

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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New Regulations – Joint Health & Safety Committees & Worker Representatives

On **April 3, 2017**, three new regulations pertaining to joint committees will come into effect.

Regulation 3.26 requires the co-chairs or their designates, (or the employer or person retained by the employer with input from the co-chairs), to conduct an annual evaluation measuring the effectiveness of the joint committee. The regulation sets out a prescribed list of items to be evaluated. These items pertain to the effectiveness of the committee's compliance with specific sections of the *Workers Compensation Act, (Act)*, including selection of members, fulfillment of duties and functions, and receipt of paid time off to receive health and safety training. Also included is a requirement that new members receive instruction in accordance with new regulation 3.27.

WorkSafeBC will have an online tool that may be used to conduct the evaluation when the amendments become effective.

Regulation 3.27 establishes mandatory minimum training and education requirements for new joint committee members and worker health and safety representatives selected on or after April 3, 2017. A mandatory list of topics is included in the regulation. New members or worker representatives must receive this training within six months of being selected. The regulation prescribes 8 hours of training for joint committee members and 4 hours of training for worker representatives; however, the training does not have to occur within one session.

This training is in addition to the annual educational entitlements allowed under the *Act*.

The training will not be required for new members or worker representatives who have previously been on a committee or acted as a worker representative within 2 years of the new selection date, provided they have already received the necessary and applicable training.

WorkSafeBC is currently developing free training materials which will be available by the effective date of the regulation. Anticipated is an online component for both committee and worker representatives, and a classroom component for committee members only which may be conducted in-person or by webinar.

Regulation 3.28 provides examples to further define what "participation" by worker and employer representatives means in an employer incident investigation under the *Act*. **Section 174(1.1)** of the *Act* includes such activities as viewing the scene of the incident with the investigator and providing advice to the investigator regarding the methods to carry out the investigation and its scope. The new regulation adds the following activities:

- assisting the persons carrying out the investigation with gathering information relating to the investigation;
- assisting the persons carrying out the investigation with analyzing the information gathered; and
- assisting the persons carrying out the investigation with identifying any corrective actions necessary to prevent recurrence of similar incidents.

For more information, please contact the Employers' Advisers Office.