

April 2002 - Update #6

## **TO HOLDERS OF THE *PREVENTION MANUAL***

There are currently several sources of published policy relating to prevention matters. These include the *Prevention Manual*, the *Prevention Division Policy and Procedure Manual* and various decisions in volumes 1 – 6 of the *Workers Compensation Reporter*.

The Panel of Administrators has decided that all applicable prevention policy should be consolidated into the *Prevention Manual*. As a starting point, the Panel has begun a process to consolidate the policies currently found in the *Prevention Division Policy and Procedure Manual* into the *Prevention Manual*.

Not every *Policy and Procedure Manual* policy will be consolidated into the *Prevention Manual*. Where, for example, a policy is found to be inconsistent with new Part 3 of the *Workers Compensation Act* or with the *Occupational Health and Safety Regulation*, the policy will be simply “retired”.

This update consists of a number of consolidated policies for insertion in your *Prevention Manual*. It also provides a list of policies in the *Policy and Procedure Manual* that are no longer “policy” and may be removed from your copy of the *Policy and Procedure Manual*.

If you have any questions regarding this update, or the *Prevention Manual*, please call the Publications and Videos section of the WCB at (604) 276-3068, or toll free within BC at 1-800-661-2112.

MAUREEN NICHOLLS  
Chair, Panel of Administrators

Attachment

## SUMMARY OF AMENDMENTS TO THE *PREVENTION MANUAL*

Table of Contents            The table of contents has been updated to reflect the incorporation of consolidated Item Nos. D2-111-3, D9-166-1, D9-168-1 and D24.77-1.

Consolidated Policies Effective April 1, 2002

**Division 2**  
D2-111-3

**Board Mandate**  
Board Approval

**Division 9**  
D9-166-1  
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**Variance Orders**  
Information Required  
Consultation on Application

**Part 24**  
R24.77-1

**Diving, Fishing and Other Marine Operations**  
Fishing Operations - General Requirements -  
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## LIST OF POLICIES RETIRED FROM THE *POLICY AND PROCEDURE MANUAL*

The following policies have been "retired" from the *Policy and Prevention Manual*, as of April 1, 2002.

POLICY NO.	POLICY TITLE
0.0.2	Access to the O S & H Policy and Procedure Manual
1.2.1	Board Approval
1.2.2	Engineering Certificates
1.2.3	Authority of a Professional Engineer
1.2.5	Modifying the Application of a Regulation (Variance)
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1.3.10	Inspection of the B.C. Ferry Fleet
1.4.1	Application of Sanctions
1.4.1-1	Penalty Assessment Procedures
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1.4.5	Appeals to Orders or Directives
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1.8.1	Laboratory Analysis – Samples Accepted
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85.13	First Aid

As of April 1, 2002, they are no longer "published policy". However, their status as "policy" or "published policy" prior to April 1, 2002, remains unchanged. They remain applicable in decision-making on historical issues to the extent they were applicable prior to April 1, 2002.

# PREVENTION MANUAL

Instructions for Update #6 – (April 2002)

<b>Check As Done</b>	<b>Remove Old Pages Numbered/Titled:</b>	<b>Insert New Pages Numbered/Titled:</b>
<input type="checkbox"/>	iv thru xiii	iv thru xiii
<input type="checkbox"/>	<b>Division 2 - Board Mandate</b> No Pages to Remove	"Board Mandate - Board Approval" (Item No. D2-111-3)
<input type="checkbox"/>	<b>Division 9 - Variance Orders</b> Old Title Page	New Title Page - Division 9 - Variance Orders "Variance Orders - Information Required" (Item No. D9-166-1) "Variance Orders - Consultation on Application" (Item No. D9-168-1)
<input type="checkbox"/>	<b>Part 24 - Diving, Fishing and Other Marine Operations</b> No Pages to Remove	"Diving, Fishing and Other Marine Operations - Fishing Operations - General Requirements - Reporting Injuries" (Item No. R24.77-1)

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**APPENDICES**

**APPENDIX 1**

Index of Retired Decisions from Volumes 1 - 6 (Decisions No. 1 - 423) of the Workers' Compensation Reporter

**RE: Board Approval**

**ITEM: D2-111-3**

## **BACKGROUND**

### **1. Explanatory Notes**

Section 111 sets out the Board's mandate under Part 3.

### **2. The Act**

Section 111(1):

In accordance with the purposes of this Part, the board has the mandate to be concerned with occupational health and safety generally, and with the maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia and the occupational environment in which they work.

Section 111(2), in part:

In carrying out its mandate, the board has the following functions, duties and powers:

...

- (c) to provide services to assist ... employers and workers in maintaining reasonable standards for occupational health and safety and occupational environment;
- (d) to ensure that persons concerned with the purposes of this Part are provided with information and advice relating to its administration and to occupational health and safety and occupational environment generally ....

## **POLICY**

The Board does not approve any program, product, machinery, equipment, or work process.

A submission may be made to have a program, product, machine, equipment or work process evaluated by the Board to determine if it is in compliance with current provisions of Part 3 and the regulations.

The Board will review submissions from an employer, worker, union, or from industry in general and will indicate acceptability or unacceptability under the current provisions of Part 3 and the regulations. The review of submissions to the Board will be limited to an assessment of those factors covered by the provisions of Part 3 and the regulations that affect the health and safety of workers.

An acceptance will be conditional upon the use of the product, machinery or equipment for its designed purpose, subject to such conditions as may be specified by the Board. Any indication of compliance with the current provisions of Part 3 and the regulations will not be an assurance of continued acceptability.

An acceptance under Part 3 and the regulations does not denote that the program, product, machinery, equipment or work process is endorsed, certified or approved by the Board. No person will advertise, mark, market or by any means portray that any program, product, machinery, equipment or work process is endorsed, certified or approved by the Board.

### **PRACTICE**

There is no PRACTICE for this Item.

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<b>EFFECTIVE DATE:</b>	April 1, 2002
<b>AUTHORITY:</b>	s.111(1) and (2) (c) and (d), <i>Workers Compensation Act</i>
<b>CROSS REFERENCES:</b>	
<b>HISTORY:</b>	Replaces Policy No. 1.2.1 of the Prevention Division <i>Policy and Procedure Manual</i>
<b>APPLICATION:</b>	This Item results from the 2000/2001/2002 “editorial” consolidation of all Prevention policies into the <i>Prevention Manual</i> . The POLICY in this Item continues the substantive requirements of Policy No. 1.2.1, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 1.2.1 was issued.

**DIVISION 9****VARIANCE ORDERS**

Division 9 of Part 3 of the *Workers Compensation Act* authorizes the Board to grant variances from provisions of the regulations. It establishes the criteria to be used by the Board in considering whether to grant a variance and the effective period for a variance order. The provisions set out the processes to be used by an applicant for a variance and by the Board in making a decision on the application. The legal effect of a variance is identified.

**RE: Variance Orders -  
Information Required**

**ITEM: D9-166-1**

## **BACKGROUND**

### **1. Explanatory Notes**

Section 166 sets out the information to be provided by an applicant for a variance. Section 166(3) requires the applicant to provide the technical and other information required by the Board.

### **2. The Act**

Section 166:

- (1) Subject to the regulations and subsection (2), an application for a variance must be made in writing to the board and must include
  - (a) a description of the requested variance,
  - (b) a statement of why the variance is requested, and
  - (c) information with respect to the benefits and drawbacks in relation to the matters addressed by the regulation that might reasonably be anticipated if the variance is allowed.
- (2) In the case of an application by a single worker for a variance order that would apply only to that worker, an application may be made as permitted by the board.
- (3) The applicant must also provide the board with the technical and any other information required by the board to deal with the application.

## **POLICY**

In the case of an application under section 166(1), the “other information” required by the Board from an employer under section 166(3) will generally include:

- the location of the workplace;
- the type and nature of the work process;

- the regulation(s) proposed for modification;
- a description of the proposed procedure or practice that would provide an equivalent level of health and safety to that provided for by the regulation(s);
- how workers will be trained and supervised; and
- confirmation that:
  - the variance application has been posted at the workplace, and a copy has been provided to the joint health and safety committee or the worker health and safety representative and to the union, if the workers at the workplace are represented by the union, or
  - if the workplace is not yet in existence, notice has been published where it would reasonably be expected to come to the attention of persons who may be affected.

## **PRACTICE**

For any relevant PRACTICE information, readers should consult the Prevention Division's OHS Guidelines available on the WCB website.

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<b>EFFECTIVE DATE:</b>	April 1, 2002
<b>AUTHORITY:</b>	s.166, <i>Workers Compensation Act</i>
<b>CROSS REFERENCES:</b>	
<b>HISTORY:</b>	Replaces part of Policy No. 1.2.5 of the Prevention Division <i>Policy and Procedure Manual</i>
<b>APPLICATION:</b>	This Item results from the 2000/2001/2002 "editorial" consolidation of all Prevention policies into the <i>Prevention Manual</i> . The POLICY in this Item merely continues the substantive requirements of Policy No. 1.2.5, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 1.2.5 was issued.

**RE: Variance Orders -  
Consultation on Application**

**ITEM: D9-168-1**

## **BACKGROUND**

### **1. Explanatory Notes**

Section 168 requires the Board to give notice of an application for a variance and conduct the consultations on the application that the Board considers advisable.

### **2. The Act**

Section 168:

- (1) After receiving an application for variance, the board may give notice of the application and conduct consultations respecting that application as the board considers advisable.
- (2) Before making a decision on an application, the board must provide an opportunity for persons who may be affected by the requested variance to submit to the board information respecting their position on the requested variance.
- (3) A union representing workers who may be affected by the requested variance is considered a person who may be affected for the purposes of subsection (2).

## **POLICY**

The persons whom the Board will notify and consult respecting the application for a variance include:

- the chairs of the joint health and safety committee or worker health and safety representative;
- the union, if workers in the workplace are represented by the union; and
- if there is no committee, worker health and safety representative or union at the workplace, a worker representative, if practicable.

The persons notified will be asked for comments, invited to participate in any hearing or other proceedings that may be held on the application, and advised of the decision.

### **PRACTICE**

For any relevant PRACTICE information, readers should consult the Prevention Division's OHS Guidelines available on the WCB website.

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<b>EFFECTIVE DATE:</b>	April 1, 2002
<b>AUTHORITY:</b>	s.168, <i>Workers Compensation Act</i>
<b>CROSS REFERENCES:</b>	
<b>HISTORY:</b>	Replaces part of Policy No. 1.2.5 of the Prevention Division <i>Policy and Procedure Manual</i>
<b>APPLICATION:</b>	This Item results from the 2000/2001/2002 "editorial" consolidation of all Prevention policies into the <i>Prevention Manual</i> . The POLICY in this Item merely continues the substantive requirements of Policy No. 1.2.5, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 1.2.5 was issued.

**RE: Diving, Fishing and Other Marine Operations - Fishing Operations - General Requirements - Reporting Injuries**      **ITEM: R24.77-1**

## **BACKGROUND**

### **1. Explanatory Notes**

Section 24.77 requires the master of a fishing vessel to report to the owner of the fishing vessel all injuries that required medical aid and record all injuries in the vessel log book. This section must be considered in conjunction with sections 33.6 and 33.7, which set out the general occupational first aid requirements for recording injuries and manifestations of disease reported and treated.

### **2. The Regulation**

Section 24.77:

- (1) Crewmembers must report all injuries to the master, without delay.
- (2) The master must report to the owner of the fishing vessel all injuries that required medical aid and record all injuries in the vessel log book.

Section 33.6:

- (1) The employer must maintain at the workplace a record of all injuries and manifestations of disease reported or treated.
- (2) Each entry or record required by subsection (1) must contain
  - (a) the full name of the injured worker,
  - (b) the date and time of injury or report of illness,
  - (c) the date and time the injury or illness was reported to the employer or employer's representative,
  - (d) the name of witnesses,
  - (e) a description of how the injury or illness occurred,
  - (f) a description of the nature of the injury or illness,

- (g) a description of the treatment given and any arrangements made relating to the injured worker,
  - (h) a description of any subsequent treatment given for the same injury or illness, and
  - (i) the signature of the attendant or person giving first aid, and if possible, the signature of the worker receiving treatment.
- (3) First aid records for an injury or illness reported as occurring after December 31, 1988 must be kept for at least 10 years.

**Section 33.7:**

- (1) Access to first aid records is restricted to individuals requiring access for reasons of medical treatment, workplace inspection, accident investigation, claims processing and appeals, and for reasons relevant to the workplace health and safety program, including the gathering of statistics.
- (2) First aid records must be available for inspection by an officer of the board.
- (3) Persons with access to first aid records must keep confidential the information contained in the records, except as required for the legitimate purpose of their access.
- (4) On request, a worker must be given a copy of first aid records for any treatment or report pertaining to the worker.

**POLICY**

Sections 33.6 and 33.7 provide for keeping a first aid book and access to first aid records. These sections must be complied with to the extent they are consistent with section 24.77, which requires the master to report injuries requiring medical aid to the owner and record all injuries in the vessel log book. The information that must be recorded under section 33.6(2) must also be entered into the vessel's log book by the master.

## **PRACTICE**

For any relevant PRACTICE information, readers should consult the Prevention Division's OHS Guidelines available on the WCB website.

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<b>EFFECTIVE DATE:</b>	April 1, 2002
<b>AUTHORITY:</b>	ss.24.77, 33.6 and 33.7, <i>Occupational Health and Safety Regulation</i>
<b>CROSS REFERENCES:</b>	
<b>HISTORY:</b>	Replaces Policy No. 85.13 of the Prevention Division <i>Policy and Procedure Manual</i>
<b>APPLICATION:</b>	This Item results from the 2000/2001/2002 "editorial" consolidation of all prevention policies into the <i>Prevention Manual</i> . The POLICY in this Item merely continues the substantive requirements of Policy No. 85.13, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 85.13 was issued.