

Part 27 Violence and Harassment

Section 392.1 Retail fuel and convenience store worker safety application

Sections 392.2 through 392.6 apply to gas stations, other retail fueling outlets and convenience stores where workers are usually present during business hours. Other retail fuel outlets could include car washes or automotive shops that dispense fuel, convenience stores that dispense fuel, and gas bars. Fuel includes gasoline, diesel fuel, natural gas and propane.

Please note that the other more general sections of Part 27 apply to all workers regardless of the industry within which they work.

The requirements of Sections 392.2 through 392.5 also apply to convenience stores, whether or not they dispense fuel.

A convenience store is a small retail business that stocks a limited selection of everyday items such as groceries, snack foods, confectionery, soft drinks, tobacco products, over-the-counter drugs, toiletries, newspapers and magazines. Larger convenience stores may sell quite a broad range of items including perishables such as bread, milk or limited amounts of produce. The selection, however, is still limited compared to a supermarket or grocery store. In many convenience stores only one or two choices of a specific product type are available. Stand-alone cigarette stores (as are sometimes associated with a grocery store) are considered to be a type of convenience store. A tobacconist, like other retailers selling a limited range of specialty items, is considered to be a specialty store, not a convenience store.

The requirements do not apply to grocery stores. Grocery and convenience stores sell many of the same products and offer similar services. Table 1 summarizes characteristics that can be used to tell the differences between the two.

Table 1 Comparing grocery and convenience stores

Grocery store	Convenience store
Offers a wide variety of products, including perishable items such as meat, produce and dairy, along with general merchandise such as cleaning supplies, paper products and health/beauty care products. Often many different name brand products	Offers a more limited selection of products, typically high-convenience items and basic food products that can include limited perishables such as bread, milk and some produce.

Grocery store	Convenience store
are sold.	
Tend to be larger in size.	Tend to be smaller in size.
Generally have shorter hours of operation and are closed on some holidays.	Offer longer hours of operation, typically 24 hours, seven days a week and are open on most holidays.
Few grocery stores sell gasoline. If they do, gasoline sales tend to be at a gas bar located some distance away from the grocery store but still on the same property.	Up to 80 per cent of convenience stores sell gasoline.

Sections 392.2 through 392.5 present detailed requirements for gas stations, retail fueling outlets, and convenience stores that add to the more general requirements of Section 390. Employers must still comply with all the other violence requirements of this Part. This includes considering workplace violence as a hazard (Section 389), developing policies and procedures (Section 390), instructing workers, responding to incidents (Section 391), and ensuring no deductions are made to workers' pay and benefits during treatment (Section 392).

Section 392.2 Additional requirements for workplace violence prevention plan

Under this section the applicable employers must have a violence prevention plan with requirements in addition to those required by sections 390, 390.1 and 390.2. The plan will apply regardless of time of day and the number of workers present.

Subsection 392.2 (b) and parts of 392.2 (f)(i) apply only to gas stations, retailing fueling outlets and conveniences stores open between 11:00 pm and 5:00 am. All other sections apply to all to gas stations, retailing fueling outlets and conveniences stores.

Subsection 392.2 (a) Written procedure for safe cash handling

Applicable employers must develop and implement written safe cash-handling procedures that include steps to minimize the amount of cash readily accessible to a worker. Limiting access to cash may help to protect workers by making the store a less attractive target for criminal activity.

The written procedures should include the following: ¹

1. Locate cash handling areas away from entrances and exits.

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2. Locate sales counters to be clearly visible from inside and outside the work site.
3. Keep as little cash in the cash register as possible.
4. Remove large bills from the register and store them somewhere secure and out of sight, for example in a drop box or strong room.
5. Only one cash register should be used during certain (often late-night) hours of operation. The cash trays of unused registers should be left open and visible.
6. Guidelines for making bank deposits:
 - (i) avoid making bank deposits at night;
 - (ii) vary the time and route for making deposits;
 - (iii) carry money in unmarked bags or containers so that it is not obvious that money is being transported; and
 - (iv) make deposits with a co-worker, where practical. The co-worker should face away from the depository to watch other people in the area.

Subsection 392.2(b) Time lock safe and limiting quantities of high-value items

This subsection only applies to work sites open between 11:00 pm and 5:00 am.

(i) Time lock safe

A work site open to the public between 11:00 pm and 5:00 am must have a time lock safe on site. The safe cannot be opened by any worker who is working between, at minimum, these hours. This includes managers or supervisors. The intent is to make sure that no worker on the night shift can open the safe, reducing the likelihood of criminals forcing or intimidating a worker to open the safe. If there are multiple safes on the work site containing high-value items, none of the safes can be opened by any worker between, at minimum, 11:00 pm and 5:00 am. The employer can make this period longer, for example 10:00 pm to 7:00 am, but cannot make it any shorter.

The time lock safe may be a type of drop safe or time delay safe. If a drop safe is used, any worker working between, at minimum, 11:00 pm to 5:00 am must not be able to open it. A time delay safe can be used as a time lock safe if the time delay is set so the safe cannot be opened by a worker between, at minimum, 11:00 pm and 5:00 am.

A time delay safe that dispenses limited amounts of cash without the safe opening is acceptable if:

- a) the total amount of cash dispensed, and the time delay setting to dispense the cash, are strictly limited to meet operational needs; and
- b) these operational needs have been determined by the employer based on a reasonable assessment of the cash required.

(ii) Limit quantities of accessible high-value items

High-value items include cash, lottery tickets, tobacco, and anything else that increases the risk of theft from a store. The quantities of high-value items visible and accessible to members of the public must be limited between, at minimum, 11:00 pm and 5:00 am.

The quantities of high-value items available to the public during this time period should be based on customer demand and predicted sales volumes. For example, over a two-week period, the employer could monitor the average number of lottery tickets and tobacco products sold between 11:00 pm and 5:00 am. This is the quantity of product that would be available for sale.

(iii) Storing remaining high-value items

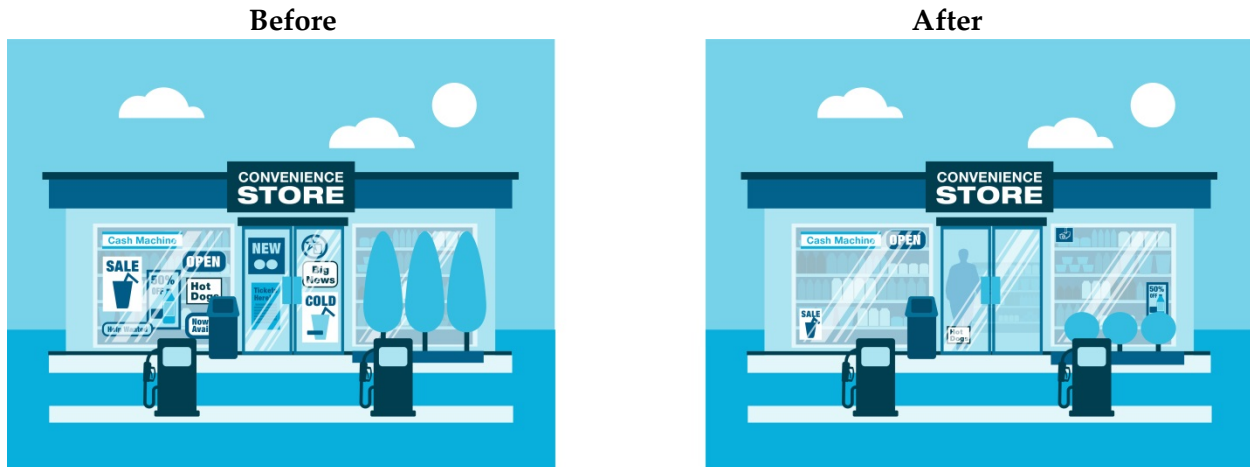
Remaining high-value items must be placed in a time lock safe or stored safely elsewhere. Examples of “stored safely elsewhere” may include a strong room, a locked storage room or a locked cage within a storage room. Locking away high-value items makes the store a less attractive target for thieves.

Subsection 392.2(c) Maintain good visibility into and out of the work site

Sight lines into and out of the work site should be clear of materials posted on windows or doors. Visibility should not be reduced by shelving units or product displays positioned inside or outside the store. The best placement of required posters and displays depends on the layout of the store. Objects outside the store such as trees, shrubs, and garbage bins should not block the view through the windows or doors. It should be easy for someone standing at the sales counter to see and be seen. A good guideline is that two-thirds of the windows should be clear.

To the extent possible, opaque or shaded window and door treatments should be avoided.

Figure 1 Improving sight lines



Subsection 392.2(d) Limit access by the public to the interior of any buildings

Reduce the number of ways into and out of buildings at the work site. Keep only one main door available for customers to use, especially at night and whenever a worker is working alone. The unlocked door should be the main one, visible from the sales counter and captured by video camera. Other entrances such as loading bays and emergency doors should be secured against unauthorized entry. These entrances must remain functional and accessible. This includes being free of clutter and waste materials.

If there is an adjacent business from which customers can enter the gas station or convenience store such as an attached restaurant, those entrances should be closed and locked when the adjacent business is closed.

Subsection 392.2(e) Video surveillance monitoring

The work site must be monitored by video surveillance. Surveillance cameras should be visible to the public and positioned to most effectively monitor workers and their interactions with customers. Key areas to monitor are the sales counter, the entrance/exit, and areas of the store not visible from the sales counter. The hazard assessment required by Part 2 of the OHS Code may help the employer decide where to place cameras. This may include outside locations such as the parking lot.

Cameras installed outdoors can help workers check on activities from a safe location indoors.

Video surveillance monitors must be located where workers can view them. Workers can then safely take action if necessary based on what they see.

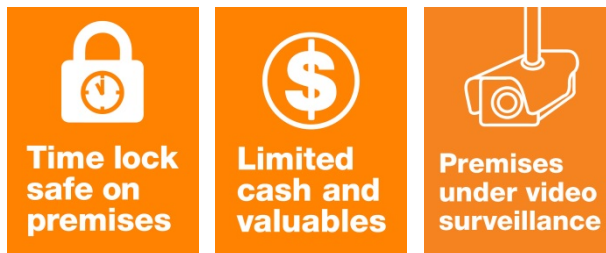
The surveillance system allows incidents to be easily reviewed by the employer, law enforcement officials and others as needed.

As per the OHS Code, Part 3, the video surveillance system must be maintained according to the manufacturer's instructions and tested regularly.

Subsection 392.2(f) Signs at the work site

- (i) If the work site is open to the public between 11:00 pm and 5:00 am, signs made visible to the public are required that indicate:
 - the safe on the premises is a time lock safe that cannot be opened during the hours specified on the sign(s); and
 - the quantity of high-value items such as cash and lottery tickets at the work site is limited.
- (ii) All work sites requires signs visible to the public indicating that the premises are monitored by video surveillance.

The purpose of the signs is to make the store a less attractive target for criminal activity. Signs tell would-be criminals that cash is difficult to access, is limited in quantity and a video camera records everything going on in the store. Examples of typical signs are shown below.



The employer decides on the exact wording used on the signs. The meaning of the signs must be clear. The signs should not obstruct sight lines into or out of the building.

Subsection 392.2(g) Monitored personal emergency transmitter

A worker working alone must be provided with a personal emergency transmitter (PET) that is monitored by the employer or their designate. The designate can be a security company, a supervisor, another worker, or some other person designated by the employer. Monitoring ensures that assistance can be dispatched in case of an emergency. Whoever is responsible for answering a call for help must be able to respond immediately.

The transmitter is a critical piece of equipment for a worker needing help. To make sure it is working properly, the transmitter must be tested regularly according to the manufacturer's instructions.

The transmitter must have a panic button or other means that allows the worker to request immediate help. Some devices offer a "person down" feature that sends an emergency help request if the worker wearing the device does not move for a pre-set period of time.

Section 392.3 Additional worker training required

In addition to the instruction required by Section 391, the employer must train workers in all aspects of the violence prevention plan. To be effective, the training must provide information or explanation to the worker and require a practical demonstration that the worker has acquired knowledge or skill related to the subject matter. Simply having a worker read through a manual and sign a form to indicate that they have been "trained" is inadequate. This does not meet the intent of the legislation.

Training should:

- (a) provide the staff the information they need to do their jobs safely and follow the procedures to keep the store running smoothly;
- (b) be an ongoing process in which both staff and management have input;
- (c) include reinforcement, positive recognition for jobs well done, and constructive corrections until the job is consistently done safely and well; and
- (d) refresher training must be given whenever there are changes to the way things are done or if safety rules are not being followed consistently.

Training can mean all types of things and range from short staff meetings to in-person courses. There are many training methods, but all must result in the worker acquiring skills or knowledge. All training activities should be documented and the understanding/competence of the person being trained should be assessed.

Employers should keep records of employee training. This includes keeping notes about meetings, orientation sessions for new staff, and any situations in which employers communicate with staff about expectations for how they should do their jobs.²

² Adapted from Safe Community Retailer Program – Program Guide (Saskatchewan Edition V2)

Section 392.4 Review of violence prevention plan and worker training

The employer must review and, if necessary, revise, the violence prevention plan and training provided to workers. This must happen:

- (a) every three years; and
- (b) whenever there is a change of circumstances that may affect the health and safety of workers.

Examples of workplace changes that could trigger a review include construction, renovations, or other changes in a store's design or layout. These physical changes could restrict visibility into and out of the store, affect video camera sight lines, or affect the ability of workers to safely respond to a potentially violent situation.

Other possible changes include changing store hours or adding new services or product lines that affect customer and sales volumes. Examples include adding a coffee/food station or cash machine.

Section 392.5 Personal emergency transmitter

A worker working alone must wear their personal emergency transmitter at all times during their shift. The transmitter might be the only means of getting help if the worker cannot get to a telephone. Examples of such situations include a personal medical emergency or getting injured in a storeroom.

Section 392.6 Mandatory fuel prepayment

Subsection 392.6 (1) Mandatory fuel prepayment

The mandatory fuel prepayment requirement applies 24 hours a day, seven days a week to gas stations and other retail fueling outlets such as car washes or automotive shops that dispense fuel, convenience stores that dispense fuel and gas bars. The requirement applies to both full service and self-service stations. Fuel includes, but is not limited to, gasoline, diesel fuel, natural gas and propane.

The requirement applies regardless of the number of workers assigned and working at any given time at the work site. The prepayment requirement applies to fuel dispensed directly to a vehicle or boat (as in the case of a temporary, seasonal fuel dispensing outlet), as well as fuel dispensed to a portable container, such as a small-volume gasoline container or propane cylinder.

Methods of Prepayment

Fuel prepayment includes pay at the pump or prepayment in the store. The employer determines which prepayment method to offer and can offer a combination of pay at the pump and in-store prepayment options. Employers may consider other factors

beyond safety, including fraud prevention, when deciding which in-store prepayment options will be offered.

Pay at the pump

Where available, customers can use a credit or debit card at the pump before fueling to preauthorize their purchase.

At gas kiosk or in-store

Prepay with cash, credit card or debit card.

Customers may prepay by cash, credit card, or debit card at a payment kiosk or in the store. The customer determines the amount of fuel to be purchased, then immediately pays for it. The payment transaction must be completed before fueling begins. The pump is either programmed to shut off at the preauthorized amount or the worker monitors the fueling process and shuts off the pump from inside the kiosk or store. If a customer prepays for more fuel than the customer dispenses, a refund will be issued. How the refund is issued is a business decision.

Preauthorize a debit or credit card

Customers can preauthorize a credit or debit card for a specific amount of fuel with a worker at a payment kiosk or in the store. The pump is either programmed to shut off at the preauthorized amount or the worker monitors the fueling process and shuts off the pump from inside the kiosk or store. After fueling is done, the transaction is completed for the actual amount of fuel dispensed into the vehicle.

Additional options if most customers are known to the retail fuel outlet employer and workers:

Customer standing account

If the employer and workers are familiar with the customer and the customer does not pose a fuel theft hazard, the retailer and customer may create a standing account. Using a standing account, payment is arranged by agreement.

Subsection 392.6 (2) Alternate procedures or equipment

The explanation to subsection 392.6(1) describes approaches commonly used by customers to prepay for their fuel. Situations may arise where these approaches are not possible or practical for a particular fuel outlet. In such cases the employer responsible for the fuel outlet can apply to a Director for an approval. A Director is an Alberta Labour employee designated by the Minister with the authority to issue approvals such as the one allowed by this subsection.

The application for an approval must:

- (a) be in writing;
- (b) include a statement describing why alternative procedures or equipment are required; and
- (c) provide specific details about the circumstances and work site that allow a Director to assess the approval request. This should include a description of the alternative procedures or equipment the employer proposes to use, as well as the potential impact of these alternatives on worker health and safety.

The Director assesses the alternative to ensure it does not “materially affect” the safety of workers. This means that the worker’s safety is not affected in a noticeable or important way, or to a significant degree.

An approval is in effect for a maximum period of five years from the date it is issued.

A letter of application, including all supporting documentation, may be submitted by mail or email to:

Director of Inspections – Approvals
J.G. O’Donoghue Building Main Floor,
7000 – 113 Street
Edmonton, AB T6H 5T6
E-Mail: lbr.ohsaccept@gov.ab.ca

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