

Law and Policy Bulletin



Employers'
Advisers

A Bulletin by the Employers' Advisers Office, Ministry of Jobs, Tourism and Skills Training and Responsible for Labour, B.C. Government. The information set out does not supersede the Workers Compensation Act or any regulation(s) or Workers' Compensation Board Policies.

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Bill 35 – Workers Compensation Amendment Act (No.2), 2015

On November 17, 2015, [Bill 35](#) received Royal Assent in the Legislature, amending the *Workers Compensation Act* (WCA) for the second time this year. This second series of amendments arose in large part from the [recommendations](#) made at the May and July Coroner's Inquests into the 2012 Lakeland (Roche and Little) and Babine (Luggi and Charlie) sawmill explosion incidents, respectively.

How the Amendments Will Impact Employers:

Incidents which must be reported immediately to WorkSafeBC: Section 172 of the WCA has been amended to require an employer to immediately notify the Board of the occurrence of any accident that involves a fire or explosion that has a potential for causing serious injury to a worker.

Investigations: As described in our [June Bulletin](#), employers must undertake a two-step process in accident or incident investigations: a preliminary investigation and a full investigation. The Bill 35 amendments require the reports from both investigations to be provided to the employer's Joint Occupational Health and Safety Committee (JOHSC) or worker representative, or posted at the workplace, as applicable (sections 175(2)(d) and 176(2)(c)).

In addition, the Bill 35 amendments set out particulars as to how an investigation is to be conducted. Section 174 provides that participation of a worker and employer representative in an investigation is to include:

- (a) Viewing the scene of the incident with the person conducting the investigation, and
- (b) Providing advice to the persons conducting the investigation regarding the methods use and the scope of the investigation.

Joint Occupational Health and Safety Committees: Section 130 of the WCA sets out the duties of the JOHSC. Bill 35 includes a provision that requires the JOHSC to advise the employer on "significant proposed changes to equipment and machinery".

Section 132(2) has also been amended to allow WorkSafeBC to unilaterally investigate and attempt to resolve any health and safety matter upon which a JOHSC is unable to reach agreement. Under the former provisions, WorkSafeBC could only get involved in JOHSC disputes if requested by the only a co-chair of the JOHSC.

WorkSafeBC Response: WorkSafeBC has adjusted its timelines for related policy work and will be following the Coroner recommendations to create an audit tool for JOHSC effectiveness and implementing minimum training standards for JOHSC members.

When the Changes Come into Effect: The above changes are effective **January 1, 2016**. Other Bill 35 amendments pertaining to WorkSafeBC's annual report and service plan deadlines are effective immediately.

Where to Get More Information: Please contact the Employers' Advisers Office.