



# LEGISLATIVE BRIEFING

- A Labour Relations Services Publication -

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## WORKERS COMPENSATION AMENDMENT ACT (BILL 9, 2015)

*Labour Minister Shirley Bond introduced legislation amending the Workers Compensation Act on February 11, 2015. The proposed changes to the Act stem primarily from sawmill explosions that occurred in 2012. Following the explosions, WorkSafe BC Administrator, Gord Macatee, recommended 43 amendments to the Workers Compensation Act. Minister Shirley Bond accepted all 43 recommendations on July 15, 2014, 12 of which required consideration of legislative changes. Bill 9 seeks to complete the implementation of Macatee's recommendations. Subsequent updates will be provided as information becomes available.*

### HOW DOES THIS IMPACT ME?

The proposed changes to the *Workers Compensation Act* include a “compliance agreement”, an “administrative penalty”, and an enhancement of WorkSafeBC’s and the court’s authority to deal with egregious employers. In addition, Bill 9 proposes to apply timeframes for employers to complete

investigations and requires employers to take action to prevent similar incidents from occurring while investigations are being conducted. The Bill is currently at first reading and updates will be provided as they become available.

## AN OVERVIEW OF THE PROPOSED CHANGES

1. A **preliminary investigation** must be completed within 48 hours of the safety incident<sup>i</sup> and an employer must undertake necessary corrective action “without undue delay” to prevent a similar incident from occurring while a full investigation is being conducted. A **full investigation** must be submitted to the Board within 30 days of the safety incident (subject to extensions).
2. In response to a WorkSafeBC inspection, the Board and Employer may voluntarily enter a “**Compliance Agreement**”. A Compliance Agreement describes what actions the employer agrees to take within a stated timeframe. The agreement may be rescinded by the Board if it isn’t fulfilled or if it no longer adequately protects the health or safety of workers.
3. The Board may impose an **administrative penalty** of no more than \$1,000 when satisfied “on the balance of probabilities” that the employer are failed to comply with a provision or regulation. The Board may issue an order to “stop work” when it has “reasonable grounds for believing there is a high risk of serious injury, serious illness or death to a worker at a workplace” rather than an “immediate danger that would likely result in serious injury, serious illness, or death to a worker”. In addition, the language is expanded to cover repeat contraventions and contraventions at another workplace by the same employer.
4. Two new members will be added to the Board of Directors, one who is a professional in the area of law or law enforcement and one who is an occupational health and safety professional.
5. The Board may make an application to the Supreme Court to restrain specified persons, rather than just “the judgement debtor” from carrying on in an industry, or an activity in an industry, until appropriate corrections are made and/or debts are paid. Specified persons include Members of the Board of Directors; President of the Judgement Debtor; Vice President of the Judgement debtor, including sales, finance or production; any officer of the judgement debtor who performs a policy-making function and has capacity to influence; a person who participates in management of the judgement debtor under director of control of a shareholder; lawyers, accountants or other professionals who provide management services to the judgement debtor; the trustee in bankruptcy who exercises control and management of the bankrupt judgement debtor; and/or a receiver, receiver manager, or creditor who participates in the management of the judgement debtor or exercises control.

## WHAT IS NEXT?

First reading of the Bill occurred on February 11, 2015 and a motion to refer to second reading at the next sitting of the House was passed.

Subsequent updates regarding Bill 9 will follow as information becomes available.

## QUESTIONS?

If you have any comments or questions about this update please contact Karen Jewell, Program Manager at 604-432-6228 or by email at [Karen.jewell@metrovancover.org](mailto:Karen.jewell@metrovancover.org).

## SOURCES

*Workers Compensation Amendment Act, 2015 (Bill 9)*. [http://www.leg.bc.ca/40th4th/1st\\_read/gov09-1.htm](http://www.leg.bc.ca/40th4th/1st_read/gov09-1.htm).

*Workers Compensation Act*, RSBC 1996 (Chapter 492).

[http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20W%20--/Workers%20Compensation%20Act%20\[RSBC%201996\]%20c.%20492/00\\_Act/96492\\_01.xml](http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20W%20--/Workers%20Compensation%20Act%20[RSBC%201996]%20c.%20492/00_Act/96492_01.xml).

*New Legislation Improves Worker Safety*. Ministry of Jobs, Tourism and Skills Training, February 11, 2015. <http://www.newsroom.gov.bc.ca/2015/02/new-legislation-improves-worker-safety.html>.

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<sup>i</sup> As per section 173 of the Act, (1) an employer must immediately undertake an investigation into the cause of any accident or other incident that (a) is required to be reported by section 172, (b) resulted in injury to a worker requiring medical treatment, (c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or (d) was an incident required by regulation to be investigated. (2) Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.