



LEGISLATIVE BRIEFING

- A Labour Relations Services Publication -

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WORKERS COMPENSATION AMENDMENT ACT, 2015 (BILL 9)

This update is further to the [February 16, 2015 Labour Relations Services Publication on Legislative Briefing: Workers Compensation Amendment Act \(Bill 9, 2015\)](#). Bill 9 received Royal Assent on May 14, 2015.

HOW DOES THIS IMPACT ME?

Bill 9 contains a number of changes to Part 3 of the *Workers Compensation Act* (the Act) related to Accident Reporting and Investigation (Division 10), and Enforcement (Division 12). It also

contains some amendments to Part 1 related to Accident Fund and Assessments (Division 4), and Workers' Compensation Board (Division 6).

AMENDMENT SUMMARY

Some of the changes to the Act are effective May 14, 2015. The noteworthy amendments to the Act that are now in effect are:

1. Expanded stop work orders powers

The scope of the stop worker orders has been expanded to include more than just cases of immediate danger. WorkSafeBC can now stop work in cases of high risk of serious injury, illness or death; when an employer fails to comply with the same order twice within a year and there is a risk of serious injury, illness or death; and the same or similar risks are present at an employer's other locations even if WorkSafeBC does not inspect them or know their locations.

2. Changes to employer incident investigations

Timelines have been incorporated to conduct preliminary investigations within 48 hours of the incident, and to complete a full investigation and submit a report to WorkSafeBC within 30 days of the incident.

3. Expanded injunction powers

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.

4. Changes to penalty due diligence

The onus is now on the employer facing an administrative penalty to prove their due diligence.

In September 2015, additional changes are expected to come into effect including establishing compliance agreements. In early 2016, occupational health and safety citations for employers are expected to be introduced. We will continue to provide you updates as they arise.

EMPLOYER RESOURCES

For detailed information on the changes and resources available to employers, please visit the [WorkSafeBC website](#) where you will find information on:

- Changes to the *Act*
- High level summaries on the changes
- *Two **interim** OHS policies on Interim Incident Investigation Policies
 - D10-175-1 (Preliminary Investigations)
 - D10-176-1 (Full Investigations)
- ***Interim** Stop Work Orders Policy (D12-191-1)
- Updates to the Prevention Manual
- Updates to the Occupational Health and Safety Regulation
- An overview and flowchart for the new requirements for employer incident and investigations
- Q&A document on the changes to the *Act*

*Please note that the policies and amendments apply to incidents that occur between May 27, 2015 and December 31, 2015. These policies will be replaced by final policies following public consultation.

Labour Relations Services (LRS) encourages municipalities to share their feedback regarding these interim policies, which LRS can bring forward to a future Employers' Forum meeting for discussion. Metro Vancouver Labour Relations Services is a member of the Employers' Forum which is an organization whose primary focus is on British Columbia's workers' compensation system. One of the Employer Forums' objectives is to provide a vehicle through which the employer perspective on workers' compensation policies and issues can be communicated to WorkSafeBC and its Board of Directors.

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.

SOURCES

Labour Relations Services Publication – Legislative Briefing: Workers Compensation Amendment Act (Bill 9, 2015) – February 15, 2015. http://www.metrovancover.org/services/labour-relations/LabourRelationsPublications/V01-Legislative_Briefing-2015-02-16.pdf

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Workers Compensation Act, RSBC 1996 (Chapter 492).
http://www.bclaws.ca/civix/document/id/complete/statreg/96492_00

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