

Council of Construction Associations
#138 - 5751 Cedarbridge Way, Richmond, B.C. V6X 2A8
Telephone (604) 241-7667
email: grantmcmillan@shaw.ca
Grant McMillan, President

COCA Update on WorkSafeBC Activities #465 February 18, 2010

New Policy on Repeat Penalties

WorkSafeBC has issued a policy change that provides information on the circumstances under which a repeat penalty will be issued for a violation of the Occupational Health & Safety Regulation (OHSR).

The new policy removes uncertainties and inconsistencies that existed in the old policy.

This information is important because the first repeat penalty for a similar violation is typically double the dollar amount of the initial penalty.

WorkSafeBC can impose administrative penalties of up to \$565,000 for health and safety violations.

If WorkSafeBC imposes a penalty on an employer, any further penalties for similar violations may become repeat penalties.

When WorkSafeBC notifies an employer that a penalty is being considered for a violation, the employer must change its behaviour or risk facing repeat penalties for similar violations in the future.

Under the revised WorkSafeBC policy, a repeat penalty will be imposed if a similar violation occurs within three years of the date of the first violation and notice was given to the employer.

Excerpt

WorkSafeBC Prevention Manual Item: D12-196-6

Where an administrative penalty is imposed within three years of a decision imposing an additional assessment or a prior administrative penalty for the same violation, the penalty will be calculated as a “repeat penalty”. This includes where, though a different section is cited, the violation is essentially the same.

(1) An administrative penalty will be imposed as a “repeat penalty” where:

(a) it is for a violation that is the same as, or substantially similar to, a prior violation for which a penalty has been imposed;

(b) the violations occurred within 3 years of one another; and

(c) at least 14 days prior to the date of the violation giving rise to the repeat penalty, the Board

(i) had imposed a penalty for the prior violation, or

(ii) provided notice of a potential penalty for the prior violation.

(2) For paragraph (1), the date of a violation is the date of the incident.

(3) The Board may provide notice under paragraph (1)(c) verbally or in writing, in person, by telephone, by mail, fax, email or other method.

For further details of the changes to the repeat penalty policy, please refer to the Prevention Manual (policies D12-196-6 and D12-196-1) which can be found on the WorkSafeBC web site under the [Regulation & Policy tab](#).

Most importantly, the new policy underlines the need to communicate within the organization – and ALL of its operating locations about WorkSafeBC Orders, OHS penalties or proposed penalties. This communication will allow the organization to put in place any needed improvements to the OHS program and practices.

Suggested Form for Advising Operating Locations

Your Organization logo

WorkSafeBC has recommended/imposed a penalty against one of our locations.

The penalty is issued under OHSR Regulation XXZZ.

It reads as follows: (quote relevant passage from Order or Penalty)

Please ensure that supervisors within your location are aware of the need for full compliance with this Regulation.

If you require any assistance with compliance, please contact:

Name of Person _____

Tel. _____

Cel. _____