

Frequently Asked Questions

Occupational Health and Safety Regulation

New Requirement - Part 4 Working Alone or in Isolation, Late Night Retail Premises and Fuel Prepayment

1. About the new requirements

Q: What are the new requirements for working alone or in isolation, and when do they come into force?

A: The amendments to Part 4 of the *Occupational Health and Safety Regulation* (the Regulation) come into effect as law on February 1, 2008. There are three new sets of requirements.

- ***Working alone or in isolation:*** The first set of requirements applies to all employers. Employers must identify, eliminate and control hazards before a worker is assigned to work alone or in isolation. Employers must also develop and implement a procedure for checking the well-being of any worker assigned to work alone or in isolation.
- ***Late night retail premises:*** The second set of requirements applies only to employers who have workers working alone or in isolation. In these cases, the employer needs written procedures for handling money and workers have to be trained in these procedures. Additionally, the employer must either ensure the worker is physically separated from the public by a locked door or other barrier, or have two or more workers assigned to work between 10 p.m. and 6 a.m.
- ***Prepayment for fuel:*** The third requirement provides that employers must have a prepay system for all fuel sold in gas stations and other refueling outlets. This requirement applies to all gas stations or other fueling outlets, with the exception of marine fueling stations.

2. Working alone or in isolation

Q: What is the definition of “to work alone or in isolation?”

A: “To work alone or in isolation” is defined as working in circumstances where assistance would not be readily available to the worker (a) in case of an emergency, or (b) in case the worker is injured or in ill health.

Q: What is assistance that is readily available?

A: For assistance to be readily available, four conditions should be considered:

- *Presence of others* – are there other people in the vicinity?
- *Awareness* – will other persons be capable of providing assistance and be aware of the worker's needs?
- *Willingness* – is it reasonable to expect that those other persons will provide assistance?
- *Timeliness* – will assistance be provided within a reasonable period of time?

Q: **Do customers meet the requirements of assistance that is readily available?**

A: Generally no. Employers should not rely on the presence of customers to meet the conditions of assistance that is readily available. In some cases, such as in a busy shopping mall, however, there may be worker of other employers available to provide assistance.

Q: **Can workers from different employers provide each other with assistance?**

A: Yes. If two or more workers of different employers are working together and each worker is capable of and willing to provide helpful assistance in a timely manner, then this qualifies as assistance that is readily available. For example, this may be the case where a coffee/donut retailer is in same premises as a fuel vendor. Employers must ensure that the workers are capable of and willing to provide assistance and that the workers are aware of this arrangement.

Q: **If a worker is supplied with an electronic means of communication, such as a phone, radio, or personal alarm, does this qualify as assistance that is readily available to the worker?**

A: No. If the worker cannot be seen or heard by persons capable of offering and willing to offer assistance in a timely manner, then he or she is working alone or in isolation. Electronic means of communication may be one way to control hazards identified for a worker working alone or in isolation, but they do not remove the employer's obligation to meet the other working alone or in isolation requirements. For example, a home care or social worker, working alone and who is dispatched to situations where there is risk of violence, may be provided a communication device as part of the hazard identification and control process. A communication device may be one way to reduce hazards of working alone or in isolation; however, the worker is still considered to be working alone or in isolation.

Q: **Who do the working alone or in isolation requirements apply to?**

A: The requirements are intended to safeguard *workers*, as defined in the *Workers Compensation Act*, who are working alone or in isolation. Generally, that means a person that is in an employment relationship. In addition, the working alone or in isolation requirements only apply when the worker is working in circumstances that assistance would not be readily available in the event of an emergency, injury or illness.

Q: **What are some examples of workers who may be working alone or in isolation?**

A: Common situations and occupations where a worker may be working alone or in isolation include:

- A worker at a convenience store, retail outlet employee, parking attendant and taxi driver;
- A worker who meets clients out of the office such as a home care worker, or a social service worker;
- A worker who does hazardous work with no regular interaction with other people such as a forestry worker, boom boat operator, a worker in the freezer area of a cold storage facility or a night cleaner in a plant;
- A worker who is isolated from other workers or public view such as a security guard, custodian, night shift worker in a community care or out patient department.

Q: **The new provisions say that identified hazards that cannot be eliminated should be reduced using engineering controls. What is an engineering control?**

A: "Engineering controls" are defined in the Regulation as 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. Examples of engineering controls include installing physical arrangements in the workplace to separate a worker from customers and the public by locked doors, pay windows, protective barriers that are substantial enough to prevent access to the worker.

Q: **The new provisions say that identified hazards that cannot be eliminated or reduced using engineering controls, should be reduced using administrative controls. What is an administrative control?**

A: "Administrative controls" are defined in the Regulation as 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. Examples of administrative controls include rearranging the work so that more

than one person is always present in the workplace or prohibiting high risk work activities during times when a worker is working alone.

4. Late Night Retail Premises

Q: Is the installation of a barrier mandatory in late night retail premises?

A: No. The installation of a barrier is one option that employers have to meet the new requirements. They may also decide to have more than one worker working from 10 p.m. to 6 a.m. or lock the doors during those hours and use a pay window.

Q: If employers do install a barrier, what does the barrier have to look like? Does it need to be constructed from bullet-resistant material?

A: There are no specific requirements about what a barrier must look like but the barrier must prevent the public from physically contacting or gaining access to the worker. Any barrier that is constructed from a material which fulfills this protective function is acceptable. The barrier need not be constructed from bullet-resistant material. However, the barrier should be constructed from material that is difficult to break and which will provide adequate protection to the worker.

Q: Does the barrier need to go from floor to ceiling?

A: No. The only requirement of the barrier is that it prevents the public from physically contacting or gaining access to the worker. A barrier that is not floor to ceiling should not be easy to climb over or under.

Q: What if employers cannot practically install a barrier by February 1, 2008, when the amendments to Part 4 come into effect? Will any interim measures be allowed?

A: The goal is compliance and WorkSafeBC's usual course is to work with employers to achieve compliance. If there is intentional non-compliance WorkSafeBC will deal with these situations as they arise. WorkSafeBC is not intending on penalizing employers who are actively seeking to be in compliance with the Regulation. Interim measures that an employer could use while awaiting installation of a barrier include:

- Locking doors to prohibit access and using a pay window
- Adjusting work shifts to ensure at least two workers are working during the late night hours
- Restricting business operating hours from 6:00 a.m. to 10:00 p.m., or
- Hiring a temporary security guard to physically monitor the site.

Q: How are workers at late night retail premises expected to carry out necessary tasks, such as cleaning up and stocking shelves, if they are required to remain behind a barrier?

A: The requirements to be physically separated from the public are not intended to prevent workers from performing their regular tasks and duties, such as cleaning up and stocking shelves. An option would be to lock the doors to the premises between the hours of 10:00 p.m. and 6:00 a.m. and install a buzzer system. Workers would be able to move freely about the premises and perform any necessary tasks while the door is locked and no customers are present. When a customer requires access to the premises, the worker could move behind the barrier and then buzz the customer in. Alternatively, the worker could be working in the store behind a locked door and provide the goods desired through a pass-through window.

Q: Can a worker working alone or in isolation lock the door between 10 p.m. and 6 a.m. and only let one customer in at a time?

A: No. The new requirements for late night retail premises require that a worker be physically separated from the public by a locked door or barrier. A worker is not physically separated from the public if the door is locked but the worker is opening the door to allow customers inside, even if only one customer is being allowed inside at a time. Once a customer is allowed inside the retail premises, there is no longer a barrier between the customer and the worker.

4. Prepayment for Fuel

Q: *Are retail fueling outlets required to purchase and install equipment which will allow customers to pay-at-the-pump?*

A: No. The Regulation only requires that some form of prepayment is used; it does not make pay-at-the pump mandatory. Under this requirement, employers must ensure that customers prepay for fuel, including at full service stations, in order to remove the risk of 'gas and dash' activity. Prepayment options include:

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

Q: Does the requirement that customers prepay for fuel only apply between the hours of 10:00 p.m. and 6:00 a.m.?

A: No. The prepayment requirement applies 24 hours a day, seven days a week. The requirements apply no matter how many workers are working.

Q: **Does the prepayment requirement only apply in cities?**

A: No. The prepayment requirement applies throughout British Columbia.

Q: **Does the prepayment requirement apply where there's a full service gas station?**

A: Yes. The prepayment requirement applies to both self serve and full service stations.

Q: **Does the prepayment requirement also apply for propane?**

A: Yes. The prepayment requirement applies to propane.

Q: **How will customers paying by credit card know how much to pay the attendant? Will attendants need to refund customers who overpay?**

A: If customers are paying by credit card, the customers can give the credit card to an attendant or store clerk before fueling their vehicle. The actual purchase can then be charged to the credit card after fueling has occurred. The attendant or store clerk should know the exact amount to charge to the card and a refund transaction will not be needed.

Q: **How can customers prepay for fuel if they normally charge fuel to an account?**

A: Customers can still charge the fuel to their account. The customer will have to inform the attendant that he or she wants the fuel charged to his or her account before the fuel is pumped rather than after.

Q: **Does the prepayment requirement apply to marine fueling stations?**

A: No. The intention of the requirement is to remove the incentive for 'gas and dash' activities. As there is no major risk of gas and dash occurring at marine fueling stations, the prepayment requirement does not apply to marine fueling stations.