

Background

The Workers' Compensation Board of BC has the mandate to be concerned with occupational health and safety generally, and with the maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia, and the occupational environment in which they work. This mandate is described fully in section 111 of the *Workers Compensation Act*. The Board has, as part of that mandate, the following functions, duties and powers:

- (a) to exercise its authority to make regulations to establish standards and requirements for the protection of the health and safety of workers and the occupational environment in which they work;
- (b) to provide services to assist joint committees, worker health and safety representatives, employers and workers in maintaining reasonable standards for occupational health and safety and occupational environment;
- (c) to ensure that persons concerned with the purposes of this Part are provided with information and advice relating to its administration and to occupational health and safety and occupational environment generally; and
- (d) to provide assistance to persons concerned with occupational health and safety and occupational environment.

Requirements for health and safety and the occupational environment are set out in the *Workers Compensation Act* and in regulations established under the authority of the *Act*, such as the *Occupational Health and Safety Regulation*. To assist with the administration of the *Act* and its regulations, the Board publishes policies, guidelines and other materials.

About Prevention Policies and the Prevention Manual

Policies are issued on the authority of the Board of Directors. At this time there are policies related to health, safety and prevention published in the "Prevention Manual".

About OHS Guidelines

The prevention activities of the Board focus on the health, safety and occupational environment aspects of the Board's mandate. The functions include providing information and support material to Board staff and to industry. To this end, the Regulatory Practices Department, Worker and Employer Services Division, issues guidelines that are used to help interpret and apply statutory and regulated matters, as well as to set some administrative functions. Guidelines are intended to assist with providing ways of compliance, not to provide exclusive interpretations. Thus, the reader should always consider the actual wording of the *Act* or *OHS Regulation* and consider on its merits any alternative way of compliance being considered or adopted. Guidelines are issued on the authority of the Vice-President, Worker and Employer Services. They are published as the "OHS Guidelines".

Hierarchy of Authority between Policy and Guidelines

The hierarchy of authority between the *Act*, regulation, policy and guidelines is as follows. A requirement in the *Act* takes precedence over any other requirement. A requirement in a regulation, such as the *OHS Regulation*, supercedes a policy or guideline, but not a requirement established by the *Act*. Prevention policies provide

About Prevention Policy and the OHS Guidelines

direction and assistance on the interpretation of the Act and regulations. OHS Guidelines generally provide information on technical matters necessary for the effective and consistent application of the *Act* and regulations, and the administration of the prevention functions of the Board. A direction or interpretation provided by the Board through policy takes precedence over any statement issued in a guideline.

Availability of Guidelines

The OHS Guidelines are available publicly through the Board's web page at "www.worksafebc.com". Board staff should provide clients with copies of the guidelines relevant to a topic if this would assist the client achieving compliance with the *Act* or the *OHS Regulation*. The OHS Guidelines are a dynamic group of documents, with updates and additions happening regularly. The Board maintains "online" versions and CD ROM versions of the *Act*, Policy and OHS Guidelines.

Updating Guidelines

The Regulatory Practices Department will make reasonable efforts, where practicable, to discuss upcoming changes or additions to the OHS Guidelines with representatives of directly affected parties. New guidelines will be initially released for use marked as a "Preliminary Issue" with the effective date indicated, and will remain so marked for a minimum of 60 days. There are two reasons for the "Preliminary Issue" step. First, it allows the Regulatory Practices Department to issue guidance material in a timely manner to address issues that arise. A guideline marked as a "Preliminary Issue" can and should be used as guidance for the topic it addresses. Second, there is a group called the Policy and Practice Consultative Committee (PPCC) made up of representatives of workers, employers and the Board. This group reviews and comments on practice changes of the Board, with the objective of providing advice and recommendations to the Board on how the policies and practices of the Board fit together and work at an overall or global level. A guideline will remain marked as a "Preliminary Issue" while it is under review by the PPCC. Once the Regulatory Practices Department has received the comments or recommendations, if any, of the PPCC regarding the guideline, any necessary changes or adjustments for the guideline will be done and the "Preliminary Issue" marking removed.

The Regulatory Practices Department expects that anyone (a worker, employer and Board staff) who has a concern regarding a particular guideline can communicate it to the department, which can then review the issue. Comment on a guideline or a suggestion for a new guideline may be made at any time and should be directed to the Regulatory Practices Department at the WCB's Richmond office.