:

Page 5

"1.0 Purpose

The Arborist Industry Safe Work Practices (ASWP) committee is a volunteer committee for the arborist trade in Ontario whose purpose is to assist government agencies, WSIB, and Safe Workplace Associations to improve the health and safety of the arboricultural industry.

This purpose is satisfied by:

- The management and control of the content of the Arborist Industry Safe Work Practices document
- Providing a location for government agencies, WSIB, and Safe Workplace Associations to access knowledge, skills and experience on health and safety related arboricultural matters
- Providing a location for government agencies, WSIB, and Safe Workplace Associations to communicate with the arboricultural industry on health and safety related issues"

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That the scope of practice include:

- Planting
- Pruning
- Repairing and maintaining and removing woody plants
- Cutting brush and for using equipment in such operations outside of the Construction or Industrial Legislated Limits of Approach to energized electrical apparatus. For work within the Construction or Industrial legislated Limits of Approach the user should contact the Electrical and Utility Safety Association

Figure 17 – 5 Steps Model:



Figure 18 – 5 Step Model:



1. SET STANDARDS
Setting standards means that management identifies their expectations and policies regarding health and safety. A management decision to use ASWP, which have been created and supported by the industry, is an example of setting standards for the company. Another example is setting company standards around doing accident investigation or ensuring Health & Safety Representative training.

2. COMMUNICATE
Communicating standards and expectations means that the employer ensures all people in the workplace understand the company rules, what is expected of them and what they can expect from others. This can happen through formal training programs, notices, meetings etc. Communications also happens if management is lax when standards are not met. This communicates that standards are not important.

3. TRAIN
Training means that the manager, supervisor, and workers all receive health and safety training relevant to company standards. This can include training on use of equipment, including company standards for that equipment or other information appropriate for their role and responsibility, such as the Joint Health and Safety Committee. Job and workplace orientation is an example of training that everyone should receive when they are first hired, change locations or after a long absence from the workplace. Training in ASWP should be ongoing.

4. EVALUATE
Evaluation means that management reviews compliance to its own expectations. Actual health and safety activity and use of Arborist Safe Work Practices is compared against company expectations, to ensure they are being met. Evaluation techniques include supervision, interview and observation. The standard itself should be assessed to ensure that it still meets legal minimums and is valid and appropriate for the workplace.

5. ACKNOWLEDGE SUCCESS AND MAKE IMPROVEMENTS
Acknowledge and congratulate those who follow or contribute to maintaining company standards. Due diligence includes correcting and improving any weak areas in the health and safety program.

Will WorkSafeBC (this term is used here rather than the WCB to avoid confusion with the WSIB) update any related legislation, OHS Regulations and Guidelines as was done in Ontario?

There is a lengthy list of OHS Regulations that were reviewed and referred to in relation to Regulations pertaining to Arborists as per Figure 19 below.

Figure 19 – Related Legislation and Regulations:

Note: Not all sections of the OHSA and Regulations have been indicated here or in other *Arborist Safe Work Practices*. It is the responsibility of individuals to know and understand applicable legislation and apply them as required. The most current edition of the OHSA is accessible through e-laws.

- OHSA 25 (1) (a) Duties of Employer: ensure that the equipment, materials and protective devices **as prescribed** are provided.
- OHSA 25 (1) (b) Duties of Employer: ensure that the equipment, materials and protective devices provided by the employer are maintained in good condition.
- OHSA 25 (1) (d) Duties of Employer: ensure that the equipment, materials and protective devices provided by the employer are used **as prescribed**.
- OHSA 25 (2) (a) Duties of Employer: provide information, instruction and supervision to a worker to protect the health or safety of the worker.
- OHSA 25 (2) (h) Reasonable Precautions: take every precaution reasonable in the circumstances for the protection of a worker.
- OHSA 26 (1) (k) Additional Duties of Employers: where so prescribed provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker.
- OHSA 27 (1) (a) Duties of Supervisor: *shall* ensure that a worker works in a manner and with the protective devices, measures and procedures required by this Act and the regulations
- OHSA 27 (1) (b) Duties of Supervisor: *shall* ensure that a worker uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.
- OHSA 27 (2) (b) Duties of a Supervisor: *shall* where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of the worker.
- OHSA 27 (2) (c) Duties of Supervisor protection of worker.
- OHSA 28 (1) (a) Duties of Worker: *shall* work in compliance with the provisions of this Act and the regulations.
- OHSA 28 (1) (b) Duties of Worker: *shall* use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

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Has WorkSafeBC included all the potentially applicable hazards in Section 26 of the proposed OHS Regulations? These include:

- Biotic conditions
- Chemical
- Climactic Conditions

- Electrical
- Ergonomics
- Gravity
- Mechanical
- Pedestrian
- Vehicular

(See page 107 of the Ontario Arborist Industry Safe Practices Manual as well).

As per the page 26, hazard assessments must occur prior to commencing work. The proposed WorkSafeBC OHS Regulations need to more clearly reflect that. The Ontario Arborist Industry Safe Practices Manual states this requirement succinctly:

“MANDATORY INFORMATION

- All *hazards* at the *work site* must be identified, mitigated and communicated to all workers prior to starting work.
- The *work site* must be continually monitored for changes to *hazards* and appropriate barriers put in place.
- A first aid kit must be available and workers instructed on its use.”

The Tables on pages 22, 24 and 26 illustrate this.

Figures 20, 21 and 22 – Work Practices (one of three illustrations on safe work practices). See pages 24 and 26 as well.

See next page.

Figure 20 – Work Practices:

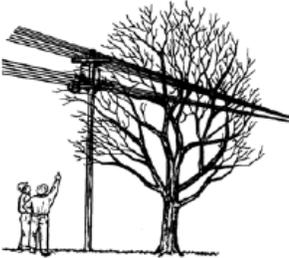
WORK PRACTICES	
STEP	ACTION
Identify work to be completed	Review Work Orders
Identify Climatic Condition <i>hazards</i>	Place appropriate barriers in place to the climatic extremes such as cold, wind, lightning.
Identify <i>hazards</i>	Eliminate or mitigate <i>hazards</i> such as: <ul style="list-style-type: none"> ● Public and vehicular traffic ● Terrain conditions ● Trip objects ● Pinch points ● Sharp edges ● Slippery surfaces
Identify electrical hazards 	Identify conductors. Identify voltage levels. Identify controlling authority. Maintain limits of approach.
Identify hazardous material	Identify material such as: <ul style="list-style-type: none"> ● Acids ● Alkaline ● Corrosive solvents ● Flammable and explosive substances Ensure appropriate labels and containers are used. Clean up spilled material as prescribed in the appropriate literature.
Communicate hazardous situations	Identify to all employees and the public, hazardous equipment and work locations by placing appropriate barriers to control/eliminate hazards.
Monitor work site for changes to hazards	Continually monitor the site for new hazards. Ensure when new hazards are identified, barriers are put into place immediately and all staff are notified of the changes.

Figure 21 – Work Practices:

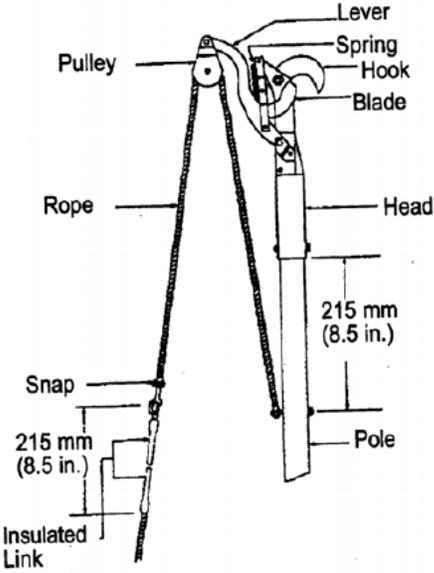
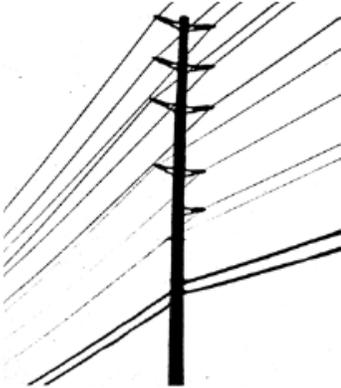
STEP	ACTION
<p>Select, inspect, adjust, maintain and wear Personal Protective Equipment (PPE) appropriate to the circumstance daily / before use</p>	<p>Inspect the following PPE components:</p> <ul style="list-style-type: none"> ● Head protection ● Eye protection ● Hearing protection ● Hand protection ● High visibility clothing ● Chain saw leg protection ● Foot protection ● UV Protection
<p>Inspect tools and equipment required for the work</p>  <p>The diagram shows a climbing tool with a pulley at the top. A rope is attached to the pulley and runs down to a snap. The tool has a lever, spring, hook, and blade mechanism. The head of the tool is 215 mm (8.5 in.) long, and the insulated link at the bottom is also 215 mm (8.5 in.) long. The tool is attached to a pole.</p>	<p>Inspect tools for:</p> <ul style="list-style-type: none"> ● Proper operation ● Sharpness ● Cracks, damage ● Loose connections and leaks ● Appropriate certification required i.e. dialectical testing
<p>Handle and carry equipment safely</p>	<p>Utilize guards and barriers as required.</p>
<p>Complete Job Planning</p>	<p>Complete and document Job Planning as per the <i>Arborist</i> Job Planning Safe Work Practice.</p>

Figure 22 – Work Practices:

WORK PRACTICES	
STEP	ACTION
<p>Identify <i>hazards</i> at job site</p> 	<p>Identify <i>hazards</i> such as:</p> <ul style="list-style-type: none"> ● Utilities overhead and underground ● Mechanical ● Structural defects of tree ● Public pedestrians flow ● Vehicular traffic ● Terrain specifics ● Weather conditions ● Hazardous <i>Biotic Conditions</i> ● <i>Bio-hazards</i> <p>Identify barriers to <i>hazards</i>:</p> <ul style="list-style-type: none"> ● Protective equipment / devices ● Work practice(s) ● Specialized training for the situation
<p>Identify emergency procedures 9 – 1 – 1 or appropriate number</p> 	<p>Identify procedures to follow in case of emergency such as:</p> <ul style="list-style-type: none"> ● Emergency phone numbers ● Closest hospital ● Location of <i>work site</i> ● First Aid kit location ● Fire Extinguisher location ● Rescue equipment location
<p>Complete <i>Tailboard Discussion</i></p>	<p>Ensure all crew members are present and participate.</p> <p>Ensure all assigned tasks are communicated to crew members and understanding is reached.</p> <p>Crew members introduced after the original Tailboard is completed must be included on the Tailboard and be introduced to the <i>hazards</i> and barriers in place.</p>
<p>Monitor the <i>work site</i> for changes to original job planning</p>	<p>Assess <i>work site</i> for changes to <i>hazards</i> throughout duration of the work. Changes to <i>hazards</i> require the crew to stop and re-evaluate conditions and barriers.</p>

As per Figure 23, WorkSafeBC needs to expand the proposed OHS Regulations to include numerous other areas related to arboriculture.

Figure 23 – Work Practices:

- Climbing Trees**
- Work at Heights**
- Tree Felling**
- Arborist Hand & Power Tools**
- Fertilizing & Aerating Soils for Woody Plants**
- Installation of Hardware in Woody Plants**
- Arborist Transplanting Woody Plants**
- Aerial Device Operation**
- Chainsaw Operation**
- Brush Chipper Operation**
- Stumper Operation**
- Clearing Saw Use**
- Mobile Cranes to Remove Trees**

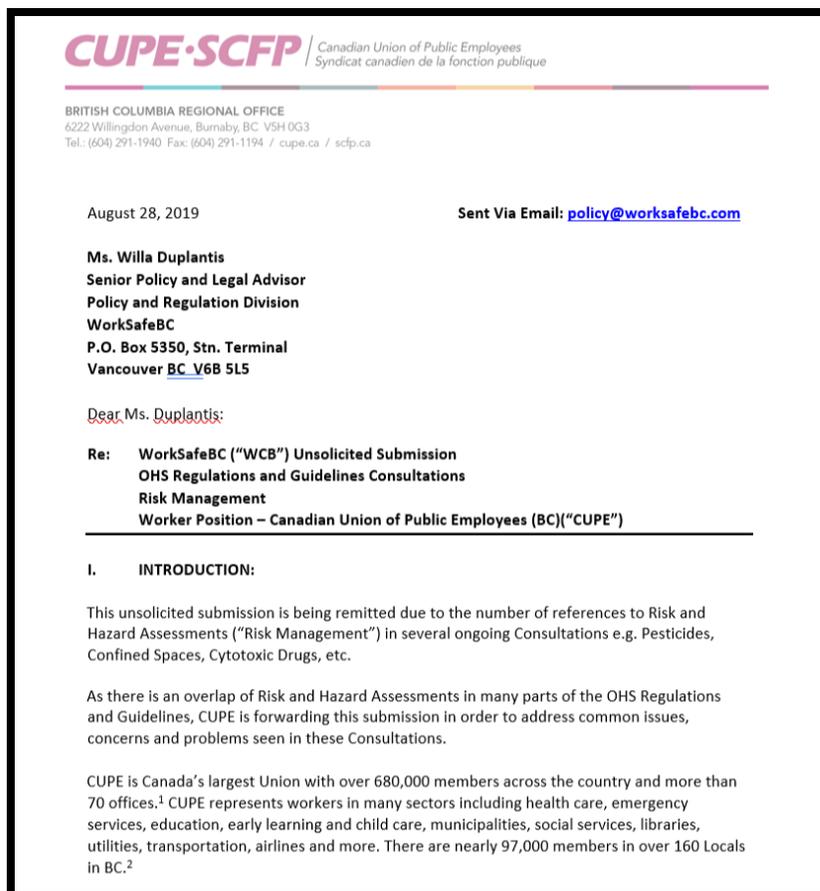
The work practices from pages 29 to 100 of the Ontario Arborist Industry Safe Practices Manual need to be updated and incorporated into the proposed OHS Regulations and / or related Guidelines. This includes the Emergency Response and Emergency Plan provisions as well. The procedures proposed by WorkSafeBC in Section 26.12.0.4 are limited to tree climbing. There is much more that needs to be incorporated, as per Figure 23 above, and pages 29 to 100 of the Ontario Arborist Industry Safe Practices Manual (which may have been updated and requires amendments).

Finally, the Terms and Definitions in Section 26.1 Definitions the proposed OHS Regulations need to be amended and expanded. The list of definitions proposed by WorkSafeBC needs to be expanded to include updated terms and definitions from the Glossary of Terms at pages 101 to 105 of the Ontario Arborist Industry Safe Practices Manual.

III.II. HAZARD AND RISK ASSESSMENTS:

As per Section III.I. above, there needs to be a rigorous comprehensive hazard and risk management plan in place. Has the WCB addressed the hazard and risk assessment and management issues identified in previous CUPE submissions, which directly overlap with the current Consultation? CUPE submitted an unsolicited August 28, 2019 submission on hazards and risk in the workplace. This applies to the comments made on pages 17 and 18 of the Consultation Discussion Paper under *“Proposed section 18.3.1 Risk Assessment”*.

Figure 24 – CUPE Submission – Risk Management – August 28, 2019:



III.III. STAKEHOLDER FEEDBACK – PRE-CONSULTATION:

Has the WCB contacted the following industry associations? As an example (not an exhaustive list). CUPE has contacted organizations such as Municipal Locals within the Canadian Union of Public Employees, the BC Federation of Labour and some of the associations listed below:

- The BC Municipal Safety Association at <https://www.bcmsa.ca/>
- The International Society of Arboriculture at <https://www.isa-arbor.com/>
- Ontario Workplace Safety & Insurance Board <https://www.wsib.ca/en>
- Ontario Workplace Safety & Prevention Services
<https://www.wspss.ca/Shop/Information-Products/Products/Arborist-Industry-Safe-Work-Practices-3rd-edition.aspx>
- The Ontario Chapter of the International Society of Arboriculture at <https://isaontario.com/>
- Tree Care Industry Association at <https://tcia.org/TCIA/Default.aspx?hkey=18f94022-9bd6-4327-bec9-0a790dae328c&WebsiteKey=b9a41e1f-978d-4585-9172-c411c78c5c14>
- Related educational institutions e.g. British Columbia Institute of Technology (“BCIT”) at <https://www.bcit.ca/study/programs/7470dipma>

IV. CONCLUSION:

CUPE appreciates the work, time and outreach to stakeholders. Given that lives are at stake in this high risk sector it is important to ensure that new OHS Regulations have a thorough and rigorous review. As per page six of the Consultation Discussion Paper:

“The purpose of the proposed amendments is to address the regulatory gaps in Part 26 of the OHSR by introducing new regulations for arborists and arboricultural work. The proposed amendments will incorporate best practices from various standards, jurisdictions, arboricultural associations, and training programs.”

(Emphasis added)

If the WCB wants to have best practices incorporated into the OHS Regulations, a much more expansive look at other materials, such as the Ontario Arborist Industry Safe Practices Manual.

As stated at page six the Consultation Discussion Paper:

“Arboricultural work can be dangerous with the potential for serious injury or death.”

The extensive statistics in this submission show that this sector has high risk for injury and death. Updated, current best practices are not just an option, they are a requirement.

CUPE reserves the right to respond to any additions or changes to the current Consultation and any changes to related Compensation Policy, Practice Directives, OHS Regulations, OHS Policies, OHS Guidelines, OHS Standards, Forms, etc.

Respectfully submitted,



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