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COCA Update on WorkSafeBC Activities #460 January 8, 2010

Important Guideline Provides Clarity on Orders to Workers

(Please circulate to your members so that they are aware of the new Guideline)

After years of discussion initiated by COCA, WorkSafeBC has issued a new Guideline that describes the factors that will be used to determine under what circumstances Orders to Workers (OtW) should be issued.

This is a major improvement because WorkSafeBC has historically written 99% of all orders on employers.

The Directors of COCA have long been requesting that there be a recognition of the responsibility that workers have to follow WorkSafeBC Regulations.

COCA's position is that when a worker has been properly trained and supervised, and provided with the necessary safety equipment, then any order that is written from WorkSafeBC should be on the worker, not the employer.

The new Guideline recognizes this need for a fair and balanced approach to workplace responsibility.

Under the Workers' Compensation Act, the responsibilities of a of workers include:

- • Taking reasonable care to protect his or her health and safety and the health and safety of others
- • Following safe work procedures
- • Using appropriate personal protective equipment (ppe)
- • Not engaging in horseplay or other hazardous conduct

- • Ensuring that their ability to work is not impaired by alcohol, drugs, or other causes
  - • Reporting to his or her supervisor or employer unsafe conditions and contraventions of the *Act or Regulation*
  - • Co-operating with prevention officers
- (Section 116)

Under the Workers' Compensation Act, specific responsibilities are also assigned to employers and supervisors.

The Guideline provides the following situations of when an Order to Worker may be appropriate:

- • “Worker fails to use ppe in accordance with requirements (section [8.9](#) of the *Regulation*)
- • Supervisor does not ensure appropriate ppe is available, properly worn, and maintained (section [8.8](#) of the *Regulation*)
- • Blaster fails to follow safe blasting procedures (section [21.66](#) of the *Regulation*)
- • Worker fails to comply with lockout procedures (section [10.7](#) of the *Regulation*)
- • Worker engages in improper activity or behaviour at the workplace (section [4.25](#) of the *Regulation*)
- • Crane operator does not follow proper procedures (section [14.38\(2\)](#) of the *Regulation*)
- • Worker remains at workplace while being impaired (section [4.20\(1\)](#) of the *Regulation*)
- • While spraying isocyanate-containing paint, the worker does not wear the airline respirator that was properly selected and provided for the worker's use by the employer. The worker was aware of the lung sensitization hazard associated with exposure to isocyanate.
- • Worker enters a live sewer well (confined space) without conducting pre-entry atmospheric testing and without ventilating the space. The worker was aware that the well was a confined space that could contain a hazardous atmosphere. Worker was also provided with adequate instruction and training regarding pre-entry requirements and other safe work procedures for confined space entry work.”

The key to all of these situations is that the worker must have been properly trained, provided with the appropriate Personal Protective Equipment (PPE) and supervised so that they understand the risks, know how to safeguard themselves and that they have been observed demonstrating their competence in safely performing the work.

COCA recommends that contractors read the complete Guideline to ensure full understanding.

Reference:

The Guideline is numbered G-D3-116 Orders to Workers

It can be found online at:

<http://www2.worksafebc.com/Publications/OHSRegulation/GuidelinesWorkersCompensationAct.asp#SectionNumber:G-D3-116>