

2003/08/12-01

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Amendments to various sections of the *Occupational Health and Safety Regulation* (B.C. Reg. 296/97, as amended), pertaining to occupational first aid

WHEREAS:

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("*Act*"), the Workers' Compensation Board ("*WCB*") may make regulations the WCB considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

The *Occupational Health and Safety Regulation* ("*OHSR*") contains requirements regarding the provision of occupational first aid services, supplies and facilities;

AND WHEREAS:

A review of the first aid requirements in the *OHSR* has been conducted to provide a balance between establishing standards for controlling risk and providing flexibility to enable workplaces to determine appropriate measures for achieving compliance;

AND WHEREAS:

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to relevant sections of the *OHSR* and has given notice of the proposed amendments and held a public hearing on the proposed amendments in accordance with section 226(1) of the *Act*;

AND WHEREAS:

The Board of Directors, after due consideration of all presentations to the WCB, considers it necessary and advisable in accordance with the WCB's mandate under the *Act* in relation to occupational health and safety and occupational environment to amend sections of the *OHSR*, pertaining to occupational first aid;

AND WHEREAS:

Consequential policy amendments have been developed, in addition to retirement of certain policies, to support the proposed regulatory amendments;

AND WHEREAS:

The Prevention Division will prepare guidelines in support of the regulatory amendments;

AND WHEREAS:

Pursuant to the Provincial Government's *Regulatory Reform Policy*, the Board of Directors has evaluated the proposed regulatory amendments according to the established regulatory criteria;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The regulatory amendments to various sections of the *OHSR* as set out in Appendix A are approved.
2. The statements under the heading POLICY in each Item attached as Appendix B are approved and the Items will be consolidated into the *Prevention Manual*.
3. The policies listed in Appendix C ("listed policies") are "retired" from the *Prevention Manual* and the Prevention Division's *Policy and Procedure Manual* as of the date the above noted regulatory amendments come into effect ("retirement date"). As of the retirement date, the listed policies are no longer "policy" under the Board of Director's Bylaw re: Policies of the Board of Directors. However, the status of the listed policies as "policy" prior to the retirement date remains unaffected by this resolution. The listed policies remain applicable in decision-making on historical issues to the extent that they were applicable prior to the retirement date.
4. The Regulatory Criteria Checklist in Appendix D is approved.
5. The above amendments to the *OHSR* will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.
6. The above amendments to the *OHSR* come into force 180 days after their deposit under the *Regulations Act*.

7. The amendments to the *Prevention Manual* and *Prevention Division Policy and Procedure Manual* are effective on the date the above noted regulatory amendments come into force.
8. The Prevention Division will monitor the implementation of the new first aid provisions and report to the Board of Directors, through the Policy and Regulation Development Bureau, by April 2005.

DATED at Richmond, British Columbia, August 12, 2003.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS RESOLVES THAT:

1 *Sections 3.1 (1) of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:*

When program required

- 3.1** (1) An occupational health and safety program as outlined in section 3.3 must be initiated and maintained by each employer having
- (a) a work force of 20 or more workers in a workplace determined to be not low risk under section 3.16 (2) (b), or
 - (b) a work force of 50 or more workers in a workplace determined to be low risk under section 3.16 (2) (b).

2 *The following is added after section 3.13:*

Occupational First Aid

Definitions

3.14 In this section and in sections 3.15 to 3.21,

"first aid" means

- (a) in cases in which a person will need medical treatment, treatment for the purpose of preserving life and minimizing the consequences of injury until medical treatment is obtained, and
- (b) treatment of minor injuries that would otherwise receive no medical treatment or that do not need medical treatment;

"first aid attendant" means a person who holds a valid first aid certificate issued by the board or by a person recognized by the board and who is designated as a first aid attendant by the employer;

"injured worker" means a worker who suffers an injury during work;

"injury" includes an occupational disease or illness;

"medical certificate" means a report in a form acceptable to the board from a physician registered under the *Medical Practitioners Act* as to a person's fitness to perform the functions of a first aid attendant.

First aid attendant qualifications

3.15 The employer must ensure that a person who is designated as a first aid attendant

- (a) is at least 16 years old,
- (b) has successfully completed the first aid training course or first aid examination developed or approved by the board,
- (c) has a first aid certificate in good standing at the required level issued by the board or a person recognized by the board, and
- (d) meets any other requirements determined by the board for designation as a first aid attendant.

APPENDIX A

Basic requirements

- 3.16** (1) The employer must provide for each workplace such equipment, supplies, facilities, first aid attendants and services as are adequate and appropriate for
- (a) promptly rendering first aid to workers if they suffer an injury at work, and
 - (b) transporting injured workers to medical treatment.
- (2) For the purpose of complying with subsection (1), the employer must conduct an assessment of the circumstances of the workplace, including
- (a) the number of workers who may require first aid at any time,
 - (b) the nature and extent of the risks and hazards in the workplace, including whether or not the workplace as a whole creates a low risk of injury,
 - (c) the types of injuries likely to occur,
 - (d) any barriers to first aid being provided to an injured worker, and
 - (e) the time that may be required to obtain transportation and to transport an injured worker to medical treatment.
- (3) The employer must review the assessment under subsection (2)
- (a) within 12 months after the previous assessment or review, and
 - (b) whenever a significant change affecting the assessment occurs in the employer's operations.
- (4) First aid equipment, supplies and facilities must be kept clean, dry and ready for use, and be readily accessible at any time a worker works in the workplace.

First aid procedures

- 3.17** (1) The employer must keep up-to-date written procedures for providing first aid at the worksite including
- (a) the equipment, supplies, facilities, first aid attendants and services available,
 - (b) the location of, and how to call for, first aid,
 - (c) how the first aid attendant is to respond to a call for first aid,
 - (d) the authority of the first aid attendant over the treatment of injured workers and the responsibility of the employer to report injuries to the board,
 - (e) who is to call for transportation for the injured worker, and the method of transportation and calling, and
 - (f) prearranged routes in and out of the workplace and to medical treatment.
- (2) The employer must post the procedures conspicuously in suitable locations throughout the workplace or, if posting is not practicable, the employer must adopt other measures to ensure that the information is effectively communicated to workers.
- (3) The first aid attendant and all other persons authorized to call for transportation for injured workers must be trained in the procedures.

Communication and availability

- 3.18** (1) The employer must provide an effective means for
- (a) communication between the first aid attendant and the workers served, and
 - (b) the first aid attendant to call for assistance.
- (2) The employer must not assign, and the first aid attendant must not undertake, employment activities that will interfere with the attendant's ability to receive and respond to a request for first aid.

APPENDIX A

First aid records

- 3.19** (1) The employer must maintain at the workplace, in a form acceptable to the board, a record of all injuries and exposures to contaminants covered by this Regulation that are reported or treated.
- (2) First aid records must be kept for at least 3 years.
- (3) First aid records are to be kept confidential and may not be disclosed except as permitted by this Regulation or otherwise permitted by law.
- (4) First aid records must be available for inspection by an officer of the board.
- (5) Workers may request or authorize access to their first aid records for any treatment or report about themselves.

Multiple employer workplaces

- 3.20** If workers of 2 or more employers are working at a workplace at the same time, the prime contractor must
- (a) conduct an assessment of the circumstances of the workplace under section 3.16 (2) in relation to all the workers in the workplace, and
- (b) do everything that is reasonably practicable to establish and maintain the first aid equipment, supplies, facilities, first aid attendants and services in accordance with the results of the assessment.

First aid attendant responsibilities

- 3.21** (1) The first aid attendant must
- (a) promptly provide injured workers with a level of care within the scope of the attendant's training and this Part,
- (b) objectively record observed or reported signs and symptoms of injuries and exposures to contaminants covered by this Regulation, and
- (c) refer for medical treatment workers with injuries considered by the first aid attendant as being serious or beyond the scope of the attendant's training.
- (2) A first aid attendant must be physically and mentally capable of safely and effectively performing the required duties, and the board may at any time require the attendant to provide a medical certificate.
- (3) The first aid attendant is responsible, and has full authority, for all first aid treatment of an injured worker until responsibility for treatment is accepted
- (a) at a place of medical treatment,
- (b) by an ambulance service acceptable to the board, or
- (c) by a person with higher or equivalent first aid certification.
- (4) The first aid attendant does not have authority to overrule a worker's decision to seek medical treatment or the worker's choice of medical treatment.

3 *Section 7.59 is amended by striking out* "Level 2 or Level 3".

4 *Section 7.72 is amended by striking out* "Level 2 or Level 3".

5 *Section 17.10 is amended by repealing paragraph (h) and substituting:*

- (h) be equipped with appropriate first aid equipment determined under section 3.16 or 3.20, and with appropriate fire extinguishers in good working order.

APPENDIX A

6 *Section 22.9 is repealed and the following substituted:*

Additional first aid

22.9 In addition to the requirements of sections 3.14 to 3.21, if an underground working has progressed more than 300 m (1,000 ft) underground, a first aid attendant must be available in proximity to the main underground work area.

7 *Section 23.87 is repealed.*

8 *Section 24.15 (d) is amended by striking out “Level 1”.*

9 *Section 24.53 (g) is amended by striking out “basic”.*

10 *Section 24.79 is repealed.*

11 *Section 32.7 is repealed and the following substituted:*

First aid

32.7 At least one member of a rescue team must be a first aid attendant trained to immobilize an injured worker.

12 *Part 33 is repealed.*

13 *Schedules 1 to 7 following Part 33 are repealed.*

14 *The above amendments come into force 180 days after their deposit under the Regulations Act.*

DATED at Richmond, British Columbia, August 12, 2003.

By the Workers’ Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

**RE: Occupational First Aid -
General Requirements for First Aid --
Access to First Aid Records**

**ITEM: R33.7-4
R3.19-1**

BACKGROUND

1. Explanatory Notes

Section ~~33.7~~ **3.19** requires first aid records to be maintained at the workplace and sets out who may have access to first aid records.

2. The Regulation

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.~~

Section 3.19:

- (1) The employer must maintain at the workplace, in a form acceptable to the board, a record of all injuries and exposures to contaminants covered by this Regulation that are reported or treated.**
- (2) First aid records must be kept for at least 3 years.**
- (3) First aid records are to be kept confidential and may not be disclosed except as permitted by this Regulation or otherwise permitted by law.**
- (4) First aid records must be available for inspection by an officer of the board.**

APPENDIX B
PREVENTION MANUAL POLICIES

- (5) **Workers may request or authorize access to their first aid records for any treatment or report about themselves.**

POLICY

Where a person is entitled to have access under section ~~33.73.19~~, the access need not extend to all of the records. It should be limited to the minimum necessary to satisfy the purpose for which the access is required. If, for instance, access is required to investigate a claim for compensation, it would be limited to the records of the individual making the claim.

PRACTICE

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

EFFECTIVE DATE:	<i>(To Be Determined)</i>
AUTHORITY:	s.33.7 s.3.19 , <i>Occupational Health & Safety Regulation</i>
CROSS REFERENCES:	
HISTORY:	Replaces Replaced Policy No. 80.7 of the Prevention Division <i>Policy and Procedure Manual</i> . A housekeeping change was made on December 14, 2001. Effective (date to be determined), the section number referenced in policy was changed to comply with amendments to the <i>Occupational Health and Safety Regulation</i> made on that date.
APPLICATION:	This Item results resulted from the 2000/2001 "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. 80.7, as they existed prior to the Effective Date October 1, 2000 , with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 80.7 was issued.

**RE: Orders -
Cancellation and Suspension
of Certificates**

ITEM: D12-195-1

BACKGROUND

1. Explanatory Notes

Section 195(1) sets out circumstances in which the Board may cancel or suspend a certificate, or place conditions upon the use of a certificate issued under Part 3 or the regulations.

2. The Act

Section 195:

- (1) If the board has reasonable grounds for believing that a person who holds a certificate issued under this Part or the regulations has breached a term or condition of the certificate or has otherwise contravened a provision of this Part or the regulations, the board may, by order,
 - (a) cancel or suspend the certificate, or
 - (b) place a condition on the use of that certificate that the board considers is necessary in the circumstances.
- (2) An order under this section suspending a certificate must specify the length of time that the suspension is in effect or the condition that must be met before the suspension is no longer in effect.

POLICY

Section 195 applies to certificates issued by the Board to qualify persons to do a particular job, including:

- certificates issued to first aid attendants and instructors under section 159;
- certificates issued to blasters and instructors under section 163; and
- any similar certificate issued by the Board under Part 3 or the regulations.

The section also applies to such certificates issued on behalf of the Board by another person, such as a training agency, under an arrangement with the Board.

(a) First Aid Certificates

A first aid certificate issued to a first aid attendant may be suspended, cancelled or have conditions placed upon its use where the first aid attendant engages in inappropriate conduct, including:

- smoking while assessing or treating an injured worker and/or while handling oxygen therapy equipment, or permitting others to do so;
- failure to use the assessment and injury treatment techniques outlined in first aid training courses unless conditions precluded them;
- conduct that poses an unreasonable threat to the safety and well-being of other workers or the public;
- removing themselves from being able to see or hear any summons for first aid at a workplace;
- abandonment of an injured worker after beginning assessment or treatment;
- refusal to treat an injured worker when acting as a designated first aid attendant; or
- treating or transporting an injured worker while impaired or under the influence of drugs or alcohol.

PRACTICE

~~There is no PRACTICE for this Item.~~

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

EFFECTIVE DATE:	<i>(To Be Determined)</i>
AUTHORITY:	s.195, <i>Workers Compensation Act</i>
CROSS REFERENCES:	ss.159, 163, <i>Workers Compensation Act</i>
HISTORY:	Item developed to implement the <i>Workers Compensation (Occupational Health and Safety) Amendment Act, 1998</i> , effective October 1, 1999. Policy revised to incorporate the parts of Policy No. 80.27 of the Prevention Division <i>Policy and Procedure Manual</i> relating to circumstances when the WCB may suspend, cancel or place conditions on the certificate of a first aid attendant, effective (date to be determined).
APPLICATION:	

APPENDIX C

**LIST OF PREVENTION MANUAL
POLICIES TO BE RETIRED**

POLICY NO.	TITLE
R33.2-1	General Requirements– Basic Requirements
R33.2-2	General Requirements– Distance from First Aid Services
R33.5-1	General Requirements for First Aid– Communication and Availability
R33.6-1	General Requirements for First Aid– First Aid Records
R33.8/9/10-1	General Requirements for First Aid– General Requirements for First Aid Facilities
R33.11-1	General Requirements for First Aid– Portable Oxygen Therapy Equipment
R33.12-1	General Requirements for First Aid– Oxygen Powered Resuscitators
R33.13-1	General Requirements for First Aid– Drugs and Medications
R33.14-1	General Requirements for First Aid– Blood and Body Fluid Precautions
R33.15-1	Requirements for Specific Workplaces- Health Care Facilities
R33.16-1	Requirements for Specific Workplaces- Municipal Fire Departments
R33.18-1	Requirements for Specific Workplaces- Remote Workplaces with Lodgings
R33.21-1	Requirements for Specific Workplaces- Additional First Aid for Separate Workplaces
R33.23-1	Requirements for Specific Workplaces- Additional First Aid if Ambulance Service is Restricted
R33.24-1	First Aid Attendants– Authority of the Attendant
R33.26-1	First Aid Attendants– Availability of the Attendant
R33.29-1	Transportation of Injured Workers– Responsibility for Transportation
R33.30/31/32-1	Transportation of Injured Workers– ETVs and Industrial Ambulances
R33.35-1	Transportation of Injured Workers– Accompanying and Injured Worker
R33.37-1	Transportation of Injured Workers– Air Transport
R33.38-1	Certification of First Aid Attendants– Levels of Certification

APPENDIX C

POLICY NO.	TITLE
R33.40-1	Certification of First Aid Attendants– Minimum Age Requirements
R33.41-1	Certification of First Aid Attendants– Medical Certificates
R33.44-1	Certification of First Aid Attendants– Renewal of Certificates and Endorsements
R33.45-1	Certification of First Aid Attendants– Restriction or Denial of Certification
R33.46-1	Certification of First Aid Attendants– Restriction on Initial Level 3 Certification
R33.49-1	Instructors and Training Agencies– Registration of Training Agencies
R33.50-1	Instructors and Training Agencies– Requirements for Classrooms
R33.51-1	Instructors and Training Agencies– Class Size
R33.52-1	Instructors and Training Agencies– Courses and Examinations

**LIST OF *POLICY AND PROCEDURE MANUAL*
POLICIES TO BE RETIRED**

POLICY NO.	POLICY TITLE
80.20	Multiple Employer Workplaces
80.27	Amending, Restricting, Cancelling or Suspension of a Certificate

REGULATORY CRITERIA CHECKLIST

Title of Legislation/Regulation* *Occupational Health and Safety Regulation*

**If Regulation, Title of Authorizing Legislation: Workers Compensation Act*

Purpose of Proposal (One-Line Summary): Amendments to adopt performance-based requirements for first aid

If the answer is "No" for any of the criteria, please attach explanation.

Regulatory Criteria	Criteria Met	
1. Reverse Onus: Need for Regulation is Justified	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Regulatory Design is Results-Based	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Transparent Development of Regulatory Requirements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4. Cost- Benefit Analysis	Formal Cost-Benefit Analysis Completed	
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Not Required	
	If <i>Not Required</i> , Impacts have been Analyzed	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Competitive Analysis Completed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Regulatory Requirements Avoid or Eliminate Duplication with Other Jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7. Timeliness of Regulatory Response	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8. Plain Language	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
9. Sunset Review and Expiry Provisions	Sunset Review provision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Sunset Expiry provision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Replacement Principle Applied	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Number of Regulatory Requirements to be added: Number of Regulatory Requirements to be eliminated: NET CHANGE: 489

Douglas J. Enns, Chair
Board of Directors

August 12, 2003

Date

Contact: David Young, Policy Director
Policy & Regulation Development Bureau
Workers' Compensation Board

REGULATORY CRITERIA CHECKLIST

A. BACKGROUND

On March 11, 2002 the provincial government introduced a new Regulatory Reform Policy ("Policy"). The Policy is intended to "support the government's commitment to reducing the regulatory burden in British Columbia by one-third over three years." The Policy applies to all proposed legislation and regulations.

The Policy requires the Chair of the Board of Directors to ensure that proposed regulations are evaluated according to regulatory criteria set out in the Policy, and to sign and make public the "Regulatory Criteria Checklist" ("Checklist") when regulations are enacted. The criteria are designed to ensure that all new regulations are results-based and contribute to a more competitive regulatory environment.

The Policy provides for exemptions from the Checklist if the head of the regulatory agency certifies that, in his or her opinion, the regulation satisfies one or more of the following conditions:

- Is non-regulatory in nature;
- Changes fees in respect of a financial year by an annual rate that has been approved by Treasury Board;
- Relates only to the procedures or practices of a court or tribunal;
- Is required under a national uniform legislation or regulatory scheme, or by federal legislation that has already been assessed against criteria similar to that provided in the Checklist;
- Is fundamentally declaratory or machinery in nature, such as housekeeping changes that clarify or correct a provision without changing procedural requirements;
- Provides for the commencement of an *Act* or regulation or the commencement of a provision of an *Act* or regulation;
- Is consolidated and reviewed under the reversion powers in Part 2 of the *Regulations Act Regulation*;
- Is transitional in nature;
- The special circumstances of the case, as identified by the responsible minister or head of the regulatory authority, make it impracticable to comply with the Regulatory Criteria.

The regulatory amendments regarding occupational first aid do not meet the criteria for an exemption from the Checklist.

B. REGULATORY AMENDMENTS

Prior to the effective date of the regulatory amendments, the *Occupational Health and Safety Regulation* contained prescriptive requirements for occupational first aid. These regulatory requirements served to identify workplace risks and mandate specific control measures. Workplaces were assigned a first aid hazard classification based on their industry type. This classification, along with the number of employees and the travel time to hospital, largely determined the required first aid services and supplies.

A consequence of this prescriptive approach was that the requirements for first aid services and supplies that were considered “typical” for operations associated with a particular industry, were not always appropriate given the circumstances of a specific workplace.

The regulatory amendments are intended to provide a balance between establishing standards for controlling risk and providing flexibility to enable workplaces to determine appropriate measures for achieving compliance. Rather than specifying required control measures for occupational first aid, the new requirements obligate an employer to conduct a risk assessment of each workplace. The results of the assessment must ensure that adequate and appropriate first aid equipment, supplies, facilities, attendants and services are provided for promptly rendering first aid and transporting injured workers for treatment.

C. EXPLANATORY NOTES

1. Reverse Onus: Need for Regulation is Justified

Regulatory requirements are necessary to ensure that workers are provided with adequate and appropriate first aid services.

2. Regulatory Design is Results-Based

The regulatory amendments are results-based.

3. Transparent Development of Regulatory Requirements

Section 226 of the *Workers Compensation Act* (“Act”) requires that before making a regulation under Part 3, the Workers’ Compensation Board (“WCB”) must give notice of the proposed regulation in the *BC Gazette* and at least three newspapers and must hold at least one public hearing on the proposed regulation.

On February 21, 2003 notice of the public hearing was published in the *Vancouver Sun*, *Vancouver Province*, *Prince George Citizen*, *Victoria Times Colonist*, and in Part 1 of the *BC Gazette*. Notice was also provided on the WCB’s website.

The public hearings were held in Prince George on March 25, 2003 and in Richmond on March 27, 2003. In addition to the oral hearing process, written submissions were accepted until April 10, 2003.

APPENDIX D

A total of 63 submissions were received providing specific comment on the proposal to adopt performance-based requirements. 50% of the total number of submissions expressed support for the regulatory amendments. Generally, the submissions provided in opposition to the amendments expressed concern over the general nature of performance-based requirements. Submitters were of the view that performance-based requirements are less likely to be implemented and more likely to result in inconsistent enforcement since they do not provide enough specific information to direct employers on how to achieve compliance.

The concerns raised during the public hearing process were represented in the options presented to the Board of Directors for decision.

4. Cost-Benefit Analysis Completed

A formal cost-benefit analysis was not completed. It is anticipated however, that the results-based amendments will encourage innovation, which may lead to cost reductions for employers while maintaining worker health and safety.

5. Competitive Analysis Completed

By not focusing on the step-by-step processes to which workplaces must comply, performance-based requirements enable industries, as well as individual firms, to take different (and appropriate) approaches to achieving occupational health and safety outcomes. By providing for a degree of flexibility, performance-based requirements are able to assist firms that operate in multiple jurisdictions and encourage innovation, which may lead to cost reductions and improved safety standards. As a result, the new regulatory amendments are anticipated to result in positive implications for British Columbia's economic competitiveness.

6. Avoid or Eliminate Duplication with Other Jurisdictions

The amendments do not duplicate requirements imposed by other regulatory jurisdictions.

7. Timeliness of Regulatory Response

Notice of changes to regulations must be deposited with the Registrar of Regulations and, pursuant to section 227 of the *Act*, may only come into force at least 90 days after their deposit under the *Regulations Act*.

To ensure successful implementation of the new requirements, the amended regulation will be effective 180 days after deposit.

The amended regulation will be available on the WCB's website and notice of the changes will also appear in the *Worksafe Magazine*. The Prevention Division has drafted guidelines for workplace parties to provide additional clarity on the new requirements and assist with compliance.

8. Plain Language

The amendments are drafted in plain language.

9. Sunset Review and Expiry Provisions

Sunset review and expiry provisions are not required. Section 228 of the *Act* requires the WCB to undertake a process of ongoing review of and consultation on its regulations to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment.

10. Replacement Principle Applied

The amendments result in a reduction of 489 regulatory requirements.