

VICE PRESIDENT DIRECTIVE

UNDER SECTION 188(4) OF THE *WORKERS COMPENSATION ACT* ("Act")

Section 8.40(2.1)(b) of the *Occupational Health and Safety Regulation*

Authority of Senior Vice President

Section 188(4) of the *Act* states that "an officer of the Board may exercise the authority of the Board to make orders under this Part, subject to any restrictions or conditions established by the Board." The President and Chief Executive Officer has assigned to the Senior Vice President, Operations, or his or her delegate, the authority to exercise the Board's power under section 188(4) to establish restrictions and conditions on the making of orders under Part 3 of the *Act*.

This Directive is made pursuant to the delegated authority of the Senior Vice President, Operations to the Vice President, Prevention Services under section 188(4) of the *Act*.

Regulatory Requirements

Section 8.40 Fit Tests

- (1) A respirator which requires an effective seal with the face for proper functioning must not be issued to a worker unless a fit test demonstrates that the facepiece forms an effective seal with the wearer's face.
- (2) Fit tests must be performed in accordance with procedures in [CSA Standard CAN/CSA-Z94.4-02, Selection, Use, and Care of Respirators](#).
 - (2.1) A fit test must be carried out
 - (a) before initial use of a respirator,
 - (b) at least once a year,
 - (c) whenever there is a change in respirator facepiece, including the brand, model, and size, and
 - (d) whenever changes to the user's physical condition could affect the respirator fit.
- (3) Other personal protective equipment that is to be worn at the same time as a respirator and which could interfere with the respirator fit must be worn during a fit test.
- (4) Repealed. [B.C. Reg. 20/2006, effective May 17, 2006.]

Issues with the current requirements

The Provincial Health Services Authority (PHSA) Commercial Services Supply Chain secures and allocates respirators for all BC Health Authorities. PHSA has advised WorkSafeBC that they may face challenges in maintaining a supply of N95 disposable filtering facepiece respirators ("N95 respirators") as a result of the current outbreak of COVID-19. Compounding this challenge is the requirement as per OHS Regulation 8.40(2.1)(b) that fit testing be carried out at least once a year. The fit test process results in the respirator being rendered unusable and discarded, placing additional strain on the availability and supply of N95 respirators.

To ensure the ongoing availability of N95 respirators, WorkSafeBC is modifying the

requirement for annual fit testing of these respirators for the BC Health Authorities. This modification gives BC Health Authorities the option of modifying their fit test program as described below.

VP Directive

For the reasons stated above, by this Directive, the Vice President Prevention directs as follows:

- This Directive applies to workers required to wear an N95 respirator by a BC Health Authority as per their infection control protocol and risk assessment.
- Workers must have a documented respirator fit test on the same brand, model, and size of respirator within the previous 2 years (24 months) prior to wearing an N95 respirator. Workers who do not have a documented fit test from the previous 24 months must be fit tested in accordance with the *OHS Regulation*.
- Workers must perform a fit check or seal check prior to the use of the N95 respirator, and where that check reveals an issue with the seal, a full fit test must be performed.
- The application of OHS 8.40(2.1)(b) is unchanged for other employers outside of the BC Health Authorities and for respirators other than N95 respirators.
- All other requirements of OHS 8.40 (Fit tests) and OHS 8.41 (User seal check), are unaffected by this modification.

Al Johnson
Vice President
Prevention Services

Date

Expiry, unless cancelled earlier: September 1, 2020