

# Meeting WorkSafeBC Requirements: Occupational Road Safety

When used for work purposes, a vehicle is a workplace. The Workers Compensation Act (WCA) and the Occupational Health and Safety Regulation (OHSR) set out obligations that apply to work-related driving. Items below list applicable sections, state pertinent portions of each one, and provide examples of work practices and processes that employers, supervisors, and workers are responsible for following.

## Employer Responsibilities - Drivers

The OHSR identifies employer responsibilities to ensure that only qualified, competent workers operate vehicles for work, and to make sure they operate vehicles in accordance with applicable laws.

### Competency of operators

*OHSR 16.4*

#### Regulation:

- (1) A person must not operate mobile equipment unless the person has:
- a. Received adequate instruction in the safe use of the equipment, in accordance with Barkerville's workplace driver and passenger orientation & training materials and safe work procedures.
  - b. Demonstrated to a qualified supervisor or instructor competency in operating the equipment.

#### Therefore:

Before allowing an worker to drive for work, they must:

- Hold valid and class-appropriate driver's licence for the vehicle(s) they are assigned to drive.
- Receive a briefing on safe use of the vehicle qualified supervisor or instructor.
- Complete an initial assessment to confirm the worker has the necessary driving skills to safely operate the vehicle.

It is management's responsibility to keep records of workers who have demonstrated competency and are authorized to drive for work.

## **Management responsibility**

*OHSR 16.5*

### **Regulation:**

The operator of mobile equipment must operate the equipment safely, maintain full control of the equipment, and comply with the laws governing the operation of the equipment.

### **Therefore:**

- Management must maintain policy asserting that workers must comply with the laws that govern vehicle operation, as well as the company's policies and safe work procedures.
- Management must support this with signed employer-worker agreements that identify specific driving responsibilities and a statement indicating the worker's agreement to meet them.

## **Reporting unsafe conditions**

*OHSR 3.10*

### **Regulation:**

Whenever a person observes what appears to be an unsafe or harmful condition or act, the person must report it as soon as possible to a supervisor or to the employer. The report's recipient must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay.

### **Therefore:**

- Workers shall be informed (e.g., in a written policy or verbally) that when they observe what they feel is an unsafe or harmful condition or act (e.g., vehicle defect, dangerous road conditions, unsafe driving schedule) they must report it to their supervisor or manager.
- Management must maintain a process to ensure investigations follow each reported hazardous incident, condition, or act; necessary corrective actions must be taken without delay. Management must follow-up to communicate appropriate information back to workers.

## Procedure for refusal

*OHSR 3.12*

### Regulation:

A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.

### Therefore:

- Management must instruct drivers and passengers on their right to refuse unsafe work and give examples of what might create undue hazards (e.g., vehicle not safe to drive, poor road conditions, fatigue).
- Supervisors must know that they cannot operate or direct anyone to operate a vehicle if they have reasonable cause to believe doing so would create an undue hazard.

## Young or new workers

*OHSR 3.23 to 3.25*

### Regulation:

**3.23** An employer must ensure that before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker's workplace.

**3.24** An employer must provide a young or new worker with additional orientation and training if

(a) workplace observation reveals that the young or new worker is not able to perform work tasks or work processes safely, or

(b) requested by the young or new worker.

**3.25** An employer must keep records of all orientation and training provided under sections 3.23 and 3.24.

**Therefore:**

- If a new or young worker is required to drive for work, train (or otherwise verify the worker has received necessary training) and orient them on the driving duties they will be assigned.
- Management must ensure training adequately covers topics identified in OHSR Section 3.23, such as:
  - Driving hazards to which the worker may be exposed
  - Working alone
  - Emergency procedures
  - Workplace rights and responsibilities
- Management must keep records of information and training conveyed during orientation. Records must be dated and signed by the worker and their manager.

## **Physical or mental impairment**

OHSR 4.19

**Regulation:**

(1) A worker with a physical or mental impairment which may affect the worker's ability to safely perform assigned work must inform his or her supervisor or employer of the impairment, and must not knowingly do work where the impairment may create an undue risk to the worker or anyone else.

(2) A worker must not be assigned to activities where a reported or observed impairment may create an undue risk to the worker or anyone else.

**Therefore:**

- Management must ensure workers do not operate a vehicle if either party suspects or knows that the worker cannot safely operate it due to physical or mental impairment. Workers must report known or suspected impairment to their supervisor or manager before reporting to work.
- Management must ensure supervisors and drivers are educated on the causes, signs, and symptoms of impairment (and the steps they can take to avoid it).

### **Transportation of workers**

*OHSR Part 17 (especially sections 17.01 through 17.9)*

**Regulation:**

Part 17 applies to all persons, including the operator, engaged in transporting workers by any type of conveyance operated on behalf of the employer.

Employers must ensure that vehicles used to transport workers are designed, maintained and operated in a safe manner. Part 17.2 states employers must ensure that:

- (a) reasonable measures are taken to evaluate road, weather and traffic conditions to ensure safe transit,
- (b) an inspection of the worker transportation vehicle has been conducted by a qualified person before first use on a work shift, and
- (c) any defect which might affect the safety of workers is corrected before the vehicle is used.

**Therefore:**

Management must institute procedures to ensure that vehicles used for worker transportation are:

- Designed and suitable for the purposes they are used.
- Operated in a safe manner (e.g., conduct ride-alongs).

And management must uphold procedures to ensure that before transporting workers:

- An appropriate authority person evaluates road, weather and traffic conditions, determines if driving conditions are sufficiently safe to proceed, and communicates the decision and related information to the vehicle operator.
- Any defect that might affect the safety of workers is corrected before the vehicle is used.