

Keep hardhats universal:

This BC construction employer maintains his Sikh faith, while upholding his commitment to safety

For more than 30 years since his company was founded, David (Bikkar) Sarai, owner of New York Painting & Coating Ltd. in Surrey, has maintained a commitment to the safety of his employees, who number more than 200. His commitment to the Sikh faith goes back even further.

He says he's not encouraged by news that WorkSafeBC may act on a request by the BC Ministry of Labour to consider amending the province's hardhat regulation under Occupational Health & Safety Regulation, Part 8 to allow Sikhs to remove their hardhats on construction sites.

"I'm committed to working toward zero incidents and injuries and I support the universal hardhat mandate for anyone working on a construction site," he says. "By making hardhats optional, the province would be removing one of the primary supports that help employers such as myself protect all workers. If the regulations are changed, we would be exposing workers to unnecessary risk."

As a Sikh, Sarai always wears a turban in public. He says he would never wear a hat to replace his turban or a hat that diminishes what it symbolizes— but he always wears a hardhat on the jobsite.

"The hardhat is not a hat in the religious sense, but a piece of protective equipment," he says. "In my opinion, wearing a hardhat does not conflict with wearing a turban that signifies that one is a member of the Sikh religion."

Sarai stresses safety as part of the job interview process and makes the requirement to wear a hardhat clear to anyone who questions its use.

"If the applicant is Sikh, and says he cannot wear a hardhat because his turban is too big, I show them how I wear mine," he says. "I demonstrate how I use a smaller two-wrap turban made with a metre to a metre-and-a-half of cloth and place the hardhat over it. If their objection is religious, I explain my thinking about the issue. If we still can't reach an agreement on hardhats, then another type of job would probably be better for them."

For Sarai, it's not only hardhats that are non-negotiable. All forms of personal protective equipment are mandatory for every project, as appropriate for the situation. He says he would no more support a hardhat exemption on religious grounds than he would support an exemption for any other type of personal protective equipment.

"The proposed changes to the regulations suggest a hypothetical workplace environment where 'there is no risk of head injury,'" says Mike McKenna, executive

director of the BC Construction Safety Alliance (BCCSA). "On a rapidly-changing and complex construction project site, there is *always* a risk of head injury."

WorkSafeBC data validates the need for head protection. In 2019, 335 Sector 72 construction workers reported head injuries, with 2,200 construction workers similarly injured over the last decade.

In some international jurisdictions where the use of hardhats is exempted on religious grounds, workers must waive any right to claim compensation for head injuries that could have been prevented by wearing a hardhat. Here, the argument for exemption is that choosing not to wear a hardhat is a personal decision that affects nobody else.

"We don't accept that argument," says McKenna. "Weakening universal hardhat requirements for any reason would place construction workers in jeopardy, exposing them to an increased risk of injury or death. If an unhelmeted worker is injured and requires time off, it's not only a preventable human tragedy, the employer loses the services of a skilled tradesperson, someone in whom the company has probably invested significant resources."

In a workplace where some workers are permitted to remove their hardhats, it would also become difficult for supervisors to differentiate between those who have chosen not to protect themselves and those who have forgotten to. Workers who labour alongside others who are exempted from wearing a hardhat might also expose themselves to greater risks of injury should their co-worker be injured, fall or fail to complete a critical operation.

Sarai says he agrees with the BCCSA position that accommodation for religious beliefs should never supersede workplace safety.

"As a Sikh I can't knowingly expose another human being to harm," he says. "Allowing hardhat exemptions would create the risk of harm and injury. That's why I believe hardhat regulations should remain as they are."