

## PART 3: RIGHTS AND RESPONSIBILITIES

### YOUNG OR NEW WORKERS

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| <b>Definitions</b>                                  | <b>3.22</b> | <b>In sections 3.23 to 3.25:</b>  |
| <b>“new worker”</b>                                 |             | means any worker who is   |
|   |             | (a) new to the workplace,   |
|   |             | (b) returning to a workplace where the hazards in that workplace have changed during the worker’s absence,  |
|   |             | (c) affected by a change in the hazards of a workplace, or  |
|   |             | (d) relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker’s previous workplace;  |
| <b>“young worker”</b>                               |             | means any worker who is under 25 years of age.  |
| <b>Young or new worker orientation and training</b> | <b>3.23</b> | (1) 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.             |
|   |             | (2) The following topics must be included in the young or new worker’s orientation and training:  |
|   |             | (a) the name and contact information for the young or new worker’s supervisor;  |
|   |             | (b) the employer’s and young or new worker’s rights and responsibilities under the <i>Workers Compensation Act</i> and this Regulation including the reporting of unsafe conditions and the right to refuse to perform unsafe work; |
|   |             | (c) workplace health and safety rules;  |
|   |             | (d) hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;  |
|   |             | (e) working alone or in isolation;  |
|   |             | (f) violence in the workplace;  |
|   |             | (g) personal protective equipment;  |
|   |             | (h) location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;   |
|   |             | (i) emergency procedures;   |
|   |             | (j) instruction and demonstration of the young or new worker’s work task or work process;   |
|   |             | (k) the employer’s health and safety program, if required under section 3.1 of this Regulation;   |
|   |             | (l) WHMIS information requirements set out in Part 5, as applicable to the young or new worker’s workplace;   |
|   |             | (m) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.  |
| <b>Additional orientation and training</b>          | <b>3.24</b> | 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.   |

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

**Explanatory Note:**

BC's 310,000 young workers make up almost 15 percent of the provincial labour force and thousands are expected to be added by 2010. BC's labour force is increasing at the rate of 3.4 percent annually, but the young worker component is growing by 8.3 percent annually. More than half of work-related incidents occur during a young worker's first six months on the job with almost 20 percent occurring during the first month. Males under the age of 25 are much more likely to be injured on the job than any other worker.

In 2005, 11 young workers died on the job, 151 were seriously injured and more than another 9,000 were injured. While the injury rate for young workers is more than twice that of the overall population, there has been a significant reduction since 1996. While the injury rate has decreased significantly over the last 5 years, the number of serious injuries to young workers has been trending upward, from 114 in 2001 to 151 in 2005.

Regardless of their age, all workers have five to seven times the risk of sustaining a workplace injury during their first month on the job.

Proposed new section 3.22 is intended to define the term "new worker" as being inclusive of any worker who is new to a workplace, or where changes to workplace hazards in the worker's absence, or new hazards present in a workplace, or relocation to another workplace, could result in the worker being exposed to hazards for which they have not received orientation and training, or as being any worker who is under age 25.

Proposed new section 3.23 (1) is intended to require employers to provide all young and new workers with orientation and training about safe work procedures and how to recognize hazards on the job. Proposed new section 3.23(1) sets out orientation and training topics which are to be covered before a young or new worker begins work in the workplace:

**(a) *Name and contact information for the young or new worker's supervisor***

This section is required to ensure that a young or new worker knows the identity of the individual(s) responsible for providing direction to them in the performance of their duties, and how to contact them if they are not immediately available.

**(b) *The employer's and young or new worker's rights and responsibilities under the Workers Compensation Act and the Occupational Health and Safety Regulation***

This topic is intended to require the employer to inform a young or new worker about their rights under the *Workers Compensation Act* and the *Occupational Health and Safety Regulation* including the obligation to report hazards, and the right to refuse unsafe work.

**(c) *Workplace health and safety rules***

This topic is intended to require the employer to train a young or new worker in the workplace health and safety rules specific to any workplace where the young or new worker may be expected to perform a work task or procedure.

**(d) *Hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation***

This topic is intended to require the employer to train and orient a young or new worker in safe work procedures and potential hazards that could be encountered while the young or new worker is performing assigned work tasks or processes, including risks from robbery, assault or confrontation, where applicable.

**(e) Working alone or in isolation**

This topic is intended to require the employer to train and orient a young or new worker about policies and procedures to be followed to ensure the well-being of the young or new worker who is assigned to work alone or in isolation.

**(f) Violence in the Workplace**

This topic is intended to require the employer to train and orient a young or new worker about the policies and procedures to be followed to deal with violence in the workplace. This would include ensuring that high risk issues are addressed as part of the young or new worker's training and orientation. Those issues could include confrontation with thieves or abusive customers, the handling of money, and opening and closing the business etc.

**(g) Personal protective equipment ("PPE")**

This topic is intended to require the employer to provide a young or new worker with appropriate orientation and training in the use and care of personal protective equipment or clothing that the young or new worker will be required to use to safely perform their work tasks or work processes.

**(h) Location of first aid facilities, and means of summoning first aid and reporting illnesses and injuries**

This topic is intended to require the employer to provide a young or new worker with orientation and training on the location of first aid facilities, the identity of the first aid attendant(s), and how to summon a first aid attendant. This topic also covers the employer's obligation to train and orient a young or new worker with the procedures that must be followed to report an illness or injury to WorkSafeBC.

**(i) Emergency procedures**

This topic is intended to require the employer to train a young or new worker about potential emergency situations that could occur in the young or new worker's workplace as well as procedures to follow during an emergency situation.

**(j) Instruction and demonstration of the young or new worker's work task or work process**

This topic is intended to require the employer to provide a young or new worker with both instruction and demonstration – and not simply a verbal description – of any work tasks or work processes that the young or new worker will be required to perform immediately. Further training may be required as new tasks or processes are assigned.

**(k) The employer's health and safety program where required under section 3.1 of the Occupational Health and Safety Regulation**

This topic is intended to require the employer to provide orientation and training to a young or new worker on the safety procedures and practices that are specific to the workplace(s) where the young or new worker will be performing work tasks or work processes, where required under section 3.1 of the *Occupational Health and Safety Regulation* ("OHSR"). When a health and safety program is not required under section 3.1 of the OHSR there is no requirement for employers to provide orientation and training to young or new workers on this topic.

**(l) WHMIS information requirements set out in Part 5, as applicable to the young or new worker's workplace**

This topic is intended to require the employer, as applicable, to provide the young or new worker with orientation and training on the Workplace Hazardous Materials Information System ("WHMIS") including how to identify WHMIS-regulated substances in the workplace, and the precautions that should be taken when working with such products. There is no requirement for employers to provide WHMIS information where WHMIS controlled products are not, and will not be present in workplaces.

**(m) *The means of contacting the occupational health and safety committee, or worker health and safety representative, as applicable to the workplace***

This topic is intended to require the employer to inform a young or new worker how to contact the occupational health and safety committee, or the worker health and safety representative, or the young or new worker's supervisor or employer where applicable.

Proposed new section 3.24 is intended to require an employer to provide additional orientation and training for a young or new worker if workplace observation determines that the orientation and training already provided to a young worker or a new worker is not sufficient to ensure that the young or new worker can perform their work tasks or work processes safely, or to provide additional orientation and training if requested by a young worker or a new worker.

Proposed new section 3.25 is intended to require employers to keep records of all orientation and training and provided under sections 3.23 and 3.24 to young or new workers. Documentation of orientation and training provided to young or new workers under section 3.23 is required in order for employers to demonstrate that new or young workers have been provided with initial orientation and training in the topics set out in section 3.23. Similarly, documentation of additional orientation and training provided under section 3.24 is required in order for employers to demonstrate they have responded to the needs for additional orientation and training that is identified by either the employer or the worker.

Documentation also serves the employer as evidence of due diligence.

### *Draft guideline G3.23 Young or new worker orientation and training* *Issued March 2007*

#### **Regulatory excerpt**

Proposed section 3.23 (Young or new worker orientation and training) of the *Occupational Health and Safety Regulation* (the *Regulation*) states:

<b>Young or new worker orientation and training</b>	<b>3.23</b>	<p><b>An employer must ensure that every young or new worker is given health and safety orientation and training specific to that young or new worker's workplace before the new or young worker begins work. The following topics must be included in the orientation or training:</b></p> <ul style="list-style-type: none"><li><b>(a) the name and contact information for the young or new worker's supervisor;</b></li><li><b>(b) the employer's and young or new worker's rights and responsibilities under the Workers Compensation Act and this Regulation including the reporting of unsafe conditions and the right to refuse to perform unsafe work;</b></li><li><b>(c) workplace health and safety rules;</b></li><li><b>(d) hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;</b></li><li><b>(e) working alone or in isolation;</b></li><li><b>(f) violence in the workplace;</b></li><li><b>(g) personal protective equipment;</b></li><li><b>(h) location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;</b></li><li><b>(i) emergency procedures;</b></li><li><b>(j) instruction and demonstration of the young or new worker's work task or work process;</b></li><li><b>(k) the employer's health and safety program, where required under section 3.1 of this Regulation;</b></li><li><b>(l) WHMIS information requirements set out in Part 5 of this Regulation, as applicable to the young or new worker's workplace;</b></li><li><b>(m) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.</b></li></ul>
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#### **Purpose of guideline**

This guideline provides information on

- the objectives of the orientation and training topics listed in section 3.23
- possible means of delivery of these topics, and
- where to get further information to assist with the orientation.

#### **Objectives of the orientation topics**

Under the proposed new section 3.23 employers will be required to provide young and new workers with orientation and training about safe work procedures and how to recognize hazards on the job. It lists a number of topics to address.

In many workplaces steps will already have been taken to address the topics outlined in section 3.23 as part of the general safety measures in the workplace. To conduct an orientation, the topics just need to be drawn together for young and new workers.

Depending on the workplace some of the topics may not be applicable, and would not need to be included. Comments on applicability are included in the discussion below.

There may be topics beyond those listed in section 3.23 that an employer will wish to include as part of the overall orientation. The *Regulation* sets a minimum standard, which employers may exceed.

*In the discussion below any reference to “worker” means “young or new worker”.*

**(a) Name and contact information for the worker’s supervisor**

This topic is intended to ensure that a worker knows the identity of the individual(s) responsible for providing work direction to them, and how to contact them if they are not immediately available. This can be particularly helpful to young and new workers, who may have some ongoing questions in the early period of time on the job.

**(b) The employer’s and worker’s rights and responsibilities**

This topic is intended to ensure the worker is informed about their rights and responsibilities and those of the employer under the *Workers Compensation Act* (the *Act*) and the *Regulation*. For example, the worker has the right to be informed about workplace hazards (including WHMIS), the duty to report hazards, the duty to refuse unsafe work, and the right to participate in workplace health and safety activities. The worker should also be advised of the protection from discrimination provisions in the *Act*, and provisions related to first aid and reporting any injuries and diseases.

**(c) Workplace health and safety rules**

This topic is intended to ensure the worker is trained in the workplace health and safety rules applicable to the workplace and the tasks the worker will perform. The rules are expected to address any hazards that the worker may encounter, and may involve various types of controls, such as work procedures, use of personal protective equipment, and the safe means of operating equipment.

**(d) Hazards to which the worker may be exposed**

This topic is intended to ensure the worker is informed about the hazards that could be encountered while the worker is performing assigned work tasks. Depending on the work setting, these hazards may be physical in nature and involve a risk of injury, or in other cases can pose a risk of disease, for example, when handling a hazardous substance. If a worker is in a location that involves contact with the public, they need to be advised of any risks that may arise, including, as applicable, abusive behaviour, robbery, assault or other possible confrontation.

**(e) Working alone or in isolation**

This topic is intended to ensure that the worker is trained in the policies and procedures to be followed if the worker is assigned to work alone or in isolation. Under the requirements of the *Regulation* the employer must set up a system for checking on the well being of the worker. When establishing the system, the employer must consult with the worker on the time intervals to be used. In some cases the issue of working alone is linked to the potential for violence in the workplace. Examples may include work settings such as convenience stores or

gas bars. If the worker will not be working alone or in isolation there is no need to cover this topic.

**(f) *Violence in the workplace***

This topic is intended to ensure the worker is provided with orientation and training on the policies and procedures to be followed in the event of violence in the workplace. The worker should be advised of the meaning of the term “violence”, which includes any threatening statement or behaviour, and the circumstances in the workplace where a risk of violence may be present. The worker will need to be trained in the procedures to follow to eliminate or minimize any risk in such situations, for example, when handling money, and opening or closing the business. They will also need to be trained in the steps to take to eliminate or minimize the risk of injury to the worker in the event of an incident.

In part, this topic is already covered under topics (c), (d) and (e). However, instruction in this topic will ensure that the worker is given an understanding of the overall measures in the workplace for protection from violence.

**(g) *Personal protective equipment (PPE)***

This topic is intended to ensure the worker is provided with appropriate orientation and training in the use and care of personal protective equipment or clothing that the worker will be required to use to safely perform their work. This is a standard expectation under Part 8 of the *Regulation*, and will help the worker meet his or her obligations to use PPE properly. If there is no PPE required for the protection of the worker then there is no need to cover this topic.

**(h) *Location of first aid facilities, and the means of summoning first aid and reporting illnesses and injuries***

This topic is intended to ensure the worker is advised of the location of first aid facilities, the identity of the first aid attendant(s), and how to summon an attendant. It also covers the employer’s obligation to inform the worker of the procedures to follow to report an illness or injury to WorkSafeBC.

**(i) *Emergency procedures***

This topic is intended to ensure the worker is advised of potential emergency situations that could occur in their work location, and is trained in the procedures to follow. This topic is a companion to topic (h) on first aid, and addresses other aspects of emergency response, such as evacuation in the event of fire, or if hazardous substances are handled, how to contain a spill of the substance.

**(j) *Instruction and demonstration of the worker’s work task or work process***

This topic is intended to ensure the worker is provided with both instruction and demonstration - and not simply a verbal description - of work tasks that the worker will be required to perform when they start work. Further training may be required as new tasks are assigned.

The demonstration should address the aspects of the work that will involve safety risks if not performed correctly. For example, if the worker will be operating a piece of equipment, the employer will need to ensure that all safety points are demonstrated, including the use of guarding and other safety devices, means of equipment startup, and how to follow safe operating procedures.

**(k) *The employer's occupational health and safety (OHS) program***

Under this topic the employer is expected to provide an orientation to the OHS program, if a program is required under section 3.1 of the *Regulation*. The orientation would describe the program elements, which are outlined in section 3.3 of the *Regulation*, and how they are implemented in the workplace. If a health and safety program is not required under section 3.1, then there is no need to cover this topic.

**(l) *WHMIS information requirements, as applicable to the worker's workplace***

This topic is intended to ensure the worker is provided with an orientation on the Workplace Hazardous Materials Information System (WHMIS), and its application to controlled products in the workplace. The orientation should explain the WHMIS hazard classes, and the use of WHMIS labels and MSDS. In addition, there are four WHMIS objectives for training a worker in how to work safely with controlled products. Workers need to know the hazards of the products, how they can protect themselves, what to do in case of an emergency or spill, and where to get more information on the products. The first three of these will already be addressed under other topics such as (c), (d), (h) and (i). To address the fourth, typically workers will need to be informed of where MSDS are located or how they can be accessed if available electronically.

There is no requirement for an employer to provide an orientation to WHMIS where WHMIS controlled products are not, and will not be present in the workplace. However, if there are hazardous products in the workplace not covered by WHMIS, then the orientation under topics such as (c), (d), (h) and (i) will address safety with those products.

**(m) *Contact information for the joint occupational health and safety (OHS) committee, or worker health and safety representative***

If applicable, under this topic the employer will need to inform the worker on how to contact the joint OHS committee, or the worker health and safety representative.

### **Delivering the orientation**

It is up to the employer to determine how to deliver the orientation and training to the worker. However, there are a number of options to consider.

- ***Address topics according to applicability:*** As previously noted, some topics listed in section 3.23 may not be applicable in a given workplace. The employer can adjust the orientation accordingly. If an employer wished to provide information on a non-applicable element as part of a standardized approach, they could certainly do so. A standardized strategy might, for example, be used by a large employer with multiple worksites. However, in such cases the orientation for a worker must include the necessary site-specific information applicable to their workplace.
- ***Generic instruction coupled with site-specific orientation:*** Some topics listed in section 3.23 are, in whole or part, generic, and will be applicable from one workplace to another. An example is topic (b) on Rights and responsibilities. A presentation on this topic that covered the necessary points could ideally be used

at any worksite. In contrast, site-specific topics would only apply at the site in question. For example, topic (c) - Workplace health and safety rules, is typically site-specific.

Generic instruction strategies, coupled with site-specific information, may be useful with for some employers, such as those who have a number of workplaces, or who employ a highly mobile workforce.

If an industry has a mobile workforce, such as in construction, generic instruction may be possible to provide in an industry wide strategy. In this scenario workers may carry documentation as proof that they have received an orientation for their respective industry or trade. Generic orientations can serve as a good basis upon which to add employer or site-specific information. Generic orientations that include an expiry date will help ensure that workers maintain current knowledge.

- **Organize topics into groups:** Section 3.23 requires that applicable topics be covered in the orientation, but not necessarily as separate items. The employer can organize the orientation in any manner, as long as the content intended by the topics are addressed. For example, three of the topics involve contact information, and could be presented as a unit. Two of the topics (first aid and emergency procedures) involve a common theme of emergency response. The topics on working alone and violence often cover aspects of the same issue, and could be presented together. Other combinations are also possible.

### Where to get further information

There are various sources of information that may be of use in assembling or delivering orientations. A few examples are:

- The Canadian Centre for Occupational Health and Safety (CCOHS) maintains a web site on which they provide information on various topics, including a number of those listed in section 3.23. Examples include: Rights and Responsibilities, Working Alone, WHMIS and Violence in the Workplace. CCOHS also maintains a Youth portal on the site, with topics specific to young workers. The home page for CCOHS is found at <http://www.ccohs.ca/>.
- WorkSafeBC maintains a Young Worker portal on its web site, which can be accessed at: <http://www2.worksafebc.com/Topics/YoungWorker/Home.asp>. The portal provides a range of materials on young workers, which may be of use in delivering orientation and training. For example, a program is included on Rights and Responsibilities, and information is provided on typical accidents young workers have experienced. The portal provides links to other materials on the web site, and to materials available at other sites.
- If you have a health and safety association in your industry, you may wish to contact them for any information or materials available.