

# Insight

December 2023



## January 2024 virtual public hearing

Join us for a public hearing on proposed amendments to the *Occupational Health and Safety Regulation* on January 10, 2024



## Asbestos certification and licensing

New licensing requirements effective January 1, 2024



## New duties for workers and employers under Bill 41

New return-to-work requirements effective January 1, 2024



## 2023 Amendments to the Occupational Health and Safety Regulation

Recent amendments to sections on first aid and hazardous drugs



## Recent policy amendments

Policy changes approved at the November 2023 Board of Directors meeting



## WorkSafeBC's Evidence-Based Practice Group

Check out the most recent systematic and rapid reviews

## Discover more at [worksafebc.com](https://www.worksafebc.com)

Bookmark our [Current Public Hearings & Consultations](#) page. Check for regular updates and view the public consultation opportunities on policy and regulation issues.

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## January 2024 virtual public hearing on proposed changes to the Occupational Health and Safety Regulation

WorkSafeBC will be holding a public hearing for proposed amendments to the *Occupational Health and Safety Regulation* (OHS Regulation) on **January 10, 2024**. Public hearings provide stakeholders an opportunity to comment on proposed regulatory amendments.

The virtual public hearing will cover proposed changes to the following parts of the OHS Regulation:

- Part 5, Chemical Agents and Biological Agents — Emergency Planning
- Part 14, Cranes and Hoists — Notice of Project — Tower Crane
- Part 20, Construction, Excavation and Demolition — Washroom Facilities on Construction Sites

### Participating in the public hearing

The virtual public hearing will be streamed live on **January 10, 2024**, in two sessions. The first will take place from **11 a.m. to 1 p.m.** and the second from **3 p.m. to 5 p.m.** Details on how to view or participate in the public hearing are posted on [worksafebc.com](https://worksafebc.com).

We welcome your feedback on these amendments either by written submission or by participation in the virtual public hearing.

You can register to speak at the hearing by calling 604.232.7744, or toll-free in B.C. at 1.866.614.7744. Each organization or individual will be permitted to make one presentation.

Written submissions will be accepted until **4:30 p.m.** on Friday, January 12, 2024.

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## Asbestos certification and licensing

On January 1, 2024, amendments to Part 6, Substance Specific Requirements, Sections 6.1 to 6.32, of the *Occupational Health and Safety Regulation* will take effect, making licensing requirements for asbestos abatement contractors in British Columbia mandatory.

The amendments will require that:

- Any persons who conduct asbestos abatement work must receive a valid asbestos certificate from WorkSafeBC for the type of work being performed. The person must abide by the conditions imposed on the certificate and must produce the certificate when requested by an officer.
- Employers must ensure a person carrying out asbestos abatement work can do so in a competent and safe manner.
- Employers must ensure the person holds an asbestos certificate and abides by the certificate conditions, and employers must keep a record of the certificate details.
- Prime contractors and owners must ensure any asbestos abatement contractors they hire are licensed.

In September 2023, WorkSafeBC began accepting licence applications from contractors performing asbestos abatement work throughout the province.

View the [approved amendments and explanatory notes](#).

## New Prevention Manual policy for asbestos abatement licensing

On July 26, 2023, WorkSafeBC's Board of Directors approved the addition of new Item P2-59.03-1, Asbestos Abatement Licensing, to the *Prevention Manual*. The policy outlines the general requirements of the licensing program and registry requirements introduced by Bill 5, *the Workers Compensation Amendment Act, 2022*.

The policy applies to all decisions made on or after September 1, 2023.

View the [Board of Director's decision](#).

Visit our [Asbestos training, certification & licensing](#) page to find out more.

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## New duties for workers and employers under Bill 41

In November 2022, the British Columbia Legislature passed *Bill 41, Workers Compensation Amendment Act (No. 2), 2022*, which adds a new division to the *Workers Compensation Act* and creates two new legal duties for workers and employers: the duty to cooperate and the duty to maintain the employment of an injured worker (sections 154.1 to 154.6 of the *Act*).

The duty to cooperate (section 154.2) applies to all workers and employers, regardless of the size of the business, or how long the worker has been employed. It creates obligations for workers and employers to cooperate with each other, and with WorkSafeBC, to achieve timely and safe return-to-work outcomes.

The duty to maintain employment (section 154.3) applies only to some employers, in specific circumstances. Where an employer regularly employs 20 or more workers and has employed the worker for at least one year prior to the injury, the employer has an obligation to maintain the worker's employment, according to the worker's fitness to work.

The Bill 41 return-to-work obligations come into effect on January 1, 2024, and they will also apply to claims for injuries that pre-date January 1, 2024, as set out in section 13 of Bill 41. Section 13 of Bill 41 includes the following direction:

- The duty to cooperate provision will generally apply in relation to a worker who sustained an injury no more than two years before the section comes into force.
- The duty to maintain employment provision will generally apply in relation to a worker who sustained an injury no more than six months before the section comes into force.

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## New policies in the *Rehabilitation Services & Claims Manual, Volume II*

To support the new return-to-work obligations created by Bill 41, WorkSafeBC's Policy, Regulation and Research Department has developed four new policies for the *Rehabilitation Services and Claims Manual, Volume II (RS&CM)*. These policies provide guidance on the interpretation and implementation of these new obligations:

- Item C5-35.00, Introduction to Return to Work Obligations
  - This policy outlines key terms and provides an overview of the return-to-work obligations established for workers, employers, and WorkSafeBC under sections 154.1 to 154.6 of the *Act*.
- Item C5-35.10, Duty to Cooperate
  - This policy provides guidance on the worker and employer's duty to cooperate in the worker's timely and safe return to, or continuation of, work.
- Item C5-35.20, Duty to Maintain Employment
  - This policy provides guidance regarding an employer's duty to maintain employment.
- Item C5-35.30, Penalties for Failure to Comply with the Duty to Cooperate or Duty to Maintain Employment
  - This policy sets out administrative penalties WorkSafeBC may apply under section 154.5 of the *Act* for an employer's failure to comply with sections 154.2 (Duty to Cooperate) and 154.3 (Duty to Maintain Employment).

Consequential amendments to the *RS&CM* and the *Assessment Manual*, have also been made to ensure consistency within policy.

These policies come into effect on January 1, 2024.

View the [Board of Directors' decision](#).

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## 2023 Amendments to the Occupational Health and Safety Regulation

### Part 6 – Substance Specific Requirements, Hazardous Drugs

On December 1, 2023, amendments to Part 6, Substance Specific Requirements, of the *Occupational Health and Safety Regulation* (OHS Regulation) will come into effect and will provide clearer guidance to employers on their obligations to eliminate or minimize workers' exposure to hazardous drugs.

Prior to these changes, the regulations only applied to cytotoxic drugs used in cancer treatment. Today, however, hazardous drugs are used in other health care settings, such as home- and community-based care facilities, which may significantly increase workers' exposure. As a result, the heading before section 6.42 will be renamed to "Hazardous Drugs" (updated from "Cytotoxic Drugs").

The regulatory amendments to sections 6.42 to 6.58 will improve worker safety by:

- Expanding the requirements beyond cytotoxic drugs to include other types of hazardous drugs; and
- Providing clearer instructions to employers in traditional and non-traditional settings on their obligations to eliminate or minimize worker exposure to hazardous drugs.

View the [Board of Directors' decision](#).

### Part 3, Rights and Responsibilities, Minimum Levels of First Aid

At the April 26, 2023, meeting, WorkSafeBC's Board of Directors approved new requirements under Part 3, Rights and Responsibilities, sections 3.14–3.21, and Schedule 3-A (Minimum Levels of First Aid) of the OHS Regulation.

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The purpose of these amendments is to update the first aid requirements, with a focus on high-risk remote industries, and to harmonize the OHS Regulation with two Canadian Standards Association (CSA) standards that provide national guidance on workplace first aid training programs and first aid kits:

- CSA Z1210-17, First aid training for the workplace – Curriculum and quality management for training agencies
- CSA Z1220-17, First aid kits for the workplace.

Under the new requirements, employers must:

- Meet revised and clarified minimum requirements in Schedule 3-A.
- Provide at least the minimum first aid services set out in Schedule 3-A, and any additional equipment, attendants, and services necessary, based on the employer's written first aid assessment.
- Prepare a first aid assessment in consultation with the joint health and safety committee or a worker representative and keep written procedures up-to-date.
- Conduct first aid drills at least once each year, and whenever first aid procedures change.
- Update terminology used for first aid attendants and first aid kits to align with CSA standards.

These amendments will come into effect on November 1, 2024.

View the [Board of Directors' decision](#).

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## Recent policy amendments

At its November 2023 meeting, the Board of Directors approved changes to the *Rehabilitation Services & Claims Manual*, Volume II (*RS&CM*).

### Reformat of Chapter 5, Wage-loss Benefits, of the *RS&CM*

The Policy, Regulation and Research Department has made revisions to Chapter 5, Wage-Loss Benefits, of the *RS&CM*, by updating the policies into the new format, removing outdated content, and aligning with the direction outlined in Bill 41, relating to return-to-work provisions. The policies have also been reorganized by combining similar concepts together in the following categories:

- Introduction to Temporary Disability Compensation
- Wage-Loss Benefits for Temporary Total Disability
- Wage-Loss Benefits for Temporary Partial Disability
- Duration of Wage-Loss Benefits
- Payment of Wage-Loss Benefits
- Wage-Loss Benefits and Retirement Date

View the [Board of Directors' decision](#).

### Duration of Benefits (Retirement Age)

Changes were made to policy on WorkSafeBC's determination of when a worker "would retire" under the *Workers Compensation Act*. These policy changes include:

- revising policy's interpretation of the phrase "would retire" to mean would have retired if the worker had not been injured, and
- provide this interpretation also applies to workers who are 63 years of age or older at the date of injury, as do the evidentiary principles set out in policy for workers under 63, in particular, that WorkSafeBC can consider both pre- and post-injury circumstances for workers 63 and older.

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The amendments will apply to all decisions, including appellate decisions, made on or after January 1, 2024.

The Board of Directors approved these amendments in advance of stakeholder consultation. The Policy Regulation and Research Department plans to consult on these newly amended policies in early 2024, to determine whether further policy changes are necessary.

View the [Board of Directors' decision](#).

## **Permanent Disability Evaluation Schedule policy updates – Ongoing Review**

The Permanent Disability Evaluation Schedule (PDES) in Appendix 3 of the RS&CM is used as a guide to measure a worker's permanent partial disability for the purpose of the amount of benefits provided under the loss of function method.

Minor amendments were made to the PDES to improve clarity and readability for the following sections:

- Section IX (Nerve Root Conditions), Subsection B (Table of Ratings for Nerve Root Conditions).
- Section XI (Central Nervous System Conditions), Subsection F (Stance and Gait).
- Section XI (Central Nervous System Conditions), Subsection G (Impairments of the Upper Extremities).

These amendments came into effect December 1, 2023.

View the [Board of Directors' decision](#).

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## Updates from WorkSafeBC's Evidence-Based Practice Group

WorkSafeBC relies on the latest medical information to guide our approach. Our Evidence-Based Practice Group (EBPG) researches various topics, treatments, and practices to gather evidence-based information to inform policy and practice around medical issues that arise on a regular basis.

The EBPG recently completed 25 internal systematic reviews and rapid reviews. Some of the topics include:

- Esketamine as Treatment for Depression and Post-Traumatic Stress Disorder
  - The objective of this review was to investigate the efficacy and effectiveness of esketamine nasal spray as a treatment for depression and/or post-traumatic stress disorder. Esketamine is a dissociative hallucinogenic drug used as a general anesthetic and can be prescribed for adult patients with major depressive disorder with acute suicidal ideation or behaviour in conjunction with an oral antidepressant.
- Efficacy of Under-Mask Beard Covers in Quantitative Fit Testing of Tight-Fitting Disposable Respirators
  - The objective of this review was to determine whether there is evidence to support the efficacy of an under-mask beard cover alternative for individuals with facial hair to wear tight fitting respirators.
- High Efficiency Particulate Air (HEPA) versus Ultra-Low Particulate Air (ULPA) Filters and Nanomaterials
  - The objective of this review was to investigate whether HEPA filters provided sufficient filtering capability for industrial nanomaterials as opposed to ULPA filters. Nanomaterials are used in a range of industries and workplaces, including the manufacture of fuel cell catalysts, antimicrobial materials, paints, plastics, and cosmetics.

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- Four separate systematic reviews on alternative and supplementation treatment for concussions:
  - Creatine Supplementation for Treating Concussions
  - Glutamine for Treating Concussions
  - Flotation Therapy as Treatment for Concussions
  - Cold Plunges as Treatment for Concussions

All of the EBPB reviews can be downloaded from <https://worksafebc.com/evidence>.

## Collaboration with Cochrane Canada

Since 2007, the EBPB has been a partner organization to [Cochrane Canada](#), an internationally recognized scientific body at the forefront of evidence-based medicine. In collaboration with international researchers, the following systematic reviews have recently been submitted for publication:

- Workplace interventions to reduce the risk of COVID-19 infection outside of health care settings – 2023 update
- Elimination, substitution, engineering, and administrative interventions to reduce the risk of COVID-19 infection in health care workers – 2023 update

These systematic reviews can be accessed by visiting the [Cochrane Library](#) online.