

3.12 Procedure for refusal

- (1) A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.
- (2) A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.
- (3) A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and
 - (a) ensure that any unsafe condition is remedied without delay, or
 - (b) if in his or her opinion the report is not valid, must so inform the person who made the report.
- (4) If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of
 - (a) a worker member of the joint committee,
 - (b) a worker who is selected by a trade union representing the worker, or
 - (c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.
- (5) If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

3.13 No discriminatory action

- (1) A worker must not be subject to discriminatory action as defined in [section 150 of Part 3 of the *Workers Compensation Act*](#) because the worker has acted in compliance with section 3.12 or with an order made by an officer.
- (2) Temporary assignment to alternative work at no loss in pay to the worker until the matter in section 3.12 is resolved is deemed not to constitute discriminatory action.

Note: The prohibition against discriminatory action is established in the *Workers Compensation Act* [Part 3, Division 6, sections 150 through 153](#).

[Back to Top](#)

3.22 Definitions

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.

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

3.23 Young or new worker orientation and training

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

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

3.24 Additional orientation and training

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.

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

3.25 Documentation

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

[Enacted by B.C. Reg. 105/2007, effective July 26, 2007.]

[Back to Top](#)

3.5 General requirement

Every employer must ensure that regular inspections are made of all workplaces, including buildings, structures, grounds, excavations, tools, equipment, machinery and work methods and practices, at intervals that will prevent the development of unsafe working conditions.

3.6 Inspection of tools and equipment

Repealed. [B.C. Reg. 312/2003, effective October 29, 2003.]

* See section [4.3](#) of the OHS Regulation.

3.7 Special inspections

A special inspection must be made when required by malfunction or accident.

3.8 Participation of the committee or representative

An inspection required by section 3.5 and a major inspection required by section 3.7 must, where feasible, include the participation of members of the joint committee or the worker health and safety representative, as applicable, but

- (a) if there is no committee or worker health and safety representative the employer must designate an employer representative and the union must designate a worker representative, or
- (b) if there is no union the employer must invite the workers to designate one of their number.

OCCUPATIONAL HEALTH AND SAFETY PROGRAMS

- 3.1 [When program required](#)
- 3.2 [Small operations](#)
- 3.3 [Contents of program](#)
- 3.4 [Incident investigation reports](#) [Repealed]

WORKPLACE INSPECTIONS

- 3.5 [General requirement](#)
- 3.6 [Inspection of tools and equipment](#) [Repealed]
- 3.7 [Special inspections](#)
- 3.8 [Participation of the committee or representative](#)

CORRECTION OF UNSAFE CONDITIONS

- 3.9 [Remedy without delay](#)
- 3.10 [Reporting unsafe conditions](#)
- 3.11 [Emergency circumstances](#)

REFUSAL OF UNSAFE WORK

- 3.12 [Procedure for refusal](#)
- 3.13 [No discriminatory action](#)

OCCUPATIONAL FIRST AID — Enacted March 30, 2004

- 3.14 [Definitions](#)
- 3.15 [First aid attendant qualifications](#)
- 3.16 [Basic requirements](#)
- 3.17 [First aid procedures](#)
 - 3.17.1 [Air transportation](#)
- 3.18 [Communication and availability](#)
- 3.19 [First aid records](#)
- 3.20 [Multiple employer workplaces](#)
- 3.21 [First aid attendant responsibilities](#)
- Schedule 3-A [Minimum levels of first aid](#)

YOUNG OR NEW WORKERS — Enacted July 26, 2007

- 3.22 [Definitions](#)
- 3.23 [Young or new worker orientation and training](#)
- 3.24 [Additional orientation and training](#)
- 3.25 [Documentation](#)

JOINT HEALTH AND SAFETY COMMITTEES — Enacted April 3, 2017

- 3.26 [Evaluation of joint committees](#)
- 3.27 [Minimum training requirements for new joint committee members or worker health and safety representatives](#)

PARTICIPATION IN INVESTIGATIONS — Enacted April 3, 2017

- 3.28 [Participation by employer or representative of employer and worker representative](#)

3.9 Remedy without delay

Unsafe or harmful conditions found in the course of an inspection must be remedied without delay.

3.10 Reporting unsafe conditions

Whenever a person observes what appears to be an unsafe or harmful condition or act the person must report it as soon as possible to a

supervisor or to the employer, and the person receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay.

3.11 Emergency circumstances

If emergency action is required to correct a condition which constitutes an immediate threat to workers only those qualified and properly instructed workers necessary to correct the unsafe condition may be exposed to the hazard, and every possible effort must be made to control the hazard while this is being done.

[Back to Top](#)

3.14 Definitions

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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

3.15 First aid attendant qualifications

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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

3.16 Basic requirements

(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.

(1.1) The type and quantity of equipment, supplies, facilities, first aid attendants and services referred to in subsection (1) must be no less than is required by Schedule 3-A.

(1.2) The quality, maintenance and use of equipment, facilities and methods of transportation referred to in this section must be acceptable to the Board.

(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, moderate or high 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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

[Amended by B.C. Reg. 320/2007, effective February 1, 2008.]

3.17 First aid procedures

- (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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

3.17.1 Air transportation

If air transportation is the primary or only method for transporting an injured worker, all of the following requirements must be met:

- (a) before the start of operations in a workplace, arrangements must be made with an air service to ensure that an appropriate aircraft is reasonably available to the workplace during those operations;
- (b) the arrangements in paragraph (a) must include procedures for
 - (i) the employer to determine the availability of appropriate aircraft before the start of each work day, and
 - (ii) the air service to notify the employer if an appropriate aircraft ceases to be available;
- (c) a system must be provided that enables the pilot of the aircraft and the first aid attendant attending to an injured worker to communicate at all times when the aircraft is in transit to the location of the injured worker and during transport of the injured worker to medical treatment.

[Enacted by B.C. Reg. 320/2007, effective February 1, 2008.]

3.18 Communication and availability

- (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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

3.19 First aid records

- (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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

3.20 Multiple employer workplaces

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 required under section [3.16](#).

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

[Amended by B.C. Reg. 320/2007, effective February 1, 2008.]

3.21 First aid attendant responsibilities

- (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.

[Enacted by B.C. Reg. 348/2003, effective March 30, 2004.]

Schedule 3-A Minimum Levels of First Aid

1 In this Schedule:

"ambulance service" means an ambulance service acceptable to the Board;

"hospital" means a hospital within the meaning of the *Hospital Act* or a diagnostic and treatment centre where the hospital or centre has

- (a) an emergency department or resuscitation area, and

(b) a physician on duty or immediately available on call.

2 (1) Tables 1 to 6 have different levels of first aid service that are based on how long it takes to transport an injured person to a hospital and the number of workers per shift.

(2) Exceptions to note: In circumstances in which Tables 1 to 6 would otherwise require a Level 2 first aid certificate under column 3 [noted with an asterisk (*)], a Level 3 first aid certificate is required and an Emergency Transportation Vehicle ("ETV") must be provided, if

(a) there is on the access route to the workplace an obstruction, barrier, rough terrain or other similar circumstances likely to delay the arrival of an ambulance service for more than 20 minutes after it was dispatched, or

(b) there are areas in the workplace which an ambulance service cannot safely access, and for which workers at the workplace are required by this Regulation to be trained, equipped and capable of effecting rescue.

Table 1: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a low risk of injury and that is more than 20 minutes surface travel time away from a hospital.

Item	Column 1 Number of workers per shift	Column 2 Supplies, equipment, and facility	Column 3 Level of first aid certificate for attendant	Column 4 Transportation
1	1	<ul style="list-style-type: none"> Personal first aid kit 		
2	2-5	<ul style="list-style-type: none"> Basic first aid kit 		
3	6-30	<ul style="list-style-type: none"> Level 1 first aid kit 	Level 1 certificate	
4	31-50	<ul style="list-style-type: none"> Level 1 first aid kit ETV equipment 	Level 1 certificate with Transportation Endorsement	
5	51-75	<ul style="list-style-type: none"> Level 3 first aid kit Dressing station ETV equipment 	Level 3 certificate	
6	76 or more	<ul style="list-style-type: none"> Level 3 first aid kit First aid room ETV equipment 	Level 3 certificate	ETV

Table 2: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a low risk of injury and that is 20 minutes or less surface travel time away from a hospital.

Item	Column 1 Number of workers per shift	Column 2 Supplies, equipment, and facility	Column 3 Level of first aid certificate for attendant	Column 4 Transportation
1	1			
2	2-10	<ul style="list-style-type: none"> Basic first aid kit 		
3	11-50	<ul style="list-style-type: none"> Level 1 first aid kit 	Level 1 certificate	
4	51-100	<ul style="list-style-type: none"> Level 2 first aid kit Dressing station 	*Level 2 certificate	
5	101 or more	<ul style="list-style-type: none"> Level 2 first aid kit First aid room 	*Level 2 certificate	

Table 3: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a moderate risk of injury and that is more than 20 minutes surface travel time away from a hospital.

Item	Column 1 Number of workers per shift	Column 2 Supplies, equipment, and facility	Column 3 Level of first aid certificate for attendant	Column 4 Transportation
1	1	<ul style="list-style-type: none"> Personal first aid kit 		
2	2-5	<ul style="list-style-type: none"> Level 1 first aid kit 	Level 1 certificate	
3	6-15	<ul style="list-style-type: none"> Level 1 first aid kit ETV equipment 	Level 1 certificate with Transportation Endorsement	
4	16-50	<ul style="list-style-type: none"> Level 3 first aid kit Dressing station ETV equipment 	Level 3 certificate	ETV
5	51-100	<ul style="list-style-type: none"> Level 3 first aid kit First aid room ETV equipment 	Level 3 certificate	ETV
6	101-300	<ul style="list-style-type: none"> Level 3 first aid kit First aid room Industrial ambulance equipment 	Level 3 certificate	Industrial ambulance
7	301 or more	<ul style="list-style-type: none"> Level 3 first aid kit First aid room Industrial ambulance equipment 	2 attendants, each with Level 3 certificates	Industrial ambulance

Table 4: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a moderate risk of injury and that is 20 minutes or less surface travel time away from a hospital.

Item	Column 1 Number of workers per shift	Column 2 Supplies, equipment, and facility	Column 3 Level of first aid certificate for attendant	Column 4 Transportation
1	1	<ul style="list-style-type: none"> Personal first aid kit 		
2	2-5	<ul style="list-style-type: none"> Basic first aid kit 		
3	6-25	<ul style="list-style-type: none"> Level 1 first aid kit 	Level 1 certificate	
4	26-75	<ul style="list-style-type: none"> Level 2 first aid kit Dressing station 	* Level 2 certificate	
5	76 or more	<ul style="list-style-type: none"> Level 2 first aid kit First aid room 	* Level 2 certificate	

Table 5: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a high risk of injury and that is more than 20 minutes surface travel time away from a hospital.

Item	Column 1 Number of workers per shift	Column 2 Supplies, equipment, and facility	Column 3 Level of first aid certificate for attendant	Column 4 Transportation
1	1	<ul style="list-style-type: none"> Personal first aid kit 		

2	2-5	<ul style="list-style-type: none"> • Level 1 first aid kit 	Level 1 certificate	
3	6-10	<ul style="list-style-type: none"> • Level 1 first aid kit • ETV equipment 	Level 1 certificate with Transportation Endorsement	ETV
4	11-30	<ul style="list-style-type: none"> • Level 3 first aid kit • Dressing station • ETV equipment 	Level 3 certificate	ETV
5	31-50	<ul style="list-style-type: none"> • Level 3 first aid kit • First aid room • ETV equipment 	Level 3 certificate	ETV
6	51-200	<ul style="list-style-type: none"> • Level 3 first aid kit • First aid room • Industrial ambulance equipment 	Level 3 certificate	Industrial ambulance
7	201 or more	<ul style="list-style-type: none"> • Level 3 first aid kit • First aid room • Industrial ambulance equipment 	2 attendants, each with Level 3 certificates	Industrial ambulance

Table 6: This table applies to a workplace that an employer determines under section 3.16 (2) (b) of the Regulation creates a high risk of injury and that is 20 minutes or less surface travel time away from a hospital.

Item	Column 1 Number of workers per shift	Column 2 Supplies, equipment, and facility	Column 3 Level of first aid certificate for attendant	Column 4 Transportation
1	1	<ul style="list-style-type: none"> • Personal first aid kit 		
2	2-15	<ul style="list-style-type: none"> • Level 1 first aid kit 	Level 1 certificate	
3	16-30	<ul style="list-style-type: none"> • Level 2 first aid kit • Dressing station 	* Level 2 certificate	
4	31-300	<ul style="list-style-type: none"> • Level 2 first aid kit • First aid room 	* Level 2 certificate	
5	301 or more	<ul style="list-style-type: none"> • Level 2 first aid kit • First aid room 	* 2 attendants, each with Level 2 certificates	

[Enacted by B.C. Reg. 320/2007, effective February 1, 2008.]

Note: The general duties of employers, workers, supervisors, owners, suppliers, and directors and officers of a corporation are established in the [Workers Compensation Act Part 3, Division 3, sections 115 through 124](#).

The requirements for a joint health and safety committee or a worker health and safety representative, committee membership and selection, duties and functions, procedures, and entitlement to time from work and educational leave are established in the [Workers Compensation Act Part 3, Division 4, sections 125 through 140](#).

3.1 When program required

(1) An occupational health and safety program as outlined in section 3.3 must be initiated and maintained

(a) by each employer that has

(i) a workforce of 20 or more workers, and

(ii) at least one workplace that is determined under section [3.16\(2\)\(b\)](#) to create a moderate or high risk of injury, or

(b) by each employer that has a workforce of 50 or more workers.

(1.1) If subsection (1) (a) or (b) applies to the employer, the occupational health and safety program applies to the whole of the employer's operations.

(2) Despite subsection (1) an occupational health and safety program may be required in any workplace when, in the opinion of an officer, such a program is necessary.

[Amended by B.C. Reg. 348/2003, effective March 30, 2004.]

[Amended by B.C. Reg. 19/2006, effective May 17, 2006.]

[Amended by B.C. Reg. 320/2007, effective February 1, 2008.]

3.2 Small operations

In any operation where the workforce is less than that referred to in section 3.1(1) the employer must

(a) initiate and maintain a less formal program based on regular monthly meetings with workers for discussion of health and safety matters,

(b) ensure that meetings are directed to matters concerning the correction of unsafe conditions and practices and the maintenance of cooperative interest in the health and safety of the workforce, and

(c) maintain a record of the meetings and the matters discussed.

3.3 Contents of program

The occupational health and safety program must be designed to prevent injuries and occupational diseases, and without limiting the generality of the foregoing, the program must include

(a) a statement of the employer's aims and the responsibilities of the employer, supervisors and workers,

(b) provision for the regular inspection of premises, equipment, work methods and work practices, at appropriate intervals, to ensure that prompt action is undertaken to correct any hazardous conditions found,

(c) appropriate written instructions, available for reference by all workers, to supplement this Occupational Health and Safety Regulation,

(d) provision for holding periodic management meetings for the purpose of reviewing health and safety activities and incident trends, and for the determination of necessary courses of action,

(e) provision for the prompt investigation of incidents to determine the action necessary to prevent their recurrence,

(f) the maintenance of records and statistics, including reports of inspections and incident investigations, with provision for making this information available to the joint committee or worker health and safety representative, as applicable and, upon request, to an officer, the union representing the workers at the workplace or, if there is no union, the workers at the workplace, and

(g) provision by the employer for the instruction and supervision of workers in the safe performance of their work.

3.4 Incident investigation reports

(1) Repealed. [B.C. Reg. 195/2015, effective February 1, 2016.]

(2) Repealed. [B.C. Reg. 185/1999, effective October 1, 1999.]

Note: This Regulation was repealed as a result of revisions to the [Workers Compensation Act](#) by the [Workers Compensation Amendment Act, 2015](#), which came into effect on May 14, 2015. Direction on what to include in an employer's incident investigation report in accordance with policies of the Board of Directors can now be found in Items [D10-175-1](#) and [D10-176-1](#) of the [Prevention Manual](#)].

[Back to Top](#)

3.26 Evaluation of joint committees

(1) In this section, a reference to a joint committee does not include a joint committee established and maintained under section 126 of the *Workers Compensation Act*, if

(a) an order under section 126(1) of the *Workers Compensation Act* respecting the joint committee provides for a variation as set out in

subsection (2)(b) of that section of that Act, and

(b) the variation is in regards to evaluating the joint committee.

(2) An employer must ensure that, with respect to each of the employer's joint committees, a written evaluation is conducted annually by

(a) the co-chairs of the joint committee or, with respect to each co-chair, the member or members of the joint committee designated by the co-chair, or

(b) the employer or a person retained by the employer.

(3) The evaluation must contain, but is not limited to, the following information:

(a) whether or not, throughout the period of time that is the subject of the evaluation,

(i) the joint committee met the membership requirements under section 127(a) to (d) of the *Workers Compensation Act*,

(ii) worker representatives on the joint committee were selected in accordance with section 128 of the *Workers Compensation Act*,

(iii) employer representatives on the joint committee were selected in accordance with section 129 of the *Workers Compensation Act*,

(iv) the joint committee fulfilled each of its duties and functions under section 130 of the *Workers Compensation Act*,

(v) the joint committee met regularly as required under section 131 (2) of the *Workers Compensation Act*,

(vi) the employer met the requirements under section 133 of the *Workers Compensation Act* in respect of the written recommendations sent to the employer by the joint committee with a written request for a response from the employer, if any,

(vii) each member of the joint committee received the time off from work the member was entitled to receive under section 134 of the *Workers Compensation Act*,

(viii) each member of the joint committee attended the occupational health and safety training courses the member was entitled to attend under section 135 of the *Workers Compensation Act*,

(ix) the employer provided to the joint committee the equipment, premises, clerical personnel and information the employer was required to provide under section 136 of the *Workers Compensation Act*,

(x) the joint committee prepared reports of its meetings and provided copies to the employer as required under section 137(1) of the *Workers Compensation Act*,

(xi) the employer met the requirements of posting and keeping posted committee information as set out in section 138 of the *Workers Compensation Act*, and

(xii) each member of the joint committee received the instruction and training the employer was required to ensure was provided to the member under section 3.27 of this regulation;

(b) an assessment of the effectiveness of the joint committee's rules of procedures as established under section 131(1) of the *Workers Compensation Act*;

(c) an assessment of the overall effectiveness of the joint committee.

(4) If the employer or a person retained by the employer conducts the evaluation, the employer or person retained by the employer, as the case may be, must, as part of the evaluation, obtain and consider the input of the co-chairs of the joint committee or, with respect to each co-chair, the member or members of the joint committee designated by the co-chair, on the matters listed in subsection (3).

(5) The employer and the joint committee must each provide to the other a copy of the evaluation if the other does not have a copy.

(6) The joint committee must

(a) discuss the evaluation at the joint committee meeting immediately following

(i) receipt of the evaluation, if the employer or a person retained by the employer conducted the evaluation, or

(ii) the completion of the evaluation, if members of the joint committee conducted the evaluation, and

(b) ensure that the evaluation and a summary of the discussion referred to in paragraph (a) are included in the report of that meeting.

[Enacted by B.C. Reg. 312/2016, effective April 3, 2017.]

(1) In this section, a reference to a joint committee does not include a joint committee established and maintained under section 126 of the *Workers Compensation Act*, if

(a) an order under section 126(1) of the *Workers Compensation Act* respecting the joint committee provides for a variation as set out in subsection (2)(b) of that section of that Act, and

(b) the variation is in regards to providing instruction and training to the members of the joint committee.

(2) The employer must ensure that each member of the employer's joint committees who was selected on or after April 3, 2017 to be a member receives, as soon as practicable but no more than 6 months after becoming a member, a total of at least 8 hours of instruction and training, as set out in subsection (4).

(3) The employer must ensure that the worker health and safety representative at each of the employer's workplaces who was selected on or after April 3, 2017 to be a representative receives, as soon as practicable but no more than 6 months after becoming a representative, a total of at least 4 hours of instruction and training, as set out in subsection (5).

(4) The instruction and training referred to in subsection (2) must include the following topics:

(a) the duties and functions of a joint committee under section 130 of the *Workers Compensation Act*;

(b) the rules of procedure of the joint committee as established under or set out in section 131 of the *Workers Compensation Act*;

(c) the requirements respecting investigations under sections 173 to 176 of the *Workers Compensation Act*;

(d) the requirements respecting inspections under sections 3.5, 3.7 and 3.8 of this regulation and how to make regular inspections under section 3.5 of this regulation;

(e) the requirements respecting refusal of unsafe work under section 3.12 of this regulation;

(f) the requirements respecting the evaluation of joint committees under section 3.26 of this regulation.

(5) The instruction and training referred to in subsection (3) must include the topics described in subsection (4)(a), (c), (d) and (e).

(6) Subsection (2) does not apply in respect of a person who is a member of a joint committee if

(a) 2 years or less before becoming a member of the joint committee, the person was a member of that joint committee or a different joint committee, and

(b) the person, as a member of the joint committee or a different joint committee as set out in paragraph (a), received at least 8 hours of instruction and training on the topics described in subsection (4).

(7) Subsection (3) does not apply in respect of a person who is a worker health and safety representative at a workplace if

(a) 2 years or less before becoming a worker health and safety representative at the workplace, the person was

(i) a member of a joint committee, or

(ii) a worker health and safety representative at that workplace or a different workplace, and

(b) the person, as a member of a joint committee, or as a worker health and safety representative at the workplace or a different workplace, as set out in paragraph (a), received at least 4 hours of instruction and training on the topics described in subsection (5).

(8) The employer must ensure that a person who receives instruction and training as set out in subsection (2) or (3) receives a copy of the person's training record as soon as practicable after the training is completed.

(9) The employer must, with respect to each person who receives instruction and training as set out in subsection (2) or (3), keep the person's training record until 2 years from the date the person ceases to be a member of the employer's joint committee or a worker health and safety representative, as applicable.

(10) For greater certainty, the instruction and training required under subsection (2) or (3) of this regulation is not educational leave as set out in section 135 of the *Workers Compensation Act*.

[Enacted by B.C. Reg. 312/2016, effective April 3, 2017.]

3.28 Participation by employer or representative of employer and worker representative

For the purposes of section 174(1.1)(c) of the *Workers Compensation Act*, the following activities are prescribed:

(a) assisting the persons carrying out the investigation with gathering information relating to the investigation;

(b) assisting the persons carrying out the investigation with analyzing the information gathered during the investigation;

(c) assisting the persons carrying out the investigation with identifying any corrective actions necessary to prevent recurrence of similar incidents.

[Enacted by B.C. Reg. 312/2016, effective April 3, 2017.]