

Questions and Answers on Changes to the Workers Compensation Act

Workers Compensation Amendment Act (Bill 9)

1. What are the goals of the changes to the Workers Compensation Act?

The goal of the changes is to improve workplace health and safety and strengthen the tools that WorkSafeBC uses to enforce the Act and the Occupational Health and Safety Regulation.

2. What are the changes to the Act?

There are a number of amendments to the Act, four of which came into effect May 14, 2015. They include:

- Expanded stop work order powers
- Changes to employer incident investigations
- Expanded injunction powers
- Changes to penalty due diligence

Other sections of the new legislation, including a provision that establishes compliance agreements, are expected to come into effect in September 2015. Occupational health and safety citations for employers are expected to be introduced in early 2016.

Occupational Health and Safety policies regarding the amendments which are now in force are expected to be published on May 27, 2015.

Expanded stop work order powers

3. What are the changes to stop work orders?

The Act has introduced expanded circumstances and scope for stop work orders. In the past,

WorkSafeBC could apply a stop work order only in cases of immediate danger. Now, WorkSafeBC can stop work if:

- There are reasonable grounds for believing there is a high risk of serious injury, serious illness, or death to a worker; or
- When an employer fails to comply with the same order twice within a year, and there are reasonable grounds for believing there is a risk of serious injury, serious illness, or death to a worker; and
- There are reasonable grounds to believe the same, or similar risks, are also present at that employer's other locations, even if WorkSafeBC does not inspect them or know their locations.

4. When will WorkSafeBC issue a stop work order?

A stop work order will be considered when an employer is unable to quickly remedy the issues of concern, and other measures are insufficient to protect workers in that workplace.

5. How long will the stop work order be in effect?

The duration of a stop work order will vary from minutes to hours to days depending on the circumstances. WorkSafeBC may cancel a stop work order as soon as the employer has remedied the unsafe working or workplace conditions and a stop work order is no longer required to protect workers.

6. Will the order apply to an entire workplace?

A stop work order can apply to the entire workplace, or can be restricted to only those parts of the employer's workplace that pose a risk to workers.

7. What can an employer do to remove a stop work order?

When the employer demonstrates they have remedied the unsafe conditions that are the subject of the order, WorkSafeBC will review that remedy and may then remove the stop work order.

Changes to employer incident investigations

8. What are the changes to employer incident investigations?

Employers must now:

- Complete a preliminary investigation within 48 hours of the incident
- Determine interim corrective actions as appropriate and prepare a corrective action report
- Complete a full investigation and submit a report to WorkSafeBC within 30 days of the incident
- Determine final corrective actions as appropriate and prepare a final corrective action report

9. Are there changes to the type of incidents employers must investigate?

No, employers are still required to investigate all the incidents they are currently required to under section 173 of the *Workers Compensation Act*.

10. What if an employer needs more time to conduct the full investigation?

WorkSafeBC may grant some employers an extension if they can demonstrate additional time is required due to factors outside of their control.

11. Are employers required to submit their investigation to WorkSafeBC?

Yes, employers must submit their full investigation report to WorkSafeBC within 30 days of the incident.

Expanded injunction powers

12. What's changing?

WorkSafeBC can now apply to the British Columbia Supreme Court to prevent a person from working in an industry, or in an activity in an industry, indefinitely or until further order of the Court.

Changes to penalty due diligence

13. What's changing?

The amendment clearly places the onus of proving due diligence on the employer facing an administrative penalty.

For more information

14. How can I get more information?

Visit worksafebc.com for updates on the amendments. You can also contact the Prevention information line toll-free at 1.888.621.7233.

15. How can I receive support from WorkSafeBC to keep my workers safe?

You'll find a wealth of information about health and safety on our web site. You can also seek assistance from our Prevention team. Contact them at 1.888.621.7233.