

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.
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Bill 9 Interim Stop Work Policy

May 27, 2015: WorkSafeBC's Board of Directors has approved an [Interim Stop Work Policy D-12-191-1](#), expiring December 31, 2015, to govern the legislative changes brought into force by [Bill 9](#) on May 14 (for a summary of the amendments, see [Law and Policy Bulletin, March 2015](#)). **NOTE:** This interim policy is currently out for [public consultation](#). Feedback is due by 4:30 pm on Thursday, October 15, 2015.

What's New in the Act:

The amendments to Section 191 of the *Workers Compensation Act* ("Act") lower the threshold for issuing stop work orders. Formerly, WorkSafeBC could issue a stop work order only in cases of *immediate danger*. Now, WorkSafeBC may issue a stop work order where:

- there are reasonable grounds for believing there is a *high risk* of serious injury, serious illness, or death; OR
- the employer failed to comply with the same provision within the past 12 months AND failed to comply with that prior order, AND there are reasonable grounds to believe that there is a *risk* of serious injury, serious illness or death.

In addition, the amendments allow WorkSafeBC to determine the scope of the stop work order at the subject workplace and at *other employer workplaces* where there are reasonable grounds to believe that the same or similar unsafe working or workplace conditions likely exist. This is so even if WorkSafeBC does not inspect those other workplaces or know their locations.

WorkSafeBC's New Interim Policy: D12-191-1

When a Stop Work Order will be Considered Appropriate – If the criteria set out under the *Act* are met, the Policy notes that "WorkSafeBC will generally issue a stop work order when the safety concern cannot be quickly remedied and other measures are insufficient to protect the workers in that workplace".

Scope of a Stop Work Order (Area of Workplace Involved) – Once it is determined that a stop work order is appropriate, the Officer will then consider the scope of that order. The Policy provides that the order may apply only to a particular activity at a worksite.

Stop Operations Order – As noted, the amendments to the *Act* allow WorkSafeBC to stop work from starting or continuing at other sites or parts of worksites where the employer's work is being undertaken. Policy stipulates that there must be reasonable grounds to believe that there is:

- substantially the same or similar work being or to be undertaken;
- the same or similar work practices or equipment is used or would be used at the other site(s); or
- the same or similar working conditions exist or would exist at the other site(s).

Duration of a Stop Work Order – Policy provides that the duration of the order will be cancelled as soon as the employer has remedied the unsafe working or workplace conditions. It also notes that this could be done within minutes. For a stop operations order, the employer must demonstrate that it has remedied the unsafe conditions or taken steps to ensure that those unsafe conditions will not arise at its other sites.

Potential Impact of the Changes: Given the lower threshold, it is anticipated that the number of stop work orders will increase, particularly in cases of high risk violations, such as failing to wear fall protection.

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