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Proposed Changes to Employers' Occupational Health and Safety Obligations

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On February 11, 2015, the B.C. Government tabled Bill 9, the [Workers' Compensation Amendment Act, 2015](#) which if passed, significantly expands WorkSafeBC's powers to deal with non-compliance and increases employers' obligations in respect of workplace health and safety.

The purpose of the legislation is to strengthen WorkSafeBC's ability to promote and enforce occupational health and safety compliance, particularly in the area of inspections and investigations. The increased powers to WorkSafeBC to deal with non-complying employers include:

- the power to issue a stop work order at one or several workplaces belonging to an employer where a high risk to workers or reoccurring non-compliance with a provision is found;
- the power to seek a court order restraining the most egregious employers from operating in an industry;
- on the spot fines up to \$1000 for less serious contraventions; and,
- the ability to enter into a Compliance Agreement with employers found in non-compliance.

In addition, significant changes were made to employers' regulatory obligation in respect of incident investigations and reporting. Recall that incident investigations are required not only for incidents resulting in serious injury to a worker, but also those that have the potential for causing serious injury. The new obligations are quite onerous and include the introduction of a two part incident investigation requirement wherein employers must conduct a Preliminary Investigation and rectify any unsafe conditions, acts or procedures within 48 hours, followed by Full Investigation of which a copy of the investigation report must be provided to WorkSafeBC within 30 days of the incident. Failure to comply could result in financial penalties.

In light of the proposed amendments, employers should familiarize themselves with the new regulatory requirements and prepare to revise their internal incident investigation policies as necessary. If the legislation is passed as is, we expect incident investigations will attract a heightened level of attention from WorkSafeBC. Failure to comply with the new requirements could result in an employer being the subject of WorkSafeBC's increased enforcement powers.

Lawson Lundell will continue to monitor the passing of the legislation and provide updates on any significant amendments. As always, we are happy to provide your business with a more in depth review of the bill and its implications for your operations.

A full copy of the BC Government Press Release is available at: <http://www.newsroom.gov.bc.ca/2015/02/new-legislation-improves-worker-safety.html>.



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