



Corporate Report

NO: R137

COUNCIL DATE: June 7, 2004

REGULAR COUNCIL

TO: Mayor & Council DATE: May 31, 2004

FROM: General Manager, Planning and Development FILE: 0125-020

SUBJECT: Safety Standards Act and Regulations

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Authorize the Mayor to forward a letter to the Minister of Community, Aboriginal and Women's Services recommending that the Minister establish, under the current authority granted by legislation, an advisory board related to electrical safety services in the Province; and
3. Instruct the City Clerk to forward a copy of this report to Mr. Jim Sinclair, President, B.C. Federation of Labour.

INTENT

The purpose of this report is to provide information to Council about the issues raised in a letter and attachment, dated March 3, 2004, from Mr. Jim Sinclair of the B.C. Federation of Labour, regarding the new *Safety Standards Act* and related Regulations.

BACKGROUND

At its Regular meeting on Monday March 22, 2004, Council considered a letter and attachment, dated March 3, 2004, from Mr. Jim Sinclair, President of the B.C. Federation of Labour. The letter included a request to appear before Council as a delegation to express concerns regarding the new *Safety Standards Act* and related Regulations. The letter also included a draft resolution for Council's consideration. Council resolved to refer the letter and attachment to staff. A copy of each of the letter and attachment are attached to this report as Appendix I.

The Provincial government, over approximately the last two years, has undertaken a process toward the creation of a new *Safety Authority Act* (Bill 20), a new *Safety Standards Act* (Bill 19) and associated Regulations. This work was based on the fundamental position that many of the services traditionally delivered by the Province can be more effectively delivered by non-governmental agencies under appropriate legislation and regulations.

The new *Safety Standards Act* was adopted in the Legislature on March 24, 2003 and along with the Regulations, took effect on April 1, 2004. Municipalities, including the City of Surrey, through representation on local government task groups, have had an opportunity to review the *Act* and related Regulations during their creation and to provide input toward their finalization. Only recently, have the final versions of the *Safety Standards Act* and associated Regulations been published. The final release of the Regulations is dated March 22, 2004.

It appears that the submission to Surrey City Council, dated March 3, 2004, by the B.C. Federation of Labour (the "BCFL") is generally referring to draft regulations that were distributed for discussion purposes earlier in the process of developing the *Act* and Regulations. The legislation and Regulations that came into effect April 1, 2004 is

substantially different than these earlier versions. Many of the issues that are raised by the BCFL have been addressed. There are a few concerns that remain outstanding and will be the subject of further discussions between the Province, the new Safety Authority and municipalities.

A legislative framework of statutes, regulations and local government by-laws that incorporate national and Provincial codes, governing the installation and operation of regulated products, is the basis of the Provincial safety system. The *Local Government Act* enables municipalities to administer safety services in the areas of building, plumbing and fire safety. The new safety system regulations apply to electrical systems, gas systems, refrigeration equipment, boilers and pressure vessels, elevating devices, aerial tramways, amusement rides and intra-provincial railways.

The *Safety Standards Act* and *Safety Authority Act* were introduced as part of the "Safety System Transformation Project" initiated by the Ministry of Community, Aboriginal and Women's Services. The *Safety Standards Act* was created to consolidate and update the *Electrical Safety Act*, *Elevating Devices Safety Act*, *Gas Safety Act*, and *Power Engineers and Boiler and Pressure Vessel Safety Act*, as well as to transfer some provisions of the *Railway Act*. The City of Surrey provides electrical inspection services and, therefore, has a more specific interest in the impact of changes to legislation covering this area.

The *Safety Authority Act* transferred the delivery of Provincial Safety Services to a stand alone, not for profit agency called the "B.C. Safety Authority". The Province will continue to oversee the delivery of safety services and the development of safety regulations and policies related to the delivery of those services. The new Safety Authority will act to deliver safety services (inspections, examinations, contractor licensing, etc.) throughout the Province for all the disciplines covered by the *Safety Standards Act*. The only exception will be for gas and/or electrical inspection services provided by several local jurisdictions as follows:

Vancouver	Gas and Electrical
Burnaby	Gas and Electrical
North Vancouver City	Gas and Electrical
North Vancouver District	Gas and Electrical
Maple Ridge	Gas and Electrical
Richmond	Gas
Kelowna	Gas
Coquitlam	Gas
Victoria	Electrical
West Vancouver	Electrical
Surrey	Electrical

These municipalities, including Surrey, have had the opportunity to provide input during the development of the Regulations under the *Safety Standards Act*. Concerns raised by the municipalities were similar to many of the concerns that are raised by the BCFL in their correspondence to the City. As a result of the concerns raised by the municipal representatives, the Province made amendments to the both the *Act* and the regulations. The Province has also committed to continue dialogue with municipalities to clarify outstanding items such as "Equivalent Standards Agreement", Advisory Boards, etc.

A Corporate Report to Burnaby City Council addressed the BCFL submission (a similar submission to that forwarded to Surrey) in a point-by-point manner. This report, which was copied to the UBCM and member municipalities, is attached as information (see Appendix II). City staff has reviewed this report and are satisfied that the report fairly reflects the current status of the subject matter.

DISCUSSION

Administrative Agreement

The *Safety Standards Act* introduces an Administrative Agreement requirement for any local government that currently provides gas and/or electrical safety services. This agreement is intended to formalize the existing arrangement for such services without changing how the local government provides the service or the liability to which the local government is exposed in providing the service. After extensive discussions, an Administrative Agreement identical in content for all jurisdictions has been produced. A separate Corporate Report is being forwarded to Council seeking Council authority to enter into such an Agreement with the new Safety Standard

Authority, in respect of the City of Surrey continuing to provide electrical safety services within its boundaries.

Provincial Advisory Board

A Provincial Advisory Board was a requirement of the previous *Electrical Safety Act*. The Board provided advice to the Ministry on matters affecting electrical safety and positively influenced the quality of electrical codes and systems in the Province over the years. In essence, the Board provided a measure of risk management to the Province, local governments and the public. Clause 81 of the new *Safety Standards Act* permits the Minister to establish one or more advisory boards to provide advice to the Minister on safety, standards, qualifications and licensing, enforcement and other related matters. While this provision is available to the Minister, the Minister, at this time, has not yet established such an advisory board in relation to electrical safety systems. On the basis that such a board can positively influence electrical safety in the Province, it is recommended that Council authorize the Mayor to forward a letter to the Minister recommending that the Minister establish an advisory board on electrical safety services.

Operation of Overhead Cranes/Elevating Devices

The *Safety Standards Act* covers, among other things, the operation of overhead cranes/elevating devices. Council has informally raised concerns regarding changes to the legislation and regulations related to the adequacy of the training of operators of such devices. The City has always relied upon the Province to administer the legislation and regulations related to the safe installation and operation of overhead cranes/elevating devices in the City, including the training of the operators. The new legislation transfers the administration of the legislation and regulations to a new Safety Authority. With respect to training, a new Industry Training Authority has been established by legislation that operates independently of the Safety Authority. Training requirements for those who undertake work regulated by the Safety Authority, including the operation of overhead cranes, falls under the jurisdiction of this new Training Authority. Based on conversations with Provincial officials, City staff has been advised that there has been no change in the training and qualification requirements for operators of cranes/elevating devices. There had been an initiative by the Province to a more generic qualification for such operators, but resistance from the industry and unions has caused them to re-think the approach and leave the existing requirements in place. City staff has been further advised that work is beginning on potential changes to the formal training program for operators, but such changes will likely not be finalized for implementation for at least a year.

CONCLUSION

The *Safety Standards Act* and the draft legislation and Regulations produced by the Province prompted an aggressive response by the BCFL, as contained in Mr. Sinclair's letter and attachment of March 3, 2004 to City Council. Contractors associations, Ministry advisory groups, local governments, inspectors associations and many others brought forward similar concerns in reviewing drafts of the legislation and Regulations. This input resulted in significant changes to the Regulations that addressed most of the concerns raised by the BCFL and others and a commitment by the Province for continued dialogue to refine and clarify outstanding items and, if necessary, further modify the Regulations. Staff will continue to focus its efforts on working with other jurisdictions in assisting the Province in meeting this commitment.

It is recommended that Council authorize the Mayor to forward a letter to the Minister of Community, Aboriginal and Women's Services urging the Minister to establish, under the current authority granted by legislation, an advisory board related to electrical safety services in the Province. It is further recommended that Council instruct the City Clerk to forward a copy of this report to Mr. Jim Sinclair, President of the BCFL.

Original signed by

Murray Dinwoodie
General Manager
Planning and Development

RJB/kms/saw

Attachment

Appendix I Letter dated March 3, 2004 from B.C. Federation of Labour

Appendix II Letter dated May 5, 2004 & Report dated April 28, 2004 from City of Burnaby

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