



WorkSafeBC Citations Update

CAGC INFO ALERT

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The Purpose:

Effective March 1, 2016 WorkSafeBC can now deliver OHS Citations for those who have not complied with OHS orders in low risk compliance issues. These OHS Citations are a new tool that are used to have timely completion of Compliance Orders previously given. There is a maximum penalty of \$1,000 however, for a first offence you could be given a fine of \$500 (half the maximum).

Background:

In BC employers are required to comply with the *Act* and *Regulation* at all times. WorkSafeBC conducts inspections and writes orders for violations, known as OHS Compliance Orders. These orders require the employer to make specific corrective actions in a given length of time in order to comply with legislation. OHS Citations are limited to circumstances that are not high risk. These administrative penalties are covered under *section 196.1 of the Act* which states:

Section 196.1

(1) The Board may, by order, impose on an employer an administrative penalty prescribed by a regulation of the Board, which penalty must not be more than \$1,000 if the Board is satisfied on a balance of probabilities that the employer has failed to comply with a provision of this Part, or the regulations, as specified by a regulation of the Board.

Section 196.1

(3) An employer who has been ordered to pay an administrative penalty under this section must pay the amount of the penalty to the Board for deposit into the accident fund.

When An OHS Citation May Be Imposed in BC?

The OHS Citation Regulation says that OHS Citations may be imposed for the following violations:

- IF you have been issued a previous order and failed to comply with that order, as required by section 115(1)(b) of the *Act*;
- If you have been mandated to complete and submit a compliance report that includes: what has been done to comply with the order, as well as a plan for what hasn't been completed as specified required by WorkSafeBC (section 194 (2)), or prepare a follow up report as ordered by WCB (Section 194 (3)), or post a copy or provide a copy to the Joint HS Committee, the appropriate union or board as per section 194(4) of the *Act*; or
- Failure to complete and turn in the Compliance order at the appointed time which meets section 2.4 of the OHSR.