

# Bill 9 Update SafeCare BC

July 15, 2015

# Bill 9

- Introduced February 2015
- Received Royal Assent and passed into law on May 14, 2015

# Bill 9

- Expands WorkSafeBC's ability to collect penalties
- Requires that WorkSafeBC add two new directors (a law enforcement and an OHS professional)
- Allows for new timeframes for reviews for OHS matters
- WHMIS 2015
- Changes employers' obligations to conduct incident investigations

# Bill 9

- Introduces new or enhanced OHS enforcement tools:
  - Expanded Stop Work Orders
  - OHS Citations (for employers)
  - Expanded injunction powers
  - Penalty due diligence onus change
  - Compliance agreements

# Bill 9

Today, we are here to discuss:

- Stop Work Orders
- Employer incident investigations

Stop Work Orders

# Stop Work Orders

Two major legislative changes:

1. Lower **threshold** for issuing Stop Work Orders
2. Wider **scope** of Stop Work Orders

# Stop Work Orders

1. Lower **threshold**: WorkSafeBC can now consider a Stop Work Order when:
  - a. there are reasonable grounds to believe there is a high risk of serious injury, serious illness, or death; **or**
  - b. an employer in the last year violated same section, failed to comply with the resulting order, and there are reasonable grounds to believe that there is a risk of serious injury, serious illness, or death.



# Stop Work Orders

## 2. Wider **scope** of Stop Work Orders:

WorkSafeBC can now stop work or prevent work from starting at other locations for an employer where similar unsafe conditions are likely to exist at the other locations.

High Risk Violation  
(as per Policy D12-196-2)?

Yes



Yes

Non-compliance with prior  
order from violation + same  
violation again **and** risk of  
serious injury?

Same or similar conditions at other  
workplaces? **And** same employer?

Yes



# Stop Work Orders

Interim policy (in effect until December 31st) provides guidance on:

- When to consider a stop work order
- When a stop work order is appropriate
- The scope of a stop work order (area covered)

# Stop Work Orders

Interim policy (in effect until December 31st) provides guidance on (con't):

- The use of a stop operations order
- The duration of a stop work order

# Employer Incident Investigations

# Employer Incident Investigations

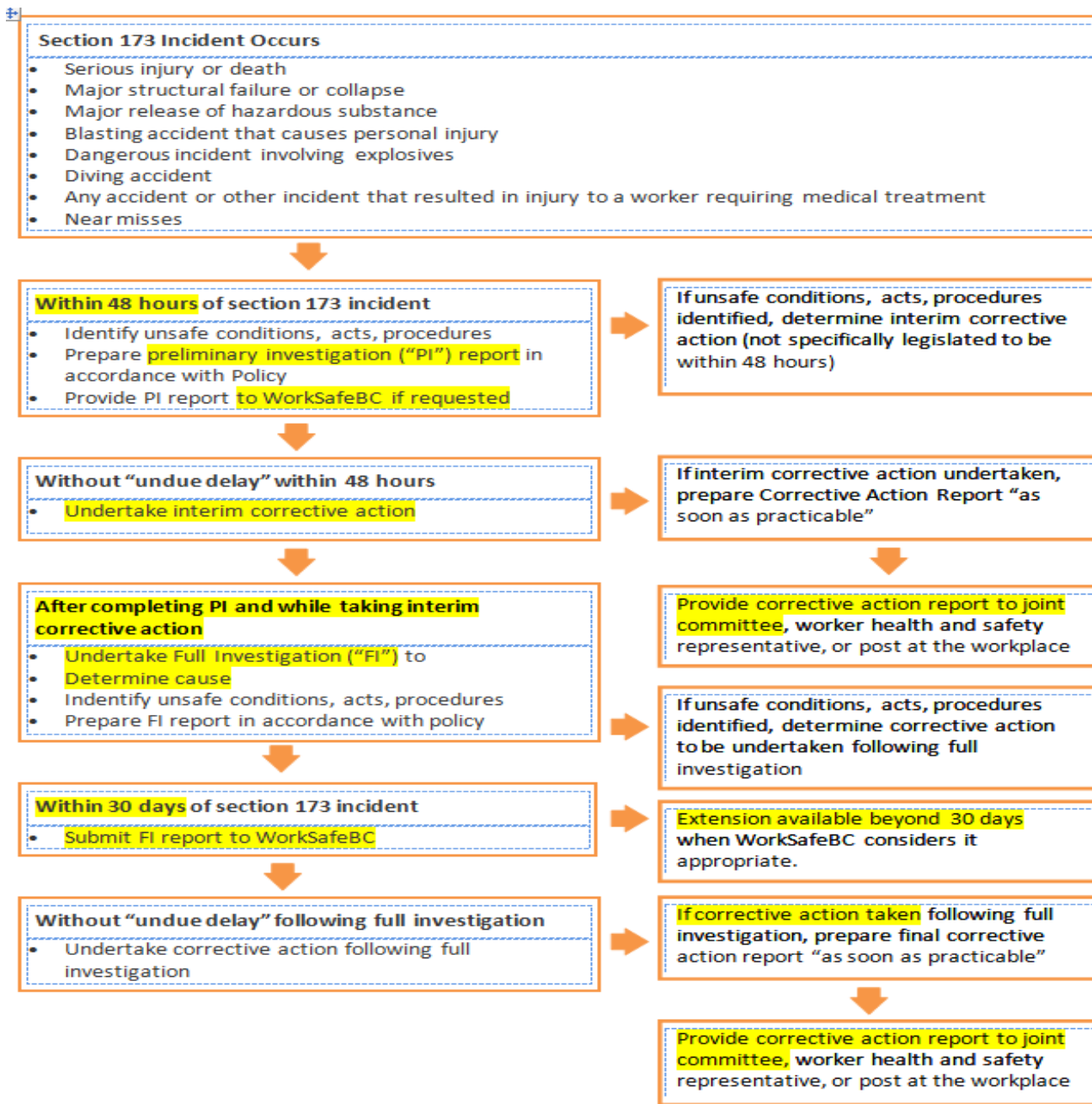
Two major legislative changes:

1. Employer must undertake a preliminary investigation within 48 hours of the incident followed by an interim corrective actions report
2. Employer must submit a full investigation report to WorkSafeBC within 30 days of the incident followed by a full investigation corrective actions report

# Employer Incident Investigations

Interim policies provide guidance on the new legislative requirements:

1. Preliminary Incident Investigation
2. Full Incident Investigation





# Employer Incident Investigations

## 1. Preliminary Incident Investigation Policy

- Incidents requiring a preliminary investigation
- Identifying unsafe conditions, acts, or procedures
- Determining interim corrective action

# Employer Incident Investigations

## 1. Preliminary Incident Investigation Policy (con't):

- Elements of preliminary investigation process
- Producing a preliminary investigation report
- Interim corrective action reporting

# Employer Incident Investigations

## 2. Full Incident Investigation Policy

- Determining the cause or causes of the incident
- Elements of full investigation reports

# Employer Incident Investigations

## 2. Full Incident Investigation Policy (con't)

- Producing the full investigation report
- Extensions for submitting the full investigations report
- Corrective action reporting following the full investigation

# Stakeholder Awareness and Communication

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1. Updates posted to WorkSafeBC.com
2. Information included in employer assessment mailouts
3. Information sent to ENews subscribers
4. Stakeholder information included in WorkSafe Magazine
5. Outreach through Industry and Labour Services and Prevention Field Services
6. Information provided through Health and Safety Associations, and Employer and Industry Associations, and the BC Federation of Labour

# Stakeholder Awareness and Communication

- WSBC response to Macatee report released through the newsroom July 15 2014
- Update on Macatee report released through newsroom on December 9, 2014
- Macatee letter released through newsroom on December 14, 2014
- Update on Macatee report released through the newsroom on WSBC on February 25, 2015
- Announcement page May 2015:
  - New legislation Bill 9
  - Bill 9 questions and answers
- ENews summary sent May 26

# Online Resources

- The following three documents are provided as high level summaries that provide an introduction and overview of the changes to the *Workers Compensation Act*:
  - [Legislative Change: A Primer on Stop Work Orders](#) (updated May 29, 2015)
  - [Legislative Change: A Primer on Employer Incident Investigations](#)
  - [Legislative Change: A primer on Injunctions and Due Diligence](#)
- WorkSafeBC has now published occupational health and safety policies related to the Bill 9 amendments. See updates to the [Prevention Manual](#) and the [Occupational Health and Safety Regulation](#) page.
- New requirements for employer incident investigations are detailed in the [attached overview and flow chart](#).
- Please review the [questions and answers](#) on changes to the *Workers Compensation Act*.



Questions?