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ELEMENT 13

LEGISLATION

13.1 Legislation Statement

Legislation is an important part of our health and safety program; the legislated requirement that govern our industry assist both employer and employee in all aspects of Health & Safety. Requirements that are mandated by legislation are considered when developing all of our safe work practices and job procedures.

Every employee is made aware of the Workers Compensation Act, Occupational Health and Safety Regulations (OHSR) and the Health Safety and Reclamation Code (HSRC). Copies of these documents are located on all project sites and are readily available for all employees to reference. They are encouraged to review these documents and use them as a guideline in all their work activities.

Jason Paige, President

13.2 Review of the Health & Safety Program

Acres shall comply with the Part 3 Section 3.3 "contents of a program" to review the health and safety activities and incident trends, and for the determination of necessary courses of action.

Acres shall take a proactive approach with annual review of the health and safety program to update legislative requirements, changes in industry standards, job procedures developed and policy changes. Acres shall audit annually and meet the requirements set forth for Certificate of Recognition.

Managers and supervisors are encouraged to review relevant regulations in their weekly safety meetings and refer to relevant legislation during job planning, job procedures outlining legislation requirements such as working near overhead power lines and confined space entry. Supervisors shall receive LSE training that encompasses their responsibility to legislation, incident investigation and inspections within the Acres HSE program.

13.3 Workers Compensation Act

The following excerpts from the Act are made aware to all employees and will be followed to best of our ability.

13.3.1 General Duties of employers (WCA Part 3 Division 3 Section 115)

1. Every employer must:
    a. ensure the health and safety of;
    All workers working for the employer:
    Any other workers present at the workplace at which that employers work is being carried out, and;
    b. comply with this part, the regulations and any applicable orders.
2. Without limiting subsection (1) and employer must;
    a. remedy any workplace conditions that are hazardous to the health and safety of the employer's workers
    b. ensure that the employers' workers are;
3. Are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work
4. Comply with this part, the regulations and any applicable orders, and;
5. Are made aware of their rights and duties under this part and the regulations
    a. establish occupational health and safety policies and programs in accordance with the regulations
    b. provide and maintain in good condition personal protective equipment, devices and clothing as required by regulation and ensure that these are used by the employer's workers,
    c. provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers carrying out their work and to ensure the health and safety of other workers at the workplace,
    d. make a copy of this Act and the regulations readily available for review by the employer's

workers and; at each workplace where workers of the employers are regularly employed, post and keep a notice advising where the copy is and available for review.

e. consult and cooperate with the joint occupational health and safety committees and worker health and safety representatives for workplaces of the employer and;
f. cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

13.3.2 General duties of workers (WCA Part 3 Division 3 Section 116)

Every worker must;

(a) Take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the workers acts or omissions at work, and;
(b) Comply with this Part, the regulations and any applicable orders.

Without limiting subsection (1), a worker must;

(a) Carry out his or her work in accordance with established safe work procedures as required by this Part and the regulations.
(b) use or wear protective equipment, devices and clothing as required by the regulations.
(c) not engage in horseplay or similar conduct that may endanger the worker or any other person.
(d) ensure that the worker's ability to work without risk to his or her health or safety, or to the health or safety of any other person, is not impaired by alcohol, drugs or other causes.
(e) report to the supervisor or employer;
(f) any contravention of this Part, the regulations or an applicable order of which the worker is aware, and;
(g) the absence of or defect in any protective equipment, device or clothing, or the existence of any other hazard, that the worker considers is likely to endanger the worker or any other person.
(h) cooperate with the joint committee or worker health and safety representative for the workplace, and;
(i) cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

13.3.3 General duties of supervisors (WCA Part 3 Division 3 Section 117)

1. Every supervisor must;
    a. ensure the health and safety of all workers under the direct supervision of the supervisor.
    b. be knowledgeable about this Part and those regulations applicable to the work being supervised, and;
    c. comply with this Part, the regulations and any applicable orders.
2. Without limiting subsection (1), a supervisor must;
    a. ensure that the workers under his or her direct supervision.
3. are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work, and;
4. comply with this Part, the regulations and any applicable orders.
    a. consult and cooperate with the joint committee or worker health and safety

representative for the workplace, and;
b. cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part or the regulations.

13.4 Immediate notice of certain accidents (WCA Part 3 Div. 3 Sec. 172 & 173)

The following for the most part has also been identified in element 10.

13.4.1 WCB Act Section 172 Immediate notice of certain accidents

1. An employer must immediately notify the Board of the occurrence of any accident that;
    a. resulted in serious injury to or the death of a worker.
    b. Involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation.
    c. Involved the major release of a hazardous substance, or;
    d. Was an incident required by regulation to be reported.
2. Except as otherwise directed by an officer of the Board or a peace officer, a person must not disturb the scene of an accident that is reportable under subsection (1) except so far as is necessary to;
    a. Attend to persons injured or killed.
    b. Prevent further injuries or death, or;
    c. Protect property that is endangered as a result of the accident.

13.4.2 WCB Act Section 173 Incidents that must be investigated

1. An employer must immediately undertake an investigation into the cause of any accident or other incident that;
    a. is required to be reported by section 172.
    b. resulted in injury to a worker requiring medical treatment.
    c. did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or;
    d. was an incident required by regulation to be investigated.
2. Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.

Reporting procedures are itemized in Element 10

13.4.3 Workers Compensation Act Bill 9

On May 14, 2015 the BC Government passed Bill 9 (*Workers Compensation Amendment Act, 2015*), which expands WorkSafeBC powers to deal with non-compliance as well as increase an employers' obligations with respect to workplace health and safety.

In particular, the amendments expand WorkSafeBC ability to encourage compliance with safety regulations, expedite investigation of workplace incidents and to issue stop work orders where unsafe conditions present a risk to workers. The legislation also permits WorkSafeBC to seek a court injunction to prohibit the worst

employer offenders from continuing to operate in an industry when they ignore WorkSafeBC orders and continue to use unsafe practices.

13.5 Incident Investigations & Reporting

Changes were also made to employers' obligation in respect to incident investigations and reporting. The new obligations include the introduction of a two-part incident investigation requirement wherein employers must complete a Preliminary Investigation within 48 hours of the safety incident.

Additionally, an employer must undertake necessary corrective action "without undue delay" to prevent a similar incident from occurring while a full investigation is being conducted. WorkSafeBC will continue to require a full investigation submitted within 30 days of the safety incident. Failure to comply may result in financial penalties.

Employers must:

1. Prepare a report of their preliminary investigations within **48 hours** of the incident.
2. Identify any unsafe conditions, acts, or procedures that significantly contributed to the incident.
3. Identify what interim corrective action they plan to take between the date of incident and date the full investigation.
4. Take all actions reasonably necessary, during the interim period, to prevent a recurrence of the incident.

The preliminary report is due (**within 30 days of the incident**).

The report must include:

1. unsafe conditions, acts, or procedures that made the corrective action necessary.
2. corrective action taken to prevent recurrence of similar incidents.
3. names and job titles of those responsible for implementing the corrective action.
4. date the corrective action was taken.

Effective Jan. 1, 2016: Provide WorkSafeBC a copy of the report upon request and, as soon as practicable, give a copy to the joint committee or worker representative or, if neither exist, post in the workplace.

Acres also has an invested interest with mining in BC and acknowledges that the Health Safety and Reclamation Code for Mines in British Columbia is part of our workforce education.