



WORKING TO MAKE A DIFFERENCE

LATE NIGHT RETAIL PROVISIONS UPDATE – AUGUST 2009

The Occupational Health and Safety Regulation's (OHS Regulation) working alone provisions were enacted to protect the health and safety of workers who work alone. WorkSafeBC has developed comprehensive implementation strategies for each of the new requirements which aim to ensure the ongoing health and safety of workers, while recognizing some challenges faced by employers in implementing the changes. The following document outlines recent updates to one of these strategies.

The new provisions include a requirement that, during late night hours, retail employers must ensure workers are protected against the hazard of violence by either assigning two workers or ensuring that a lone worker is physically separated from the public by a locked door or a barrier. This requirement is contained in section 4.22.1(2)(b) of the OHS Regulation. Implementation of this requirement has presented significant challenges to the industry in hiring extra staff or in identifying appropriate designs and completing construction of barriers in a cost-effective and timely manner. In recognition of this, WorkSafeBC has been working with an industry wide committee to develop efficient, practical and compliant barrier designs. Further, WorkSafeBC has been working with this committee to develop and implement a pilot project for the selected designs. Once completed, lessons learned from the pilot will be integrated into a province wide implementation strategy. Together, these steps will form a phased compliance approach for the requirement.

The time necessary to implement the phased compliance approach has required a change to WorkSafeBC's initial timeframe for province wide compliance. The new timelines, along with an overview of each of the phases, is outlined in the attached updated summary. Phase 1 and 2 of the compliance strategy, which saw the development of sample barrier designs and the selection of test sites, have been completed. Phase 3, which will see the installation of barriers at the test sites, is currently underway. The completion of this Phase has been delayed due to a number of factors impacting the construction of the barriers. This has required an update of the overall compliance timelines contained in this document. Once the barriers are constructed, Phase 4 and 5 will see the pilot use of the barriers and analysis of the pilot, respectively. Phase 6 will encompass a six month province-wide implementation period. OHS Regulation section 4.22.1 (2)(b) will **not** be enforced during Phases 1 through 5, a period scheduled to end March 31, 2010. As Phase 6 is approached, WorkSafeBC will develop its education, consultation and enforcement strategy based on the analysis done in Phase 5.

Employers are expected to be in compliance with OHS Regulation Section 4.22.1 (2)(a) – money handling procedures; Section 4.21 - procedures for checking on well-being of worker; and all the other Working Alone or In Isolation requirements as well as the Violence in the Workplace requirements. There is no grace period for these requirements. Prevention Officers will ensure compliance with these requirements as per regular business practices.

**LATE NIGHT RETAIL HOURS
COMPLIANCE STRATEGY REVISION SUMMARY
KEY MILESTONES**

OHS REGULATION SECTIONS 4.22.1 (2)(b)

PHASE 1: DESIGN Feb. 1, 2008 – Aug. 31, 2008

- WorkSafeBC will work with the Retail Safety Society and affected employers to develop appropriate barrier requirements (called the barrier design project)

PHASE 2: PILOT DEVELOPMENT Aug. 1, 2008 – Oct. 31, 2008

- Retail sites will be selected to install the proposed designs as test sites for pilot project

PHASE 3: INSTALLATION OF TEST BARRIERS Nov. 1, 2008 – Sept. 30, 2009

- Barriers will be constructed at selected locations

PHASE 4: APPLICATION Oct. 1, 2009 – March 31, 2010.

- Selected sites will pilot the use of barriers during late night hours

PHASE 5: ANALYSIS March 1, 2010 – March 31, 2010

- WorkSafeBC will evaluate the use of barriers during the pilot phase, considering any needed design adjustment.

PHASE 6: PROVINCE-WIDE COMPLIANCE – April 1, 2010 – September 30, 2010

- Recommendations and designs will be communicated throughout the retail industry.

- Province-wide compliance of all working alone requirements will be facilitated by a number of compliance milestones, including a date for employers to have designs selected/adapted for their sites, hiring of contractors, and completion of installations.