

July 31, 2020

Lori Guiton, Director, Policy, Regulation & Research Division
WorkSafeBC
Email: policy@worksafebc.com

Re: Proposed changes to OHSR Part 8: Personal Protective Clothing and Equipment (Hard Hats)

Dear Ms. Guiton,

We are writing to comment on the proposed changes to the hard hat regulation -- Occupational Health & Safety Regulation (OHSR) Part 8.

The Homebuilders Vancouver Association (HAVAN) is comprised of developers, builders, custom builders, renovators, suppliers, and industry professionals, over 1100 strong, who build over 65% of homes built in the lower mainland.

HAVAN's membership reaches across Metro Vancouver from Langley and Maple Ridge, to Surrey and White Rock, across Richmond, Tri-Cities, Burnaby, City of Vancouver, and the North Shore, with members focusing principally on residential construction, many whom also work on a wide variety of construction sites throughout British Columbia.

We are strongly opposed to the proposed change regarding the regulation on hard hats.

We understand that this change is being promoted by Labour Minister Harry Bains in response to concerns raised by the Sikh community.

Regulation 8.11(1) currently requires that hard hats be worn by a worker where there is a danger of head injury from falling, flying or thrown objects, or other harmful contacts.

The Discussion Paper states that "The Sikh community has raised concerns employers are effectively applying this section as a blanket requirement, resulting in turban-wearing Sikh workers not being able to fully participate in the workforce. The Ministry of Labour requested WorkSafeBC consider amending the OHSR to continue to protect the health and safety of turban-wearing Sikhs, while providing accommodation where there is no risk of head injury." (Discussion Paper, p.1)

This proposed change to the hard hat regulation is neither safe nor practical for the construction industry.

The conditions on a construction worksite are constantly changing as the project progresses. These changes will have a direct effect on the risks of "injury to the worker from falling, flying or thrown objects, or other harmful contacts". (Discussion Paper, p.1)

Workers on a construction site move from one area to another, depending upon the work to be done.

There is no practical way to constantly evaluate and mitigate all these constantly changing risks with administrative or engineering control measures to determine if a hard hat is required.

An area that is deemed safe from falling objects at one point in time may be unsafe a short while later because of a change in workflow or working conditions.

Also, as a worker is required to move around the site, an area that may appear safe and a hard hat not required – perhaps wrongly so, may enter other areas where hard hats are clearly required.

The safest way to protect the worker from head injuries under these continually varying conditions is to make the wearing of a hard hat mandatory while on any part of the construction site.

The intent of this regulatory change is based on a false premise — that accommodation for religious beliefs should supersede workplace safety.

The proposed change would weaken the necessary use of hard hats, create a confusing and frustrating set of criteria for the wearing of hard hats, and place workers at greater risk of injury.

We strongly oppose the Draft Regulation as unnecessary and unsafe.

Thank you for the opportunity to comment.

Best Regards,



Ron Rapp, CEO