

2019/11/20-01

WORKERS' COMPENSATION BOARD

RESOLUTION OF THE BOARD OF DIRECTORS

**RE: Consequential Amendments to Board Regulations under Part 3 of the
*Workers Compensation Act***

WHEREAS:

Pursuant to section 225 of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 ("Act"), the Workers' Compensation Board ("WorkSafeBC") may make regulations it considers necessary or advisable in relation to occupational health and safety and occupational environment, including prescribing administrative penalties or a schedule of administrative penalties for the purpose of the lower maximum amount administrative penalties under section 196.1;

AND WHEREAS:

WorkSafeBC has made the *Occupational Health and Safety Regulation*, B.C. Reg. 296/97 ("OHSR") and the *Lower Maximum Administrative Penalties Regulation*, B.C. Reg. 194/2015 ("LMAPR") pursuant to section 225;

AND WHEREAS:

The *Workers Compensation Amendment Act, 2018* ("Bill 18"), which amends the definition of "worker" and adds a definition of "firefighter" in the *Act*, came into force on May 16, 2019;

AND WHEREAS:

Pursuant to the *Statute Revision Act*, the British Columbia Office of Legislative Counsel has made editorial changes to the language and renumbered the part, division, and section numbers of the *Act*, which will come into force on April 6, 2020;

AND WHEREAS:

To reflect the Bill 18 changes and the statutory revisions to the *Act*, WorkSafeBC has developed consequential amendments to the *OHSR* and the *LMAPR*;

AND WHEREAS:

Pursuant to section 226(1) of the *Act*, WorkSafeBC has given notice of the proposed regulatory amendments and held a public hearing;

AND WHEREAS:

Pursuant to section 227 of the *Act*, WorkSafeBC must specify the date on which a regulation is to come into force, which date must be at least 90 days after the regulation's deposit under the *Regulations Act*;

AND WHEREAS:

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

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Effective April 6, 2020, the *OHSR* is amended as set out in the attached Appendices A and B; and
2. Effective April 6, 2020, the *LMAPR* is amended as set out in the attached Appendix C.

I, Ralph McGinn, hereby certify for and on behalf of the Board of Directors of WorkSafeBC that the above resolutions were duly passed at a meeting of the Board of Directors held in Richmond, British Columbia, on November 20, 2019.

RALPH MCGINN, P. ENG
Chair, Board of Directors
Workers' Compensation Board

APPENDIX A

1 Section 31.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by repealing the definition of “fire department” and substituting the following:

“fire department” means a fire brigade operated as a public service by

- (a) a municipality, a regional district or an improvement district,
- (b) a board or commission having the management or conduct of work or services on behalf of any of the bodies referred to in paragraph (a), or
- (c) a parks board.

APPENDIX B

- 1** *Section 2.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by striking out “Part 3” and substituting “the OHS provisions”.*
- 2** *Section 3.13 is amended*
 - (a)** *in subsection (1) by striking out “discriminatory action as defined in section 150 of Part 3” and substituting “prohibited action as defined in section 47” and*
 - (b)** *in subsection (2) by striking out “discriminatory action” and substituting “prohibited action”.*
- 3** *Section 20.1A is amended by striking out “section 118 of Part 3” and substituting “sections 13 and 24 of the Workers Compensation Act”.*
- 4** *Sections 22.7 (2) (d) and 24.34 (1) are amended by striking out “Part 3” and substituting “the OHS provisions”.*
- 5** *Section 26.1 is amended in the definition of “multiple-employer workplace” and in the definition of “prime contractor” by striking out “section 118” and substituting “section 13”.*
- 6** *Section 26.1.1 is amended striking out “section 118 (1)” and substituting “paragraph (a) of the definition of “prime contractor” in section 13”.*
- 7** *Section 31.2 is amended by striking out “under Part 1 of the Workers Compensation Act” and substituting “to which the compensation provisions of the Workers Compensation Act apply”.*
- 8** *Section 31.3 (1) is amended by striking out “Part 3 of the Workers Compensation Act” and substituting “the OHS provisions of the Workers Compensation Act”.*
- 9** *For each item in the following table, the provision of the Occupational Health and Safety Regulation listed in Column 1 is amended by striking out the text shown in Column 2 and substituting the text shown in Column 3:*

Item	Column 1 Provision	Column 2 Text to be struck out	Column 3 Text to be substituted
1	3.26 (1)	section 126	section 32
2	3.26 (1) (a)	section 126 (1)	section 32 (1)
3	3.26 (3) (a) (i)	section 127 (a) to (d)	section 33
4	3.26 (3) (a) (ii)	section 128	section 34

Item	Column 1 Provision	Column 2 Text to be struck out	Column 3 Text to be substituted
5	3.26 (3) (a) (iii)	section 129	section 35
6	3.26 (3) (a) (iv)	section 130	section 36
7	3.26 (3) (a) (v)	section 131 (2)	section 37 (2)
8	3.26 (3) (a) (vi)	section 133	section 39
9	3.26 (3) (a) (vii)	section 134	section 40
10	3.26 (3) (a) (viii)	section 135	section 41
11	3.26 (3) (a) (ix)	section 136	section 42
12	3.26 (3) (a) (x)	section 137 (1)	section 43 (1)
13	3.26 (3) (a) (xi)	section 138	section 44
14	3.26 (3) (b)	section 131 (1)	section 37 (1)
15	3.27 (1)	section 126	section 32
16	3.27 (1) (a)	section 126 (1)	section 32 (1)
17	3.27 (4) (a)	section 130	section 36
18	3.27 (4) (b)	section 131	section 37
19	3.27 (4) (c)	sections 173 to 176	sections 69 to 72
20	3.27 (10)	section 135	section 41
21	3.28	section 174 (1.1) (c)	section 70 (2) (c)
22	22.12 (2) (a) (i)	section 117	section 23

APPENDIX C

- 1 The title of the Lower Maximum Administrative Penalties Regulation, B.C. Reg. 194/2015, is repealed and the following substituted:***

OHS CITATIONS REGULATION

- 2 Section 2 is amended in the definition of “comply” by striking out “a provision of Part 3” and substituting “an OHS provision”.***
- 3 Sections 2 (1), in the definitions of “non-compliance date” and “penalty date”, and (2) and 3 are amended by striking out “section 196.1 (1)” wherever it appears and substituting “section 94”.***
- 4 Section 3 is amended***
- (a) in paragraph (a) by striking out “section 115 (1) (b)” and substituting “section 21 (1) (b)”, and***
- (b) in paragraph (b) by striking out “section 194 (2), (3) or (4)” and substituting “section 88 (2), (3) or (4)”.***