

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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Employer Citations

On October 22, 2015, WorkSafeBC's Board of Directors passed a Resolution approving Lower Maximum Administrative Penalties Regulation (LMAPR) and Prevention Policy D12-196.1-1 regarding employer citations. This regulation and policy were created in response to new section 196.1(1) in the *Workers Compensation Act (WCA)* brought into force by [Bill 9](#) on May 14. (For a summary of the amendments, see Law and Policy Bulletin, March 2015).

The LMAPR comes **into force on February 1, 2016** and the policy will apply to all violations specified in section 3 of the LMAPR occurring on or after February 1, 2016.

WCA, Section 196.1(1):

This new provision allows WorkSafeBC to issue an administrative penalty of not more than \$1,000 if WorkSafeBC is satisfied on a balance of probabilities that an employer has failed to comply with the *WCA* or with the regulations.

Lower Maximum Administrative Penalties Regulation (LMAPR):

The Regulation provides that citations may be issued if an employer fails to comply with an Order or fails to file a Compliance Report in response to an Order. The fine for a first violation is \$500. If the employer commits a subsequent violation within three years following the date of the first violation, a further fine of \$1,000 may be levied against the employer.

Prevention Policy D12-196.1-1:

A key principle behind the Policy is that WorkSafeBC will never issue a citation against an employer who complies with Orders. A written warning will always be issued first. Safety Officers maintain a discretion to impose a penalty instead of a citation, and no citation will be levied if a penalty or warning letter has been issued for the same violation.

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