

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 Employers' Advisers Office provides advice, assistance, representation and training on all aspects of workers' compensation.

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Bill 9 – 2015 Workers Compensation Amendment Act, 2015 – First Reading

The provincial government has introduced legislation implementing the recommendations made by Administrator Gordon Macatee in his July 1, 2014 [WorkSafeBC Review and Action Plan](#) arising from the 2012 Babine and Lakeland sawmill explosions. [Bill 9](#) amends the *Workers Compensation Act* to strengthen WorkSafeBC's ability to promote and enforce occupational health and safety compliance in B.C. workplaces.

How the Proposed Amendments Will Impact Employers:

On-the-Spot Citations: Amendments allow WorkSafeBC to impose an on-the-spot financial penalty of up to \$1,000 against employers for certain violations. Status quo of having no financial penalties against workers is maintained.

Compliance Agreements: WorkSafeBC will be able to enter into voluntary compliance agreements with employers for non-repeat violations, setting out what the employer agrees to do and by what date.

Investigations: For incidents which must be reported and investigated immediately (including an incident that resulted in an injury to a worker requiring medical treatment), employers are to undertake two investigations:

- (1) A preliminary investigation must be done immediately and includes identifying any corrective action needed to prevent the recurrence of a similar incident during the second, full investigation (detailed below). Employers must take the identified corrective action without undue delay and prepare a report of the investigation within 48 hours of the incident.
- (2) A full investigation must then be conducted to identify the causes and unsafe conditions related to the incident and to identify any necessary corrective action. Employers must take the necessary corrective action without undue delay and prepare and send to WorkSafeBC a report of the findings within 30 days of the incident. (The timeline for the report may be extended by WorkSafeBC where appropriate.)

If corrective action is taken as a result of either investigation, a report of the action taken must be provided to the workplace Joint Committee or Worker Health and Safety Representative, as appropriate.

Stop Work Orders Expanded: WorkSafeBC will be able to stop work at workplaces where unsafe conditions present a high risk to workers, or where a repeat contravention puts workers at risk.

Court Powers Expanded: The Court will be able to grant an injunction against employers, including directors and senior officers of a corporation, restraining them from carrying on an industry or activity if they contravene workplace safety requirements or fail to pay a penalty.

Time to Request a Review of a Decision: Amendments allow the consideration of a shorter timeframe within which to request a review of a WorkSafeBC prevention order or penalty (currently 90 days), and the time within which a decision is to be rendered (currently 150 days).

When the Changes Come into Effect:

First Reading of the Bill occurred on February 11, 2015. While the Bill has to progress through debate in the BC Legislature, it is anticipated that it will be passed in the current sitting (this spring).

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