

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE WORKERS' COMPENSATION BOARD

Workers Compensation Act

The Workers' Compensation Board orders that, effective February 3, 2025, the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended as set out in the attached Appendix.

DEPOSITED

July 3, 2024

B.C. REG. 178/2024

July 3, 2024

Date



Chair, Board of Directors

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Workers Compensation Act, R.S.B.C. 2019, c. 1, ss. 110, 111 and 117

Other: _____

R10807937

APPENDIX

- 1 The heading before section 5.97 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:*

Emergency Planning .

- 2 Sections 5.97 to 5.102 are repealed and the following substituted:*

Definitions and application

- 5.97** (1) In sections 5.98 to 5.104:

“**emergency procedures**” means procedures under sections 5.102 (1) and 5.103 (1);

“**emergency response plan**” means a plan under section 5.101 (1);

“**inventory**” means an inventory under section 5.99;

“**risk assessment**” means an assessment under section 5.100.

- (2) Sections 5.98 to 5.104 apply in relation to

- (a) an emergency arising within or outside a workplace, and
- (b) a hazardous substance at a workplace if the hazardous substance could
 - (i) cause an emergency, or
 - (ii) aggravate the effects of an emergency, including a risk to a person.

Worker participation

- 5.98** (1) An emergency response plan, including any inventory, risk assessment, emergency procedures or program for training and drills that is a component of the emergency response plan, must be developed, implemented, reviewed and updated in consultation with

- (a) the joint committee,
- (b) the worker health and safety representative, or
- (c) if there is no joint committee or worker health and safety representative, the workers at the workplace.

- (2) The following records in relation to a workplace must be readily available to workers and, as applicable, the joint committee or worker health and safety representative:

- (a) the inventory;
- (b) the risk assessment;
- (c) the emergency response plan;
- (d) the emergency procedures;
- (e) a record prepared under section 5.104 (4).

Inventory of hazardous substances

- 5.99** An employer must ensure that a written inventory is prepared and maintained containing

- (a) the identity of each hazardous substance present at the workplace in a quantity that may endanger a person in an emergency, and
- (b) in relation to each hazardous substance identified, all of the following information:
 - (i) a description of the physical state and hazardous properties of the hazardous substance;
 - (ii) the maximum capacity of any container or system in which the hazardous substance may be stored or used at the workplace;
 - (iii) the maximum quantity of the hazardous substance that may be stored or used at the workplace;
 - (iv) the location of the hazardous substance;
 - (v) how to access information about the possible effects of the hazardous substance on worker health and safety and any precautions required to protect the health and safety of a worker.

Risk assessment

- 5.100** (1) An employer must ensure that, for a workplace, an assessment of the following risks is conducted:
- (a) a risk posed in an emergency by any hazardous substance identified in the inventory for the workplace;
 - (b) a risk posed by any other hazardous substance if it is known or reasonably foreseeable that the hazardous substance could be generated at the workplace or, because of an emergency, enter the workplace.
- (2) An assessment must be conducted in consultation with a qualified person and recorded in writing and must consider the following matters in relation to a hazardous substance referred to in subsection (1):
- (a) any known or reasonably foreseeable cause of an emergency;
 - (b) the hazardous properties, location and, where applicable, the quantity of the hazardous substance;
 - (c) the area or areas within or outside the workplace in which a person may be at risk, in an emergency, from the hazardous substance and the nature and extent of that risk;
 - (d) the persons who are likely to enter an area within the workplace identified under paragraph (c);
 - (e) the conditions necessary to ensure the safe handling, processing and storage of the hazardous substance if it is identified in the inventory for the workplace;
 - (f) the existing and planned control measures at the workplace and whether they are effective to minimize the risk, in an emergency, from the hazardous substance, taking into account
 - (i) any applicable SDS for a hazardous product, information from a manufacturer or supplier, good engineering practice and generally accepted standards for industry,

- (ii) the nature and complexity of the measures and the ability of the workers to employ those measures, and
 - (iii) the ability of the measures to detect, and warn persons of, a potential emergency;
- (g) the methods for verifying and maintaining the effectiveness of the control measures and the frequency with which those methods are assessed;
- (h) the ability of workers and any other persons involved in emergency response to effectively respond to an emergency, the nature of such a response and the estimated time of the emergency response;
- (i) any other relevant matters.

Emergency response plan

- 5.101** (1) An employer must ensure that, for a workplace, a written plan is developed and implemented to respond to an emergency involving a hazardous substance in a manner that will minimize the risk to a person.
- (2) An emergency response plan must
- (a) be based on the inventory and risk assessment for the workplace,
 - (b) include the inventory, the risk assessment and any emergency procedures for the workplace,
 - (c) include assigned roles and responsibilities, and
 - (d) include a program for training and drills required under section 5.104.
- (3) An employer must ensure that an emergency response plan is reviewed and, if necessary, updated
- (a) at least annually, and
 - (b) whenever any of the following occurs:
 - (i) there is an emergency that causes or has the potential to cause a serious injury, serious illness or death;
 - (ii) there is a significant change in workplace circumstances, including a change to work activities or conditions at the workplace, that poses a risk not previously identified;
 - (iii) there is reason to believe that the risk assessment is no longer valid.

Emergency procedures – protection and notification

- 5.102** (1) An employer must ensure that, for a workplace, written procedures are established that provide for the following matters in an emergency involving a hazardous substance:
- (a) notifying a person specified in subsection (2) about the nature and location of the emergency;
 - (b) evacuating persons from the workplace, or an area within the workplace, or otherwise protecting persons at the workplace, including by sheltering persons in place or providing an area of refuge;

- (c) preventing access to the workplace, or to an unsafe or potentially unsafe area within the workplace, except by a person involved in a response to the emergency;
 - (d) confirming that an evacuation or other protective measure has been undertaken and confirming the safety of persons who remain at or assembled near the workplace.
- (2) For the purposes of subsection (1) (a), the following persons are specified:
- (a) any person in an unsafe or potentially unsafe area of the workplace when the emergency arises;
 - (b) any person identified as having an assigned role or responsibility in the emergency, including any first aid attendant;
 - (c) if the effect of a hazardous substance at the workplace may, in the emergency, extend outside the workplace,
 - (i) any person who may be at risk of serious injury, serious illness or death because of exposure to the hazardous substance, and
 - (ii) any person whose ability to reach a place of safety unassisted may be impaired because of exposure to the hazardous substance.
- (3) A notification of a person specified in subsection (2) (c) must include information about the recommended action to minimize the risk of serious injury, serious illness or death in the emergency.

Emergency procedures – safe work

- 5.103** (1) An employer must ensure that, for a workplace, written procedures are established for the carrying out of any of the following work activities in a safe and effective manner:
- (a) determining the location and extent of a spill or release of a hazardous substance;
 - (b) controlling the spill or release of a hazardous substance;
 - (c) cleaning up a spill or release of a hazardous substance and taking other remedial action related to the spill or release;
 - (d) disposing of a hazardous substance;
 - (e) evaluating, for the purpose of re-entry, the safety of the workplace or an area within the workplace.
- (2) Before any work activity referred to in subsection (1) begins, the employer must ensure that a copy of the work procedures for that work activity is readily available to every person who will carry out that work activity.

Training and drills

- 5.104** (1) An employer must ensure that workers are provided with training on known and reasonably foreseeable emergencies and the hazards to which they may be exposed in an emergency.
- (2) Without limiting subsection (1), an employer must ensure that, for all workers who may be affected by a hazardous substance in an emergency,

- (a) training in the emergency procedures for the workplace and the workers' roles and responsibilities in the emergency is provided, and
 - (b) drills to ensure that the emergency procedures for the workplace are effective and that workers are familiar with and able to fulfill their roles and responsibilities in the emergency are conducted.
- (3) Drills must be conducted at least annually and after any significant change to the emergency response plan for the workplace.
- (4) An employer must ensure that a record, including the following information for each drill conducted under this section, is prepared and retained for a period of 5 years:
 - (a) a description, and the date and time, of the drill;
 - (b) the identity of every person who participated in the drill;
 - (c) whether the drill is effective for the purposes set out in subsection (2) (b);
 - (d) any action the employer must take to improve or correct the effectiveness of the drill.