

SEPTEMBER 2024 MONTH IN REVIEW

British Columbia

LAWS & ANNOUNCEMENTS

First Aid

Aug 22: WorkSafeBC called on employers to prepare for new OHS first aid regulations, taking effect Nov. 1. Key changes: i. First aid kits must include PPE and meet CSA standards; ii. Levels 1 to 3 training become Basic, Intermediate, and Advanced; iii. Mandatory workplace first aid assessments and annual drills; and iv. New performance-based standards for emergency transportation.

Action Point: Find out how to implement an effective [First Aid Compliance Game Plan](#) at your workplace.

Emergency Response

Aug 29: The federal and provincial governments announced that the new Earthquake Early Warning (EEW) system, which will use a network of sensors to detect information about earthquakes that will be relayed to the people in affected areas before shaking begins, is now officially operational in BC.

Action Point: Ensure that your company is [properly prepared for workplace emergencies](#).

Transportation Safety

Sep 1: Effective today, those who engage in reckless driving, such as by driving impaired, speeding excessively, street racing or driving without a licence, will face significantly higher fees for the towing and storage of their impounded vehicles. The adjustments include a flat-rate towing fee increase of 38% to \$110, and a storage fee increase of up to 96% - up to \$40 per day.

Action Point: Find out how far you can go in [disciplining workers for distracted and dangerous driving](#).

Training

Aug 16: The federal government will provide over \$16.3 million in the Union Training

and Innovation Program (UTIP) to support 25 skilled tradespeople recruitment, retention, and hiring projects across BC. UTIP is part of the Canadian Apprenticeship Strategy's nationwide efforts to develop a more robust skilled trades workforce.

Drugs & Alcohol

Aug 30: BC continues to wrestle with a toxic drugs deaths epidemic with 1,365 lives lost between January 2024 and July 2024, including at least 192 in July. That equates to an alarming 6.2 resident deaths per day. Roughly three-quarters of the victims have been males.

Action Point: Use the [OHS Insider Substance Abuse Compliance Game Plan](#) to curb drugs and alcohol at your workplace.

Workers' Comp

Sep 3: BC expanded workers' comp to cover gig workers. Effective today, app-based rideshare and delivery services workers will be eligible for workers' comp benefits for work-related injuries and illness, including healthcare, wage-loss, and rehabilitation benefits.

CASES

Fire Safety: BC High Court Upholds \$16 Million Wildfire Cost Recovery Order against CN

Invoking its cost recovery authority under the *Wildfire Act*, the BC Fire Manager ordered Canadian National Railway to pay over \$16 million to compensate the province for its costs in suppressing a wildfire in Fraser Canyon that the company allegedly caused in 2015. CN appealed unsuccessfully and the case landed in the province's highest court. **Result:** The Court of Appeal upheld the order, finding that the lower court didn't commit an error in concluding that CN started the fire and that the province incurred \$16 million in firefighting costs as a direct result [[Canadian National Railway Company v. British Columbia](#), 2024 BCCA 309 (CanLII), August 28, 2024].

Action Point: Find out how to implement a [Wildfire Smoke Protection Game Plan](#) at your outdoor workplace.

Crane Safety: Forming Contractor Fined \$168,000 for High-Voltage Work Violations

A tower crane came into contact with a high-voltage power line at a residential construction site. WorkSafeBC inspectors issued a stop-use order for the crane after finding that its zone-limiting device wasn't working and its remote control had been left unattended. There were also no training records for the crane operator. The employer was also fined \$167,890 for failing to ensure that a worker was informed of

the existence of the electrical equipment and the work procedures to be followed before working near high-voltage electrical equipment, a repeat and high-risk violation [*Structural Concrete Forming*].

Action Point: Use the OHS Insider [Cranes/Hoists/Lifting Device Compliance Game Plan](#) to prevent crane violations at your workplace.

Transportation Safety: In-Vehicle Surveillance Cameras Violate Workers' Privacy Rights

A timber falling contractor installed surveillance cameras on the dashboard of company work vehicles to monitor occupants for eating, smoking, texting, horseplay, playing loud music, or creating other distractions in the cab. The union claimed the cameras violated the workers' privacy rights. The employer insisted that the cameras were a necessary safety measure. The BC arbitrator sided with the union, finding that the damage to the workers' privacy outweighed the safety benefits. Factors: the cameras recorded not just when the vehicles were in motion but also when they were idle; the relative lack of incidents (only 6 over a 5-year period, most of which involved property damage rather than personal injury) suggested that the drivers understood the importance of avoiding distractions while driving; the company intended to use the footage for not just safety but disciplinary purposes; and the footage contained sensitive personal information that wasn't adequately protected from hacking [[Rehn Enterprises Ltd. v United Steelworkers, Local 1-1937](#), 2024 CanLII 72130 (BC LA), July 4, 2024].

Action Point: Find out how to implement a [legally sound video surveillance policy](#) to ensure safety in vehicles and at your workplace.

Workplace Harassment: BC Tribunal Affirms Its Authority to Rule on Online Hate Cases

The BC Teacher's Federation filed a complaint with the Human Rights Tribunal, contending that a trustee who posted derogatory comments on Facebook about trans and queer inclusive education was engaging in speech likely to expose people to hatred or contempt on the basis of their sexual orientation and gender identity or expression. The trustee moved for dismissal without trial, claiming that only federal tribunals have jurisdiction over cases involving online hate speech. The Tribunal said it did have authority to hear the case and denied the motion. The trustee appealed, but to no avail. The BC Supreme Court [upheld](#) the Tribunal's denial and finding that it has legal authority to rule on online hate speech. The case will resume with a hearing this fall [[British Columbia Teachers' Association v Neufeld](#), 2023 BCSC 1460 (CanLII), August 22, 2023].

Action Point: Find out how to implement an effective [cyberbullying prevention](#)

policy at your workplace.