



Mechanical Contractors Association
of British Columbia

Mechanical Contractors Association of BC

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

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

Dear Ms. Guiton:

By way of this letter, the Mechanical Contractors Association of BC (MCABC) expresses its strong opposition to the proposed change regarding the regulation on hard hats. The health and safety of our members and the larger construction industry is our number one priority.

MCABC is the dedicated provincial representative for mechanical contractors, their affiliated and sub-trades, suppliers, manufacturers and professional services in BC. Mechanical Contractors represent a suite of trades, including but not limited to plumbers, HVAC technicians, gasfitters and fire protection specialists. They are often the largest representative trade on a construction site at any one time.

We understand that the 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. 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)

There is no practical way to constantly evaluate and mitigate all of these constantly changing risks with administrative or engineering control measures. The workers on a construction site move from one area to another, depending upon the work to be done. The worker will move from an area on the site where it may appear – perhaps wrongly – to be not necessary to wear a hard hat into other areas where hard hats are clearly required. An area that is safe from falling objects at one point of time may be unsafe a short while later because of a change in workflow or work conditions.

The best 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,



Kim Barbero
CEO

CC: Dave Baspaly, Council of Construction Associations