



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Factsheet #29  
Updated: January 2013

## OCCUPATIONAL HEALTH AND SAFETY

WorkSafeBC is responsible for the prevention of workplace injury, disease and death in British Columbia.

Under the *Workers Compensation Act*, all employers, workers and others connected with work must comply with the *Act* and the *Occupational Health and Safety Regulation*. The responsibilities under the *Act* and *Regulation* are described below in general terms. For an explanation of how these broad responsibilities apply with respect to your job specifically, you may wish to have a discussion with your employer, supervisor, union (if you have one), or a Workers' Adviser or WorkSafeBC Prevention Officer.

Workers, employers, supervisors, prime contractors, owners, suppliers, and corporate directors/officers have different, and sometimes overlapping, responsibilities to ensure occupational health and safety in the workplace. Where there is overlapping responsibilities, each person has to fulfill them unless it would create unnecessary effort and expense and adversely affect the health and safety of everyone at the workplace. As it is difficult to prove that there is no adverse effect, it is better to ensure that you fulfill all the occupational health and safety obligations.

### What are an employer's responsibilities?

An employer must ensure the health and safety of all workers in the workplace. To do so the employer should regularly inspect the workplace, work related equipment, and work processes. After any accident, the employer should also carry out inspections and make necessary corrections or repairs.

An employer must alert workers to hazards at the worksite, provide all necessary protective equipment, first aid, training and supervision for workers to do their jobs safely. The employer must, if possible, correct any hazards brought to its attention by workers.

For more information:  
Website: [www.labour.gov.bc.ca/wab](http://www.labour.gov.bc.ca/wab)



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261  
Northern & Central Interior: 1-800-663-6695  
Vancouver Island: 1-800-661-4066

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## **What are a worker's responsibilities?**

A worker must protect everyone affected by the work he or she does, by working safely, using designated equipment and clothing, and not work while impaired by drugs or alcohol. A worker must promptly report health and safety violations or hazards in the workplace to his or her employer or supervisor.

A worker must also cooperate with WorkSafeBC, health and safety representatives at the workplace, or anyone else acting with the authority of the *Act* or *Regulation*.

## **What are a supervisor's responsibilities?**

A supervisor must ensure the safety of everyone working under him or her, and be familiar with the occupational health and safety requirements of the *Act* and *Regulation*, and how the requirements apply in the workplace.

A supervisor must ensure that all workers under him or her are aware of all reasonably foreseeable hazards in the workplace, and that they comply with the *Act*, the *Regulation* and any orders made by WorkSafeBC.

## **What are a prime contractor's responsibilities?**

Where there is a multiple-employer workplace, the prime contractor is the directing contractor, employer or other designated person. If there is no selected prime contractor, the owner of the workplace is the prime contractor.

The prime contractor must coordinate the occupational health and safety activities of all people on site, and do everything reasonable to establish and maintain a process that ensures everyone on the jobsite is obeying the *Act* and *Regulation*. For example, the prime contractor must ensure adequate first aid to deal with the injuries that might be reasonably expected at that workplace.

## **What are an owner's responsibilities?**

The owner is responsible for ensuring that the workplace allows everyone working at the site to work as safely as possible. The owner must provide information necessary to identify and control hazards at the workplace.

## **What are a supplier's responsibilities?**

The supplier is responsible for ensuring that whatever material he or she supplies is safe when used as directed. He or she must also provide instructions on the use of any tools, equipment, machines, biological and chemical agents that he or she supplies.

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The supplier must ensure that all biological or chemical agents are appropriately labelled. He or she must also maintain any equipment as required by the agreements made with employers, owners, or others.

### **What are a corporate director or officer's responsibilities?**

They are responsible for ensuring that the corporation for which he or she is an officer or director complies with the *Act* and *Regulation*, as well as any orders issued by WorkSafeBC.

### **What can WorkSafeBC do if someone does not fulfill their responsibilities?**

WorkSafeBC can make an order against any person or corporation to ensure the occupational health and safety of anyone in British Columbia. It may also remove the certifications of workers not fulfilling their responsibilities under the *Act*, order various financial penalties against employers, or prosecute individuals or businesses not fulfilling their responsibilities under the *Act*.

### **What orders can WorkSafeBC make?**

If appropriate first aid is not available in a workplace, WorkSafeBC may provide it and charge the employer, assess a financial penalty against the employer, and/or order the closure of the workplace until such time as the appropriate first aid is provided.

WorkSafeBC may make orders to be carried out on a timeframe it decides. Orders can be given to prevent accidents, injuries and illnesses, including requiring the employer to:

- change, upgrade or repair its facilities;
- use or not use specific equipment (or to have that equipment tested);
- use new or changed work processes;
- offer a voluntary medical monitoring program for workers;
- post orders given by WorkSafeBC;
- draft, post and distribute reports of actions taken to comply with an order; and
- create or change processes regarding reports, certificates, declarations, and other documents by the employer.

WorkSafeBC can also order a halt to work, if it reasonably believes that an immediate danger of serious injury, illness or death exists. To do so, WorkSafeBC must notify the employer or supervisor on site. WorkSafeBC may also evacuate the workplace, and isolate it with fences, barricades, etc., until the hazard is removed. An order for a work stoppage is valid for up to 72 hours, but can be renewed by WorkSafeBC.

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An order may be oral or in writing, but if it is oral it must be confirmed in writing as soon as possible. An exception is an order for equipment to not be used and an order for work stoppage, which must be in writing.

If an order prevents a worker from doing his or her regular job, the employer must pay the worker for up to three working days beyond the date the order was issued (or longer, if required by a collective bargaining agreement). During this time, a worker can be given reasonable alternative work.

WorkSafeBC can post any order at any workplace, and the order must not be removed except as stated in the order, or by WorkSafeBC.

### **Can WorkSafeBC do anything else to ensure that someone fulfills their obligations?**

WorkSafeBC is granted special permission to apply to the Supreme Court of British Columbia for an injunction. The court will grant an injunction requiring the person to fulfill their obligations if it is satisfied that there has been a breach of the obligations, and that the person has not or is not likely to comply. If notifying the person of the application would endanger the health and safety of workers, WorkSafeBC does not have to do so.

### **What can WorkSafeBC do to the certification of someone who fails to fulfill their obligations?**

If WorkSafeBC has reasonable grounds for believing that someone who holds a certificate required by the *Act* and *Regulation* has breached a term or condition of that certificate or violated the occupational health and safety requirements of the *Act* and *Regulation*, it can cancel, suspend or place conditions on that certificate. Any suspension must be for a fixed period of time, or until some condition is satisfied.

### **What financial penalties can WorkSafeBC impose?**

WorkSafeBC can levy an administrative penalty against an employer for: failing to take sufficient precautions against workplace accidents, injuries or illness; not complying with the health and safety requirements of the *Act* and *Regulation*, or with any order; or for having an unsafe workplace or working conditions. If the employer acted with reasonable care, an administrative penalty cannot be issued.

An administrative penalty can be for up to \$538,174.28, but if given, no prosecution is possible under the *Act*.

WorkSafeBC cannot impose an administrative penalty on anyone other than an employer.

### **What other penalties can be assessed against someone who fails to fulfill their obligations?**

Any person (including a corporation) that fails to fulfill their obligations under the *Act* and *Regulation* commits an offense under the *Act* and can be prosecuted even if the corporation is not prosecuted.

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Any prosecution must begin within two years of the date of the offence, and can only begin with the approval of WorkSafeBC.

It is a defence for anyone prosecuted under the *Act*, if they acted with reasonable care toward the obligation they did not fulfill. It is also a defence for workers, if they did not fulfill their obligations because they were instructed to do so by the employer or supervisor and objected to the instructions.

If someone is convicted of an offence, the court can issue a broad range of punishments, including fines and imprisonment. The maximum fine that someone convicted can face for a first offence is a fine of up to \$589,010.00 plus up to \$29,450.52 per day that the offence continued beyond the first. For subsequent convictions, he or she can face a fine of up to \$1,178,019.98, plus up to \$58,901.00 per day that the offence continued beyond the first. Imprisonment can be for up to six months for the first offence, and one year for any subsequent ones. Furthermore, if the offender gained financial benefits as a result of the offence, the court can order that the offender pay an additional fine equal to the amount of that financial benefit.

### What if I disagree with a decision?

A worker, employer, owner, supplier, union and dependent of deceased worker, directly affected by an order has the right to have that order reviewed by the Review Division of WorkSafeBC. You, or the employer, must request a review within **90 days**. If the employer is requesting a Review, it must post a copy of its Request for Review in the workplace, provide a copy to the joint occupational health and safety committee or workers' health and safety representative (as applicable), and to any union whose membership works at the workplace.

If you do not agree with WorkSafeBC's decision regarding an order issued by WorkSafeBC, you have the right to appeal to the Workers' Compensation Appeal Tribunal (WCAT). Note that you cannot appeal the outcome of a Review of a decision not to issue an order. You must appeal the Review Division's decision within **30 days**. For more information, please see the Factsheet called *Appeals to the Workers' Compensation Appeal Tribunal (WCAT)*.