



# RUMBLINGS

FOR SAFE ROADS, LOADS AND DRIVERS — ACROSS BRITISH COLUMBIA  
FORESTRY TRUCKSAFE



BC Forest Safety Council

○ PRINTABLE VERSION

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## Safety in Forestry Transportation

TruckSafe Rumbings is published biweekly to keep you informed on what is happening in forest hauling safety in BC. Call MaryAnne Arcand to provide input or get the news out on best practices and concerns in the industry.

HAPPY  
HOLIDAYS

*Editor's Note: This is the last Rumbings for 2009, and my last Rumbings for good, as Chuck Carter steps into his new role as Director of Transportation Safety for the Forest Safety Council. Thanks so much to ALL of you for the emails, cards, and calls over the last four and a half years. If you ever want to catch up to me, my email is [maryanne@cila.ca](mailto:maryanne@cila.ca) Good luck, Chuck! I hope your experience with the trucking sector is as positive and rewarding as mine has been. And to all our faithful Rumbings readers, from me to you.... take care out there. Have a safe and happy holiday season – and a prosperous and successful 2010!*  
- MaryAnne

### **EAT, DRINK AND BE WARY!** Reprinted from Canadian HR Reporter

Employers need to be particularly careful when hosting work-related functions where alcohol is being served or consumed. In such circumstances, employers can be found liable for negligence if a reasonably foreseeable injury to an employee — or to a third party — occurs during, or as a result of, a company-sponsored event. Employers can also be liable for harassment as a result of activities or situations arising from, or at, workplace parties and related functions.

### **Duty of care to employees**

Employers owe a duty of care to employees in certain situations. Where an employer is hosting a work-related event involving the serving or consumption of alcohol, its duty of care has been held by at least one court — the British Columbia Supreme Court in *Jacobsen v. Nike Canada Ltd.* — to be higher than the duty owed by a commercial host, such as a bar or restaurant to patrons.

This higher duty is justified by the fact an employer has an obligation to provide a safe workplace. **By**

***permitting or encouraging alcohol consumption, an employer introduces an element of risk it is reasonably foreseeable could lead to harm. Employers, therefore, have an obligation to take the steps necessary to prevent, as much as possible, such harm from occurring.***

**Example** Perhaps the most well-known case of employer liability from a workplace event is *Hunt (Litigation Guardian of) v. Sutton Group Incentive Realty Inc.*, where an employee sustained serious injuries in a car accident following an office Christmas party where free and unlimited alcohol had been provided. On her way home, the employee stopped at a tavern where other employees continued the festivities and consumed two more drinks. The accident happened shortly after she left the tavern and was found to have resulted largely from the employee's intoxicated state.

The employer owed the employee a duty of care and should have ensured she did not drive herself home, found the trial judge. *The employer also should have foreseen or anticipated employees might continue the party elsewhere and ensured employees either had accommodation in a local hotel for the night or a safe means of travel home.*

When planning an office party involving alcohol, an employer should consider the following steps to minimize the risks of liability:

- Monitor alcohol consumption. Ensure no one is served to the point of intoxication and no one is served who is already intoxicated.
- Assign management or supervisory-level employees to oversee the event and be the "go-to" person in charge. At the very least, a designated individual should be responsible to stay sober and observe and assist employees and guests in the activities on the premises. All employees and function-related staff should be aware of who these designated individuals are.
- Put in place a procedure that limits alcohol consumption. Avoid open bars or unlimited alcohol. Instead, consider offering one or two drink tickets per person and prohibiting the transfer of tickets to others.
- Consider adopting an alcohol policy that will be enforced for all work-related functions. Ensure there also is a well-communicated harassment and sexual harassment policy.
- Keep work-related events short and offer activities beyond drinking and socializing. Discourage employees from arranging or engaging in further festivities after or beyond the office party.
- Ensure appropriate individuals are informed of the signs of intoxication, the factors that influence impairment and the steps to be taken to avoid intoxication and the importance thereof.
- Offer non-alcoholic beverages and food.
- Offer cab chits, vouchers or a designated driver program. As necessary, arrange for local hotel accommodation or other alternatives to driving home. Caution all employees against the dangers of drinking and driving.
- In the event an employee becomes intoxicated, ask about his mode of transportation and ensure he can get home safely. Attempt to dissuade the intoxicated employee from leaving until he is sober or retrieve his keys.
- Consider whether the party can be held at an off-site location but carefully investigate the venue and its policies.

The BC Liquor Stores website has a handy checklist for Responsible Hosting and some good ideas, at <http://www.bcliquorstores.com/responsible-hosting>

## **THE LATEST ON BIO-FUEL- HOW IT WILL AFFECT YOU and YOUR TRUCKS**

A mandated 5% provincial average for bio content in fuel comes into effect January 1, 2010. There has been little communication about this in the media, yet we know truckers are concerned about cold weather operations, fuel gelling (or larding) up, warranties and so on. So we've done a little digging, with help from the CILA, BC Trucking Association and FERIC. This is the most up to date information we can find:

- The provincial government has recognized a high percentage of problems for new engine warranties, and operationally for older engines with mandatory use of bio-fuel without better

understanding or labelling.

- Fuel suppliers (we checked with Chevron, Shell, Petro Can, Esso and Coop Bulk dealers) have said they are not going to bring bio-diesel anywhere it may cause operational issues. Several have said they will not bring it north of 100 Mile House this winter.
- The province is committed to a 5% average over the whole province, so if we have 0% in the northern half of the province, other areas will have to have a higher percentage in order to achieve the average.
- Bio-diesel has a solvent effect. If you begin to use bio-diesel in your vehicle, make sure you change your fuel filter after the first week, as it will be full of gunk from the engine.
- If you keep your fuel in a stationary tank on the yard or on the block – bio-diesel will separate over time; it also attracts more water, so watch for condensation.
- You need to ensure that the fuel you are receiving meets ASTF standards, just as you need to with lubricants.
- Warranty conditions are changing quickly, but here's what FERIC has received from the various manufacturers:

Caterpillar	B30 and lower blends & oil analysis recommended.	No restrictions
Cummins	Up to B20 in some models, oil analysis recommended.	No restrictions
Detroit Diesel	B5 and lower approved	No restrictions
International	B5 approved and higher blends have disclaimer.	No restrictions
Mack	B5	Soy base only
Volvo	B5	Canola base only

## CRACKING DOWN ON OVERWEIGHT LOADS

CVSE and the Ministry of Highways are cracking down on overweight loads. Several trucking contractors have let us know that they either have been warned or ticketed by CVSE, and in some cases the mills have been warning haulers that overweight loads will not be accepted. One truck this past week got ticketed for having 70,000 kgs.on, on the highway, in very slippery winter conditions. This is just not acceptable.

The damage to roadways from heavy loads runs into the billions of dollars, money that could have been used to improve shoulders and pullouts and passing lanes, but instead has to be put into resurfacing. The risk to public traffic and truck drivers is much increased with overweight loads.

According to CVSE officials, overweight compliance is excellent for at least 80% of trucks, but it's the last 20% who keep pushing the limits, and making it bad for everybody. CVSE has the right to go to the mills and collect load slips, and then write tickets. CVSE does this 'batch ticketing' every couple of years in a continuing effort to reduce overloads, and every time it happens it causes more friction between the transport side of the industry and CVSE staff.. Some contractors have been ticketed to as far back as June. In future, CVSE will work with Forestry TruckSafe to publicize these scale slip-based overweight crackdowns before they're launched, and will also take part in regional pre-season advice and enforcement meetings we will help organize.

So consider this your fair warning. They are not going to tolerate anything over legal loads and the allowable tolerances for snow and mud picked up during the haul. They say there's no excuse – log haulers are professional drivers, there are scales on the trucks, and you have the experience to know if your load is heavy. You know what the regs say, and that's the end of it.

The tickets will be going to the drivers of the truck, whether they are hired drivers or owner operators.

## TRUCK LOGGERS CONVENTION DATES CHANGE

Due to a scheduling conflict, there have been some minor adjustments to the schedule, with a positive result being a more compact, fast-paced convention for delegates. Now Two Days Only: January 20 - 21, 2010. To register, or to see the Conference details, please visit [www.tla.ca](http://www.tla.ca).

## You need a cell phone policy.... on top of the January 1 regulations

(from e Compliance.ca)

Talking on cell phones and texting at work is distracting and often minimizes productivity—especially when the communication isn't work-related. It can also increase the risk of accidents. And it's not just a traffic safety issue.

Workplace incidents related to carelessness on-the-job, cell phone use and texting are growing fast – and the results can be devastating:

- A N.B worker steps in front of a truck while talking on his cell phone and dies;
- A major Metrolink rail crash that kills 18 people is directly related to an engineer text messaging on the job;
- A truck driver slams into a completely stopped car while using his cell phone and kills a woman.

To help protect your company, your employees, and others from cell-phone related accidents SafetyComplianceInsider has released a report that discusses the hazards of cell phone usage in the workplace and the basics of a good cell phone policy.

The report includes a complete model workplace cell phone policy and guide on how to create your own policy that is fair to employees, helps protect your company, and complies with provincial laws. To see the report, go to: <http://www.industrymailout.com/Industry/View.aspx?id=178450&q=168336112&qz=3d359d>

## UPCOMING EVENTS

Jan 14 -15	Pat Bell's Natural Resources Forum, Prince George
Jan 20-22	Truck Loggers Annual Convention, Victoria
Jan 28-30	Western Silvicultural Contractors Conference, Prince George
June 3-5	Resources Expo, Prince George

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