

## PART 4: GENERAL CONDITIONS

### WORKING ALONE OR IN ISOLATION

<b>Definition</b>	<b>4.20.1</b>	<b>In sections 4.20.2 to 4.23, “to work alone or in isolation” means to work in circumstances where assistance would not be readily available to the worker</b>  <b>(a) in case of an emergency, or</b> <b>(b) in case the worker is injured or in ill health.</b>
<b>Hazard identification, elimination and control</b>	<b>4.20.2</b>	<b>(1) Before a worker is assigned to work alone or in isolation, the employer must identify any hazards to that worker.</b>  <b>(2) Before a worker starts a work assignment with a hazard identified under subsection (1), the employer must take measures</b>  <b>(a) to eliminate the hazard, and</b> <b>(b) if it is not practicable to eliminate the hazard, to minimize the risk from the hazard.</b>  <b>(3) For purposes of subsection (2) (b), the employer must minimize the risk from the hazard to the lowest level practicable using engineering controls, administrative controls or a combination of engineering and administrative controls.</b>
<b>Procedures Procedures for checking well-being of worker</b>	<b>4.21</b>	<b>(1) The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation under conditions which present a risk of disabling injury, if the worker might not be able to secure assistance in the event of injury or other misfortune.</b>  <b>(2) The procedure for checking a worker's well-being must include the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provisions for emergency rescue.</b>  <b>(3) A person must be designated to establish contact with the worker at predetermined intervals and the results must be recorded by the person.</b>  <b>(4) In addition to checks at regular intervals, a check at the end of the work shift must be done.</b>  <b>(5) The procedure for checking a worker's well-being, including time intervals between the checks, must be developed in consultation with the joint committee or worker health and safety representative, as applicable.</b>  <b>(6) Time intervals for checking a worker's well-being must be developed in consultation with the worker assigned to work alone or in isolation.</b>
<b>Training</b>	<b>4.22</b>	<b>A worker required to work in the circumstances described in section 4.21 (1) and any person assigned to check on the worker must be trained in the written procedure for checking the worker's well-being.</b>
<b>Late night retail safety procedures and requirements</b>	<b>4.22.1</b>	<b>(1) In this section:</b>

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**“late night hours”**

means any time between 10:00 p.m. and 6:00 a.m.;

**“late night retail premises”**

means

- (a) a gas station or other retail fueling outlet, or
- (b) a convenience store or any other retail store where goods are sold directly to consumers

that is open to the public for late night hours.

(2) If a worker is assigned to work alone or in isolation in late night retail premises and there is any risk of harm from a violent act to the worker, then, in addition to any other obligations the employer has under sections 4.20.2 to 4.23,

- (a) the employer must develop and implement a written procedure to ensure the worker’s safety in handling money, and
- (b) when that worker is assigned to work late night hours, the employer must also do either or both of the following:
  - (i) ensure that the worker is physically separated from the public by a locked door or barrier that prevents physical contact with or access to the worker;
  - (ii) assign one or more workers to work with the worker during that worker’s assignment.

(3) A worker described in subsection (2) must be trained in the written procedure referred to in that subsection.

**Mandatory pre-payment for fuel**

4.22.2

An employer must require that customers prepay for fuel sold in gas stations and other retail fueling outlets.

**Annual review of procedures**

4.23

The procedures and system referred to in sections 4.21 and 4.22.1 for checking a worker’s well-being must be reviewed at least annually, or more frequently if there is

- (a) a change in work arrangements which could adversely affect a worker’s well-being or safety, or
- (b) a report that the system is not working effectively.

**Explanatory Notes:**

Proposed new section 4.20.1 is intended to define the phrase “to work alone or in isolation” as meaning to work in circumstances where assistance would not be readily available to the worker in the case of an emergency or if the worker is injured or in ill health;

Proposed new section 4.20.2(1) is intended to make explicit the employer’s obligation to identify any hazards to workers, before a worker is assigned to work alone or in isolation.

Common situations where a worker may be working alone and at risk are:

- A worker who handles cash such as a convenience store clerk, retail outlet employee, and taxi driver;
- A worker who meets clients out of the office such as a home care employee, social service employee, or by-law officer;
- A worker who does hazardous work with no regular interaction with other people such as a forestry worker, a worker in the freezer area of a cold storage facility or a night cleaner in a plant;

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- A worker who is at risk of violent attack who is isolated from other workers or public view such as a security guard, custodian, night shift employee in a community care or out patient department.

Proposed new section 4.20.2(2) is intended to require that where hazards have been identified under 4.20.2(1), employers must take steps to either eliminate the hazard entirely (4.20.2(2)(a)), or if it is not practicable to eliminate the hazard, to minimize the risk from the hazard (4.20.2(2)(b)).

Examples of how hazards could be eliminated include:

- Installing a system requiring prepayment for vehicle fuel at the pump using a credit card or debit card so no interaction with a station attendant (worker) is required;
- Use of video surveillance to remotely monitor an area instead of using an on-site security guard;
- Installing an automated payment system for services, such as parking, instead of using a cashier/attendant;
- Use of vending machines to dispense food or other convenience items rather than using a checkout cashier.

Proposed new section 4.20.2(3) is intended to require employers to minimize the risks from hazards identified under 4.20.2(1) which cannot be eliminated. The options available to achieve this result are engineering controls and administrative controls. In selecting measures to reduce risk, preference should be given to implementing available and practicable engineering controls as such controls generally provide "passive protection" which is not dependent on a person taking a specific action. This can be particularly important in an emergency or crisis situation. However, where engineering controls are not practicable or do not reduce the risk to a level that is as low as practicable, administrative controls will need to be developed and implemented.

Generally a combination of engineering and administrative controls will be required to reduce the risk from a hazard to a level that is as low as practicable.

If the employer remains open for business during late night hours, evidence that the employer has considered the specific requirements in 4.20.2 must be provided. Where these specific requirements have not been implemented, the employer must be able to demonstrate implementation of other engineering and/or administrative controls to reduce risks to the lowest level practicable as required by section 4.20.2.

Part 1 of the *OHSR* has the following definitions:

*"engineering controls"* means the physical arrangement, design or alteration of workstations, equipment, materials, production facilities or other aspects of the physical work environment, for the purpose of controlling risk;

*"administrative controls"* means the provision, use and scheduling of work activities and resources in the workplace, including planning, organizing, staffing and coordinating, for the purpose of controlling risk.

Some examples of engineering controls include physical arrangements in the workplace to separate the worker from the customers and public by locked doors, barriers that are substantial enough to prevent access to the worker, or use of another type of secure enclosure.

Some examples of administrative controls include the use of some or all of the following means:

- Rearrange the work so that more than one person is always present in the workplace;
- Require mandatory on-site supervision of young workers by an adult;
- Use cash handling procedures that require the use of a locked drop safe, keeping only small amounts of cash accessible on the site, and posting signs indicating that the amount of cash on site is limited;

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- Use of uniformed security guards;
- Prohibit high risk work activities during times when a worker is working alone;
- Use of a personal emergency call device the worker would wear on a lanyard around their neck and use to call for help in the event of a personal security or emergency issue.

Proposed amendments to section 4.21(1) are consequential in nature to eliminate duplication with the new definition for the phrase "to work alone or in isolation". The requirements for implementing a means of regularly checking the well-being of a person working alone or in isolation, as specified in sections 4.21 (1) to (6), continue to apply.

Proposed amendments to section 4.22 are consequential in nature to eliminate duplication and redundancy that would be introduced from the new definition for the phrase "to work alone or in isolation". The requirements for training in section 4.22 continue to apply.

Proposed new section 4.22.1(1) is intended to clarify the meaning of the term "late night hours" as any time between 10:00 pm and 6:00 am; and to clarify the meaning of the term "late night retail premises" as being either a gas station or other retail fueling outlet, or a convenience store or other retail store where goods are sold directly to consumers, that is open to the public during late night hours.

Proposed new section 4.22.1(2) is intended to require that as well as having obligations set-out under sections 4.20.2 and 4.23, the employer of a worker described in subsection 4.22.1(2) must also develop and implement a written procedure to ensure the worker's safety in handling money. As well, when the worker is assigned to work late night hours, the employer must do either or both of: ensure that the worker is physically separated from the public by a locked door or barrier that prevents physical contact with or access to the worker; and or assign one or more workers to work with the worker during that worker's assignment. A barrier must be constructed so as to prevent physical contact with or access to a worker, but is not required to be constructed from bullet resistant material.

Proposed new section 4.22.1(3) is intended to require employers to ensure that workers have been trained in the written procedures for the safe handling of money required under section 4.22.1(2)(a).

Proposed new section 4.22.2 is intended to require employers to require mandatory prepayment for fuel sold in gas stations and other retail fueling outlets.

Fuel is considered to be products such as gasoline, propane and diesel. "Other retail fueling outlets" would include convenience stores that also dispense fuel.

Prepayment options that would be acceptable under proposed new section 4.22.2 include:

- Payment at the fuel pump by either debit or credit card; or
- Prepayment for fuel products to an attendant; or
- Payment by card-lock system which is typically used by the commercial trucking industry.

Proposed amendments to section 4.23 are consequential in nature to remove duplication and redundancy that would be introduced from the new definition for the phrase "to work alone or in isolation".

Amendments originally proposed relating to worker's wages have been withdrawn. WorkSafeBC has been advised by the Office of Legislative Council that the proposed amendments were beyond the legislative authority of WorkSafeBC. As well, the proposed amendments were unnecessary as they duplicated, and in part conflicted with, the *Employment Standards Act*. Notwithstanding, employers are still required to comply with the provisions set out in the *Employment Standards Act*. WorkSafeBC will maintain the educational intent of the proposed amendments by including reference to the *Employment Standards Act* in a supporting guideline that will be developed for proposed new section 4.22.1.