

**Minutes of the Joint Safety Committee Meeting**  
**Held at the Maritime Labour Centre - 1880 Triumph Street, Vancouver, BC, V5L 4C3**  
**1:00pm, Mar. 12, 2013**

**Attendees**

**BCMEA**

David Moorhouse - (Co-Chair) BCMEA  
John Beckett – BCMEA  
Meghan MacLean – BCMEA  
Samantha Mincher- DP World  
Rick Meyer – Kinder Morgan  
Derek Razzell- TSI  
Jerry Jennings - FSD  
Daniel Howell - TSI  
Carlos Rodrigues - Neptune  
Croft Carlsen – Western Stevedoring  
Bruce Webster – Western Stevedoring

**ILWU**

Angela Talic - (Co-Chair) ILWU Canada  
Eric Skowronek – Local 500  
Chuck Zuckerman – Local 500  
Ray Lavalee – Local 508  
Romeo Bordignon – Local 502  
George Sebastian – Local 505

**Business arising from Dec. 12, 2012 meeting minutes:**

1. Confined Space in Ships Including Holds and Their Access Spaces
2. White Book Review and Formal Adoption of Standards of Operations
3. Hard Hat Risk Assessment – union suggestion for logo for bump caps
4. Union response re. the COR Program

**New Business**

1. Quick card review – radar, fall protection and gangway. Suggestion to develop card detailing ship's signal flags while in port
  2. First aid handbook. Suggest respirator fit testing training for first aiders.
  3. Discuss Person in the Water Procedures
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## **Minutes, March 12, 2012**

The meeting was called to order at 13:01

### **Attendance**

### **Safety Briefing**

#### **Minutes of Previous Meeting**

No report of errors or omissions in Dec. 12, 2012 minutes

#### **Approval of the Agenda**

D. Moorhouse apologized for the inclusion of a closed item in the draft agenda: Site Safety Committees Dealing with Shipboard Issues. Discussion: Not all committees have ship representatives. The committee recognized that the union appoints safety representatives, and individual committee terms of reference should detail the committee's purview and how that is accomplished.

The agenda was approved as amended.

#### **Review of Quarterly Stats**

Quarterly statistics were not provided. Information comes from WorkSafeBC on a flash drive, and it was discovered too late that the information provided to the BCMEA was not what was requested.

### **Old Business**

#### **1. Confined Space in Ships Including Holds and Their Access Spaces**

ALeMonnier provided the following documents to JBeckett:

- 1) Casualty And Incident Reports And Analysis – Document from 1997 around confined space (IMO – enclosed space) submitted by Sweden
- 2) Revision Of The Recommendations For Entering Enclosed Spaces Aboard Ships – Submitted By MAIIF
- 3) Recommendations For Entering Enclosed Spaces Aboard Ships - IMO Resolution A.864(20) (document is currently under review)

Gazette 2 for new MOSH regulations are coming in March 2010. ALeMonnier requested that a sub-committee be formed to conduct a risk assessment for confined spaces. JBeckett sees no issue with forming a sub-committee however; he expressed the employers position was to first ensure the hatch is not a confined space which would simplify the issue for everyone. JBeckett will coordinate with ALeMonnier to form a committee in January 2010.

March 11, 2010: ALeMonnier – new cards on confined space are now available through ICHCA. JBeckett stated that the risk assessment meeting has taken place, and the next steps are to wait for the finalisation of the regulation. ALeMonnier stated that the meeting produced a consensus and that for the purpose of the industry there is a need for pre-testing. The question lies on how it should be done. The union believes this should be done through the foremen; however other parties must also be involved. There is a need for equal participation in the process. A longshore division representative (how they are identified has yet to be determined) would have an equal participation in the pre-testing in both the holds and access ways. JBeckett stated that this is a work in progress.

June 10, 2010: ALeMonnier stated that a process is still required. There is user friendly equipment available that with adequate training would meet the requirement of “qualified person” under MOSH regs to make an inspection of access ways. The issue is how we are going to ensure that this is done to everyone’s satisfaction. Testing cannot be done only by the ship’s crew. Ship Foremen would need to be involved with a rep from longshore division. DH – we have begun to look at what the process will look like. Once MOSH regs are finalised we will be able to determine what is required, and confirm who should be involved. We need to table this until the MOSH regs are available.

November 25, 2010: JBeckett recognises the need to do a risk assessment, and asked the Union who they would like to do the testing the employers’ primary objective is to JBeckett asked the Union who they deem to be a qualified person. ALeMonnier responded the need will be to hire an expert to train the Ship Foremen. The union stated one of the longshore employees is to attend with the foreman while the testing occurs.

Suggested by JBeckett & Al LeMonnier that a sub-committee be created to determine who is a qualified person is and the safe procedure to go about testing. Terry B to spearhead getting Terminals involved in organising subcommittee. Tony G TSI: Highlighted the need to clearly define what is and isn’t a confined space and developing a method to establish what is a hazardous environment. Al LeMonnier replied that as per the IMO Recommendations on Enclosed Spaces, the hold and its adjacent access spaces are enclosed (confined) spaces. However tests should be carried out to ensure the hold is safe to enter.

ALeMonnier will provide names for the sub-committee to Terry B before end of next week.

**ACTION:** Al LeMonnier to provide Terry B with names for sub-committee before end of next week & Terry B to get Terminals involved in creating the sub-committee.

February 24, 2011: Employer and Union formed a subcommittee which met last week. Work is progressing.

September 29, 2011: Sub Committee was formed, and role of the sub-committee discussed.

When looking at the issue of the ship hold it was found that no past data existed. Pacific Environmental was engaged to do a study focusing on vessels entering the port, more specifically to look at the hold and the entrance to the ship's hold. In a study which focused on all commodities received in our ports, 38 holds were tested from all sides, and the overall result from the testing showed that all oxygen levels were normal, and all within the normal range of 20.9 – which is well within permissible levels.

The union expressed that the report is informative, but not surprising. To move on from here the union would like to determine a method going forward where regular testing becomes part of the regular hazard prevention pre-inspection.

Companies have been mandated to cover hazard prevention, and we decide by the JSC has to go to the local committees who then decides whether it gets carried out.

The employer explained that there are clear processes in the MOSH regs & HPP on how those requirements are to be carried out.

The Union asked for a uniform policy from this committee for workers boarding and working on a vessel. The employers stated there is no consistency within the industry, and would like to come up with a way where the JSC can influence some consistency. The problem is that even when there is agreement at the JSC – the management of companies in consultation with their joint safety committees, will ultimately make their own decision – each terminal determines what ultimately makes sense for them.

BCMEA and the Union to develop a presentation to present to the site safety committees on how to deal with confined spaces. GWilliams will contact ALeMonnier to go forward.

February 9, 2012: GWilliams together with the union put together a two part presentation to cover: a) Introduction of a hazard prevention program which is a recent addition to mosh regs; and b) using a hazard prevention program to put together a confined space policy. So far the employer and union together have presented to DeltaPort, Vanterm, Centerm, DPWorld, TSI, and Neptune. The feedback from the presentation has been positive however employers would like to know what they are meant to do in order to comply. To answer this question the BCMEA has retained the services of a consultant John Lewis who is confined space expert. He will be able to offer guidance to employers on how they can comply, and this will provide consistency throughout the industry. The process will include the participation and consultation of the individual safety committees.

June 07, 2012: Reviewed Pacific Environmental Consulting and Occupational Hygiene Services report re. assessment of cargo holds as confined space. The report categorizes cargo holds as follows:

1. Working Space (loading)
2. Enclosed Working Area (unloading)
3. Confined Space (tanks)

Summary of report recommendations:

- Establish written procedures
- Use appropriate gas monitor when required
- Testing of air in 'Working Spaces' not required provided hatch is opened for a short period (30 mins)
- Testing of the air for O<sub>2</sub> is required for "Enclosed Working Area" prior to worker entry
- Continuous monitoring for CO required when equipment working in the hold
- Testing prior to stevedore entry can be eliminated if representative samples show consistently acceptable concentrations.

BCMEA members performed a procedural review, (based on the report), detailing procedures required depending on cargo being loaded or unloaded, and shared with union.

The Union does not agree with the confined space assessment. They raised concerns surrounding the time frame established for ventilating a hold (30 mins) to make it a safe working space; connected chambers in container vessels having leaks; and the definition of a confined space as per the assessment. A Union representative suggested the procedural review goes too far and is not necessary. Union feels empty holds should be tested for O<sub>2</sub> (CO<sub>2</sub> if hazard introduced) prior to entry in all cases. The employers did not agree and support the recommendations in the report.

September 19, 2012: Sub-committee has not met. Attempting to modify risk register created to reflect cargo hold data received from Al Lemonnier. Union concerned that information regarding cargo previously handled is difficult to obtain. Cargo last contained, OK, but prior cargo difficult to determine.

Action: Sub-committee scheduled to meet Oct. 12 at the BCMEA. D Moorhouse to send invitations. Union will provide appointees.

Dec. 12, 2012 Subcommittee did not meet. D. Moorhouse suggests that this issue go back to the site safety committee for resolution. We have been considering this issue for the past 2½ years. A subcommittee delivered a presentation to most site committees in 2011-2012 on new MOSH regulations and Hazard Prevention Program requirements, but no action has occurred. BCMEA commissioned a global risk assessment and report by Pacific Environmental. BCMEA also retained a confined space expert. BCMEA engaged the shipping industry. Employers proposed a framework for atmosphere testing and monitoring based on cargo and risk detailed in Pacific Environmental report. This was rejected by the Union. Union maintains that all hatches, even empty hatches, must be tested prior to entry, regardless of risk. Employers do not believe this is supported by the data we have. Union disagrees. A global risk assessment is not something the ILWU is comfortable with. Things change voyage by voyage. The Union believes that initial testing is an industry-wide issue that needs to remain at this committee.

ACTION: ILWU Canada asked that this issue be tabled pending an internal union discussion. They will provide a report prior to next meeting.

**March 12, 2013** – Union indicated they are not willing to change their position that all cargo holds be atmosphere tested prior to entry and an industry wide protocol be developed. Union members provided anecdotes of incidents that they felt could be attributed to atmosphere, e.g., crane driver felt dizzy; worker encountered paint fumes as he walked by open paint cans; worker in Prince Rupert experienced weakness on container ship.

*John Beckett emphasised that anything this committee does would have no impact on the employer, who is responsible to conduct a hazard assessment and consult with their legally required safety committee. Each employer has different risks, so each requires their own solution. We can't recommend single protocol for the entire industry.*

*This issue is referred to the employers safety committees for action. The Union agreed to close this item if it is understood that it would be revisited if there was an incident.*

*Closed*

## **2. White Book Review and Formal Adoption of Standards of Operations**

March 11, 2010: ALeMonnier – the union agrees on the adoption of the Standards of Operations. This needs to be formalised with both the union and employers signing it off. The idea is to have the white safety book and standards of operations - part a), and part b).

JBeckett – each company, except one, has gone ahead with their own standards of operation without the union's logo on it. At this point in time he is not willing to sign off the documents, nor get into discussion over it until after bargaining. He also added there are new regs coming up, and some of the items will become redundant.

The Union said that there is no evidence the SOPs are implemented by the employer. There is not even any evidence that Tool Box Talks are actually taking place. The Union stated that just a couple of meetings ago; it was the employer requesting to have the SOPs formalized. The Association restated that the Association will not sign or agree on anything until the collective agreement negotiations are finished.

June 10, 2010: No update

November 25, 2010: No update

February 24, 2011: No Update

September 29, 2011: Union would like to review and update Standards of Operation. The union asked to reopen the review of the White Safety Book, and stated it would need a committee to work on it. The employer suggested Info flip rather than a white book to cover standards of operation. Employers & Union agree the adoption of SOPS. Formatting and implementation still need to be determined.

February 9, 2012: Action: DMoorhouse will obtain SOPs and distribute to committee and report around implementation. There was mention that SOPs around containers also exists, and DM will obtain copies and distribute and report at next JSC meeting.

June 07, 2012: Discovered this issue has been on-going since 2008. Initiative to combine White Book (which deals primarily with ship safety) with stevedoring SOPs. Employer responded in 2008 and is awaiting review from union. D. Moorhouse sent email from 2008 to Al Lemonnier Feb. 21 including completed employer review and request for feedback. Sent to union committee members again today. Union suggested that foremen be included in review. Union suggested foremen are included in the development of the SOP's. T. Doran to arrange union feedback.

September 19, 2012: Two related issues: White Safety book review and formal adoption of Standard Operating Procedures (SOP). SOP's already in use by Western.

Union question re. past process led by Pam Fry re. container vessel SOP's. can we also adopt these? Container terminals now have SOP's that are very site-specific, and they are happy with. No desire to change. General SOP's incorporated into BCMEA lashing training.

Action: JBeckett to send SOP's for approval by the Labour Relations Committee. Union will send BCMEA electronic format of their White Book review by November 2012. This issue will require decision to incorporate the two documents or to keep them separate at the next meeting.

Dec. 12, 2012 Union would like to change title to White Book Review and Formal Adoption of Standards of Operations, recognising there will be two parts: White Book and SOP's.

Employer and union have exchanged suggestions. Many places where they agree to delete items. D. Moorhouse reviewed and identified areas where legislation has replaced White Book Rules. Union does not agree with deleting anything replaced by regulations as the regulations can change.

**Action** D. Moorhouse to further distill review document. deleting rules that both agree upon, and redistribute to all for comments. J. Beckett to send SOPs to LR committee.

**March 12, 2013** *J. Beckett did not send this to the LR committee, preferring to wait until the union endorses the hard hat recommendations and convey both at the same time. D. Moorhouse felt that the changes suggested were not significant enough to make any impact on safety. MOHS regulations now cover much of what's in the document. Therefore, no action. J. Beckett suggested that changes still be incorporated into a readable format, and the BCMEA colour-code any items that it has an issue with and propose solutions. E. Skowronek reminded that the Western SOP's should be appended.*

*Open*

### 3. Discuss COR Program

**12/12/12** John Beckett delivered WorkSafeBC presentation on their internal COR program review (attached) that was provided to all Certifying Partners on Dec. 6, 2012.

- Prevention Strategy: 3-pronged approach: Consultation/Education Penalty/Incentive , Enforcement.
- Health and Safety Assns. (HSAs) are a cornerstone in building a safety culture across B.C. (BCMEA is a WSBC unfunded HSA providing extensive safety training and education to waterfront employers).
- COR was one 'tool' to strengthen growth of HSAs and ensure industry buy-in for improving safety management systems.
- Started in 2003 with Roadbuilders. All BCMEA members are either COR certified or have indicated the desire to obtain the certification.
- COR requires employers to exceed regulations and develop Safety Management Systems that lead to continuous improvement
- Two types of audits – compliance and SMS – COR is SMS. Compliance audits are component of a SMS.
- Independent analysis by UBC confirms that COR is a component in injury reduction resulting in 10-15% less injuries than non-COR companies. This was determined by UBC's Partnership for Work, Health and Safety (PWHS).
- BCMEA is confused on the ILWU opposition to COR according to the recent BC Federation of Labour resolution. ILWU Canada sits on the COR governance Board of Directors. BCMEA is asking for ILWU Canada level of commitment to the COR process.
- BCMEA strongly believes it would be better to find a solution together. This process is a legitimate business practice requiring participation.

ILWU Canada indicated that the ILWU did not censure COR at their convention. Each local is autonomous, and ILWU Canada cannot force them to participate. ILWU Canada is not bound by BC Fed resolutions as determined at their last Coastwise Bargaining Committee meeting. ILWU Canada was not in a position to say which locals support or don't support COR. The executive will discuss the issue again at the next executive meeting.

ILWU committee members indicated that there is frustration amongst the membership who see companies pass COR audits but are not always in compliance with regulation. This is a big disconnect that generates concern. Also COR is a 'nebulous' process that members don't fully understand. They need specifics they can grasp.

John Beckett responds that no company is in compliance 100% of the time. The SMS process ensures focus on the high risk activities that will hurt people. There is always risk, and given the right circumstances workers will still get hurt. However, there is lots of research and evidence that workers will get hurt less under a SMS system. BCMEA has also heard union rumours that employers use the COR rebate to fight claims. BCMEA gets no COR rebates but funds WSBC appeals. BCMEA has a large budget to manage claims and return employees to work which is funded under normal BCMEA sources. No employer WSBC money or rebates are used. Our



training budget is also very large, and every program has a focus on safety. Waterfront safety has improved considerably over the past few years due to BCMEA and employer focuses. This has led to a significantly improved Health and Safety Committees engagement.

BCMEA is the only WSBC certifying partner of the nine who have invited unions to sit on the COR Board of Directors. BCMEA level of commitment to Union engagement and participation is greater than any of the certifying partners. BCMEA will be holding another internal auditor training session next week and has invited union executive to attend. BCMEA is awaiting response from ILWU Canada.

### **March 12, 2013**

*Union executive meeting was rescheduled until the end of March. Response will be provided by next meeting.*

*Open*

#### **4. Hard Hat Risk Assessment**

November 25, 2010: It has been requested on behalf of shipping lines that hard hats be worn during shipping operations. BCMEA hired a Company to complete risk assessment, discussion on how to implement this in the industry. Al LeMonnier raised concerns with the risk assessment and the methodology used.

Action: JBeckett to provide data resulting from the risk assessment to Union so they can do their own analysis.

February 24, 2011: Data from EHS Partnership for the Hard Hat Risk Assessment was provided to ESkowronek in January.

ACTION: ESkowronek will contact SHaché to coordinate meeting in order that Glyn Jones from EHS can present on the data used for the hard hat risk assessment

September 29, 2011: Eric received the information from the consultant, but no meeting on the subject has yet taken place.

Hard hats are mandatory at Westwood, and implementation of the policy will commence October 1<sup>st</sup>. Westwood has a new owner, and it is a companywide policy. ILWU Canada expressed disapproval of the meeting having been conducted with Local 500 only when other locals are affected. The union indicated that there should be a risk assessment for any PPE that is required, in order to determine the reasoning behind a policy and show where a hazard exists. The union rejected the assessment submitted by the association. Employer stated that hard hats are an issue for our industry and requires both parties to participate fully in a solution. Union and employers agreed that they would work together on a process for an

industry wide hard hat risk assessment for the Break Bulk sector. T. Bertram will contact union for names of who will represent from the union.

February 9, 2012: Action: Union will offer personnel to form part of the committee.

June 07, 2012: A Hard hat risk assessment has been conducted and shows evidence hard hats would be beneficial to minimize head injuries in containers, break bulk and ship board work. Union did not agree with risk assessment report submitted, Sept. 2011. Have requested union representation twice, no response. Issue for break bulk and containers. Head injury risk present. Hard hat we supply can be safely turned around to position brim out of the way. T. Doran to provide name of union members to participate in further risk assessment.

September 19, 2012: A sub-committee has met twice to discuss Hard Hat Risk Register that evaluates head injury data from the past ten years. BCMEA has incorporated union's suggested changes, i.e., use IMO risk assessment matrix, rationalize the data to exclude foremen and injuries that do not have head as primary causes or that may be unrelated to overhead hazards. Number of records reduced from 1114 to 830. Has not made a significant change to risk levels. Union is meeting September 20, 2012 to discuss data. BCMEA feels the Risk Assessment tool is ready to be used as intended: focus on high risk areas, review current controls and provide recommendations. Note that different employers may have different levels of risk tolerance. One injury is too many, and may be enough for them to take action to prevent. All agree that this can become a powerful tool to help us focus on other high risk areas once populated with all injury data.

Action: Co-Chairs to determine next meeting date to conduct the Hard Hat Risk Assessment. Proposed date, Nov 14<sup>th</sup>.

Dec. 12, 2012 Subcommittee has met twice, and has made the following observations and recommendations:

- In log service, there is a large difference in head injuries between the boom and the ship. Committee recommends workers wear hard hats while working on the boom
- Ship injuries seem to be more struck against, rather than struck by, with the exception of steel (see below)
- There is an obvious pattern of head injuries working in the hold on steel ships. The Committee recommends hard hats be worn while working in the hold on steel ships.
- Recommendation for hard hats should be accompanied by a review of procedures and subsequent training (Foreman, Topside and boomman). Development of procedures is best left to the employer
- The group is comfortable recommending that all Longshore wear bump caps for work on ships (in breakbulk and log service) to reduce bumps and scrapes. Bump caps are not a substitute for hard hats where required (as detailed here, or required by the employer)

- BCMEA to provide bump cap samples for review. Once a particular style is agreed upon, committee discussed opportunity for all Longshore to be issued bump caps and expectation to use them in breakbulk service where hardhats are not otherwise required. Sub-committee will monitor injury data post-implementation to ensure effectiveness.
- Need better quality data for future risk assessments We need to increase awareness of 1<sup>st</sup> aiders re. purpose of reporting, and better familiarization with the work of the people they treat. Review forms to ensure it captures the appropriate information
- Meghan to send the union membership and dock risk assessment sorted by cargo (done).

**Action** – DM to forward recommendations to employers. Union to provide suggestion for logo for bump caps and color. BCMEA will source supplier and await response from union. Purchase and distribute widely. Monitor head injuries after implementation.

**March 12, 2013** – *Union provided a cap with example artwork. A. Talic will arrange to send artwork. J. Beckett is OK with providing caps with individual local names on a one-time basis to encourage use. One cap per member.*

*Union suggested a cap with shorter bill. BCMEA will investigate. DP World has been using these on car ships and they have been well received.*

*Union executive meeting was rescheduled until the end of March. Response regarding endorsement of recommendations will be provided by next meeting.*

*Open*

## **New Business**

### **1. Quick Card Review**

#### **a. Radar**

*Local 502 would like to review further and will report next meeting. D. Moorhouse to provide 1991 Canadian Coast Guard technical information that the card is based on.*

#### **b. Fall Protection**

*Union suggests that 2 pictures of fall arrest and fall restraint systems should be provided. Also, provide typical examples of systems on steel and logs. Existing picture has D ring too low. Reverse side Item #4 should include examples of what to look for when inspecting. Incorporate into fan card? D. Moorhouse to revise and report next meeting.*

**c. Gangway**

*All agreed that the old card provides more clarity than the revised version, therefore the old card will remain in circulation. No further action.*

**d. Suggestion to develop card detailing ship's signal flags while in port**

*Further research revealed that the flag that was thought to indicate quarantine actually means the ship is free of disease. Bruce Webster thinks that with the exception of one or two flags, the system might be obsolete. No further action.*

*Open*

**2. First aid handbook. Suggest respirator fit testing training for first aiders**

*The first aid handbook is in circulation and has been review twice by John Urrico. D. Moorhouse sent updated version to John last week for presentation to category meeting.*

*Each employer who requires respirator fit testing has a solution that may or may not require participation of first aid attendants. Not necessary to train first aiders in fit testing.*

*Closed*

**3. Discuss Person in the Water Procedures**

*Discussed Person in the Water Rescue procedures following a report of an incident where a worker fell into the water while hanging a save-all. The worker was fortunate he fell in at slack tide, close to a ladder, and was retrieved immediately without injury.*

*The Committee recognises that a similar incident could have much more serious consequences if conditions were different. Consequently, the committee encourages employers to review their person in the water rescue procedures to ensure workers who might fall in the water can be rescued effectively.*

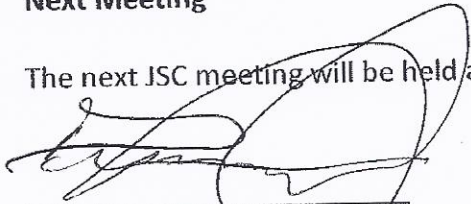
*D. Moorhouse to distribute National Maritime Safety Assn. draft generic person in the water rescue guidelines, and associated material from the BCMEA Linesperson training sourcebook to employers and suggest they review their person in the water rescue procedures to ensure workers who might fall in the water can be rescued effectively.*

*Review responses re. procedures in place, or initiatives taken to implement them next meeting.*

*Open*

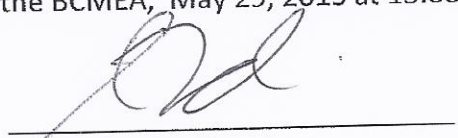
**Next Meeting**

The next ISC meeting will be held at the BCMEA, May 29, 2013 at 13:00



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For the BCMEA  
David Moorhouse – Co-Chair



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For ILWU Canada  
Angela Talic – Co-Chair

April 2, 2013

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Date signed

April 2, 2013

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Date signed