

A photograph of four workers in orange safety gear and hard hats standing on a logging site. They are gathered around a large map or set of plans, with one worker pointing at it. The background shows a steep, cleared hillside with a yellow excavator in the distance. The scene is set in a wooded area with many trees cut down.

# Proposed Regulation Changes for JHSCs

October 3, 2016

# Focus of today's presentation

- Proposed regulatory changes regarding joint health and safety committees
  - Evaluation of joint committees
  - Minimum training requirements for new joint committee members and new worker health and safety representatives
  - Participation by employer and worker representatives in employer incident investigations



Changes to the Act in 2015

# Background

## *Workers Compensation Amendment Act, 2015*

**Bill 9** (Received Royal Assent May 14, 2015)

- Expanded stop work and injunction powers
- Introduced new enforcement tools
  - OHS Compliance agreements
  - OHS Citations (lower maximum administrative penalties)
- Shortened the time to Request a Review from 90 to 45 days
- Made changes to employer incident investigations
  - Preliminary investigation within 48 hours
  - Full investigation within 30 days

# Background

## *Workers Compensation Amendment Act (No.2), 2015*

**Bill 35** (Received Royal Assent Nov. 17, 2015)

- Required employers to immediately report all workplace fires or explosions that have the potential to cause serious injury to a worker
- Made several amendments that enhance the role of joint health and safety committees
  - Required that JHSC receive copies of preliminary and full investigation reports
  - Required JHSC to advise employer of proposed changes to the workplace that may affect OH&S
  - Specified what is included when participating in the incident investigation process
  - Allowed WorkSafeBC to take a proactive role in helping JHSC resolve disagreements of workplace health and safety matters

Joint Health and Safety Committees  
Proposed regulatory changes

# JHSC proposed regulatory changes

Out for public hearing until October 7, 2016

- Annual written evaluation of each joint committee (s.3.26)
- Minimum training requirements for new committee members (s.3.27)
- Participation by the employer, or a representative of the employer, and a worker representative in incident investigations (s.3.28)



# Evaluation of the JHSC

## Effectiveness evaluation

### Section 3.26

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





# Evaluation of the JHSC

## The evaluation will consider:

- Selection of committee members
- Fulfillment of the committee's duties and functions
- The employer's response to committee recommendations
- Education and training of committee members
- Employer support for the committee
- Meetings and record keeping
- The overall effectiveness of the committee

# Evaluation of the JHSC

## Evaluation tool

- WorkSafeBC is developing an evaluation tool template
- Employers may develop their own evaluation tool, but must ensure that all of the information required by section 3.26 of the OHSR is included
- The evaluation tool will be available electronically on WorkSafeBC.com as a web application and fillable form

# Minimum training requirements

## Training for new JHSC members

- Any JHSC member (worker and employer representatives) selected on or after June 1, 2017 will require a mandatory eight (8) hours of instruction for:
  1. Duties and functions
  2. Inspections
  3. Investigations
  4. Refusal of unsafe work
  5. Rules of procedure
  6. Conducting an evaluation of the JHSC
- Training must be provided to new members as soon as reasonably possible
- This new member training is in addition to the s.135 entitlement to eight (8) hours of educational leave to attend OH&S training courses

# Minimum training requirements

## Training for new worker health and safety reps.

- Any workplace that has between nine (9) and 20 workers requires a worker health and safety representative
- Any new worker health and safety representative (workplace with no JHSC) selected on or after June 1, 2017 will require a mandatory four (4) hours of instruction for:
  1. Duties and functions
  2. Inspections
  3. Investigations
  4. Refusal of unsafe work
- Training must be provided to new members as soon as reasonably possible
- This training is addition to the s.135 entitlement to eight (8) hours of educational leave to attend OH&S training courses

# Participation in employer investigations

## Section 174 of the Act

- (1) An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the employer or a representative of the employer and a worker representative.
- (1.1) ...The participation of the employer or a representative of the employer and a worker representative includes, but is not limited to, the following activities:
  - (a) viewing the scene of the incident with the persons carrying out the investigation
  - (b) providing advice to the persons carrying out the investigation respecting the methods used to carry out the investigation, the scope of the investigation, or any other aspect of the investigation
  - (c) other activities, as prescribed by the Board.

# Participation in employer investigations

## Proposed new OHS Regulation section 3.28

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.



# Next steps

- Proposed new regulations and draft evaluation tool are available on [WorkSafeBC.com](http://WorkSafeBC.com) for public feedback until October 7<sup>th</sup>
- New Regulations could be effective early to mid-2017
- New training material is under development and is expected to be available in time for the new Regulations
- Mandatory training expected to be required for any new JHSC member selected on or after June 1, 2017



Questions?