

APPLYING FOR A VARIANCE OF THE OHS REGULATION

WorkSafeBC reviews the application

Before making a decision, WorkSafeBC consults with persons who may be affected by a variance. These parties typically include unions representing affected workers and the joint health and safety committee or worker health and safety representative.

WorkSafeBC may contact you for information on the identity of affected parties and other information necessary if it is not clear from your application.

WorkSafeBC issues a decision

WorkSafeBC will issue a decision to you in writing – either issuing a variance order or rejecting the variance application. WorkSafeBC will also send copies of the decision to any affected parties who submitted information in the consultation process.

Legal effect of a variance order

If you receive a variance, you must comply with the terms and conditions of the variance order. Failure to comply will lead to cancellation of the variance.

After you receive a decision

Once you receive the decision, you must post a copy of the decision at the workplace for seven (7) days, unless the decision indicates otherwise.

Contact information

WorkSafeBC Regulatory Practices
PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5
Phone: 604 231-8644
Toll-free: 1 888 621-7233, local 8644
Fax: 604 233-9733
E-mail: varohs@worksafebc.com

More information

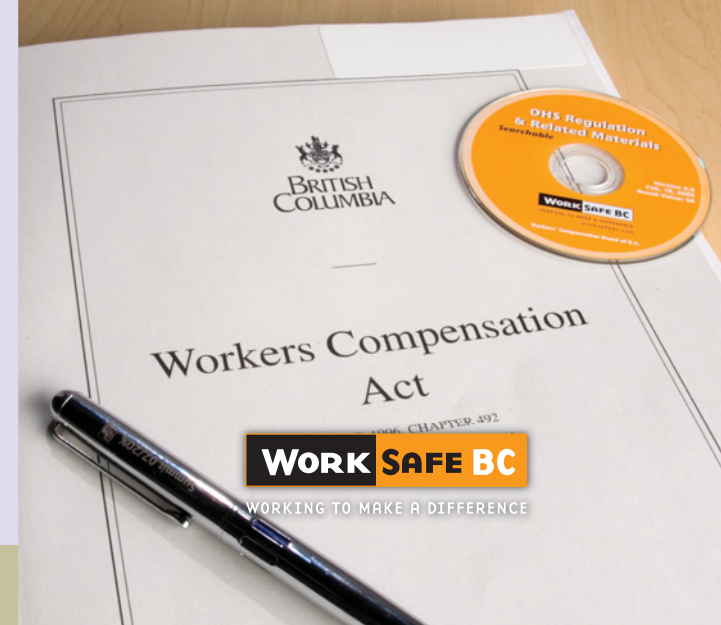
For more information, see the Variances to the OHS Regulation web portal at www2.worksafebc.com/Topics/VariationsRegulation/Home.asp.

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worksafebc.com



A guide for applicants



WORK SAFE BC

WORKING TO MAKE A DIFFERENCE

What is a variance?

The Occupational Health and Safety Regulation contains legal requirements that must be met by all workplaces under the inspection jurisdiction of WorkSafeBC (the Workers' Compensation Board of B.C.). However, it may not always be possible for a workplace party to comply with a particular regulatory requirement in certain workplaces or while conducting certain work processes.

In such cases, WorkSafeBC may issue a variance to the requirement if there is an alternative way to ensure worker health and safety in these circumstances. A variance may be granted to an applicant through an order under the authority of the *Workers Compensation Act* (Part 3, Division 9). The order would include special terms and conditions that describe how a workplace party would be permitted to follow an alternative way to comply with the Regulation.

WorkSafeBC's authority to issue a variance order

WorkSafeBC will consider issuing a variance if an applicant's proposed alternative to a regulatory requirement ensures health and safety and meets at least one of the following two criteria:

- Provides protection for workers equal to or greater than the protection established by the provision to be varied, or
- Has substantially the same purpose and effect as the provision to be varied

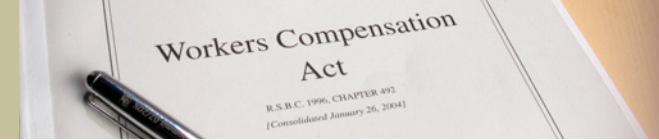
A variance may be proposed in regards to a specified workplace or a specified work process.

Division 9 of the *Workers Compensation Act* sets out in detail the legal requirements that must be met in order for WorkSafeBC to consider granting a variance. The following information will help WorkSafeBC assess and process your application for a variance.

Applying for a variance

In order to apply for a variance, you need to provide a written proposal that includes the following information:

- A description of requested variance
- The specific location of the workplace
- The type and nature of the work process
- The regulatory provision(s) proposed for modification
- A detailed justification for the request, including reasons why it is not reasonable for the applicant to comply with the regulatory provision
- A description of the proposed alternative procedure or practice, and how it would provide an equivalent level of health and safety to that provided for by the regulatory provision(s)
- Information on the benefits and drawbacks of the variance proposal
- How workers will be trained and supervised
- Confirmation that you have provided proper notice of the application for variance as required (see "Posting the notice of application")



- Applicant's contact information, including company name, contact person, phone and fax numbers, and WorkSafeBC employer number if available
- Contact information (as above) for parties that may be affected by the variance

Send your signed application by mail, fax, or e-mail to the WorkSafeBC Regulatory Practices department (see "Contact information").

Wherever possible, applications should be submitted well in advance of when decisions are needed, as they can take up to several months to complete.

Posting the notice of application

When making an application for a variance, you are also required to:

- Post a copy of the application at the workplace where the variance would apply and keep it there until you receive the decision on the application for variance
- Provide a copy of the application to the joint health and safety committee at the workplace or the worker health and safety representative as applicable
- Send a copy to the union if workers at the workplace are represented by a union

If you requested the variance to apply to a workplace that does not yet exist, you will be required to make other provisions for providing notice of the application.

