

2007/03/20-04

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA**RESOLUTION OF THE BOARD OF DIRECTORS****RE: Amendments to the *Occupational Health and Safety Regulation*
(BC Regulation 296/97, as amended), pertaining to the
orientation and training of new and young workers****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 it considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

In October 2006, the Board of Directors ("BOD") approved the release to public hearings proposed amendments to Part 3 of the *Occupational Health and Safety Regulation* ("OHSR") relating to the orientation and training of new and young workers;

AND WHEREAS:

The WCB 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 BOD, 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 Part 3 of the *OHSR*;

AND WHEREAS:

Pursuant to the Provincial Government's *Regulatory Reform Policy*, the BOD has evaluated the proposed regulatory amendments according to the established regulatory criteria.

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The amendments to the *OHSR*, as set out in Appendix A, are approved.
2. The Regulatory Criteria Checklist in Appendix B is approved.
3. The above amendments will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.
4. The above amendments will come into force 90 days after deposit with the Registrar of Regulations.

Dated at Richmond, British Columbia, March 20, 2007.

By the Workers' Compensation Board

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

APPENDIX A

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 **Part 3 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by adding the following:**

Young or New Workers

Definitions

3.22 In sections 3.23 to 3.25:

“**new worker**” means any worker who is

- (a) new to the workplace,
- (b) returning to a workplace where the hazards in that workplace have changed during the worker’s absence,
- (c) affected by a change in the hazards of a workplace, or
- (d) relocated to a new workplace if the hazards in that workplace are different from the hazards in the worker’s previous workplace;

“**young worker**” means any worker who is under 25 years of age.

Young or new worker orientation and training

3.23 (1) An employer must ensure that before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker’s workplace.

- (2) The following topics must be included in the young or new worker’s orientation and training:
- (a) the name and contact information for the young or new worker’s supervisor;
 - (b) the employer’s and young or new worker’s rights and responsibilities under the *Workers Compensation Act* and this Regulation including the reporting of unsafe conditions and the right to refuse to perform unsafe work;
 - (c) workplace health and safety rules;
 - (d) hazards to which the young or new worker may be exposed, including risks from robbery, assault or confrontation;
 - (e) working alone or in isolation;
 - (f) violence in the workplace;
 - (g) personal protective equipment;
 - (h) location of first aid facilities and means of summoning first aid and reporting illnesses and injuries;
 - (i) emergency procedures;
 - (j) instruction and demonstration of the young or new worker’s work task or work process;
 - (k) the employer’s health and safety program, if required under section 3.1 of this Regulation;
 - (l) WHMIS information requirements set out in Part 5, as applicable to the young or new worker’s workplace;

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(m) contact information for the occupational health and safety committee or the worker health and safety representative, as applicable to the workplace.

Additional orientation and training

3.24 An employer must provide a young or new worker with additional orientation and training if

- (a) workplace observation reveals that the young or new worker is not able to perform work tasks or work processes safely, or
- (b) requested by the young or new worker.

Documentation

3.25 An employer must keep records of all orientation and training provided under sections 3.23 and 3.24.

2 *The above amendments come into force 90 days after their deposit under the Regulations Act.*

Dated at Richmond, British Columbia, March 20, 2007.

By the Workers' Compensation Board

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

APPENDIX B

Regulatory Criteria Checklist

Title of Legislation/Regulation* Occupational Health and Safety Regulation (“OHSR”)

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

Purpose of Proposal (One-Line Summary): Amendments pertaining to the training and orientation of young and new workers

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
	Required	
	If <i>Not Required</i> , Impacts have been Analyzed	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Competitive Analysis Completed	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/>
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
11. Business Process Map Analysis Completed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Number of Regulatory Requirements to be added:	0
Number of Regulatory Requirements to be eliminated:	0
NET CHANGE:	0

 Responsible Minister or Head of Regulatory Authority
Douglas J. Enns, Chair
Board of Directors
Workers’ Compensation Board

 March 20, 2007
 Date

Contact:
Anne Burch, Director
Policy and Research Division
Workers’ Compensation Board

APPENDIX B

REGULATORY CRITERIA CHECKLIST

A. BACKGROUND

On March 11, 2002 the provincial government introduced a new Regulatory Reform Policy ("Policy"). The Policy was intended to "support the government's commitment to reducing the regulatory burden in British Columbia by one-third over three years." The Policy applied to all proposed legislation and regulations. On February 8, 2006 Cabinet re-confirmed government's commitment to regulatory reform and the target of a zero net increase in regulatory requirements for three years (through December 31, 2008).

The Policy requires the Chair of the Board of Directors ("BOD") 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 the 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*;
- Is transitional in nature;

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- 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 relating to the training and orientation of young and new workers do not meet the criteria for an exemption from the Checklist.

B. REGULATORY AMENDMENTS

The new amendments to Part 3 of *OHSR* relate to the training and orientation of young and new workers.

C. EXPLANATORY NOTES

1. Reverse Onus: Need for Regulation is Justified

The regulatory amendments are necessary to maintain reasonable standards for the protection of worker health and safety.

2. Regulatory Design is Results-Based

One of the objectives of the Workers' Compensation Board's ("WCB") ongoing regulation review is to strike a balance between establishing standards or practices for controlling risk and providing flexibility to enable workplaces to determine appropriate measures for achieving compliance. In the case of requirements for biohazardous material, the amendments are results-based in nature.

3. Transparent Development of Regulatory Requirements

Section 226 of the *Workers Compensation Act* ("Act") requires that before making a regulation under Part 3, the 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.

Notices were published in the *Gazette* on October 19, 2006 and January 4, 2007. Notices were also published in eight newspapers, including the Victoria Times Colonist, the Vancouver Sun, the Province, and local newspapers in Kelowna, Prince George and Nanaimo.

Public hearings were conducted in Prince George (November 20, 2006); Vancouver (November 23, 2006); Kelowna (January 25, 2007); and Nanaimo (January 29, 2007), as part of the 2006 public hearing process.

Ninety-one submissions (oral and written) were received during the public hearings.

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4. Cost-Benefit Analysis Completed

A formal cost-benefit analysis was not completed. Generally, cost implications were not raised during the public hearing process.

5. Competitive Analysis Completed

A formal competitive analysis was not completed. No Canadian jurisdiction has established specific regulatory provisions for the training and orientation of young or new workers.

6. Avoid or Eliminate Duplication with Other Jurisdictions

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

7. Timeliness of Regulatory Response

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 timely implementation, the amendments will come into force 90 days after deposit.

The amended regulation will be available on WCB's website and a communications strategy has been developed to ensure workplace parties are made aware of the changes. A guideline has been drafted 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 no net addition of regulatory requirements as the requirements are a compilation of requirements in other areas of the *OHSR*.