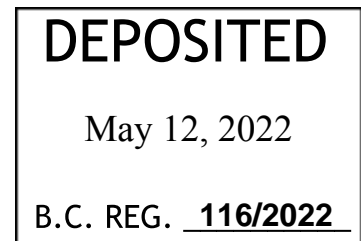


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE WORKERS' COMPENSATION BOARD**

*Workers Compensation Act*

The Workers' Compensation Board orders that, effective August 22, 2022, the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended as set out in the attached Appendices A and B.



May 11, 2022

\_\_\_\_\_  
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: \_\_\_\_\_

R20604937

## APPENDIX A

- 1 The Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended by adding the following section:*

### **Reassignment of refused work**

**3.12.1** If a worker refuses work under section 3.12, the employer must not require or permit another worker to do the refused work unless

- (a) the matter has been resolved under section 3.12 (3), (4) or (5), or
- (b) the employer has, in writing, advised the other worker and a person referred to in section 3.12 (4) (a), (b) or (c) of all of the following:
  - (i) the refusal;
  - (ii) the unsafe condition reported under section 3.12 (2);
  - (iii) the reasons why the work would not create an undue hazard to the health and safety of the other worker or any other person;
  - (iv) the right of the other worker under section 3.12 to refuse unsafe work.

- 2 Section 3.13 (2) is amended by adding “under section 3.12 (3), (4) or (5)” after “resolved”.*

## APPENDIX B

- 1 Section 1.1 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended*

*(a) by repealing the definitions of “professional engineer” and “professional geoscientist” and substituting the following:*

**“professional engineer”** means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee;

**“professional geoscientist”** means a person who is registered under the *Professional Governance Act* as a professional geoscientist or professional geoscience licensee; , **and**

*(b) by repealing the definition of “qualified registered professional” and substituting the following:*

**“qualified registered professional”** means

- (a) a professional engineer or professional geoscientist, and
- (b) in relation to a forestry operation, a person referred to in paragraph (a) or a person registered under the *Professional Governance Act* as
  - (i) a professional forester, or
  - (ii) a registered forest technologist; .

- 2 Section 3.12 is amended*

*(a) in subsection (2) by striking out “his or her” and substituting “the worker’s”, and*

- (b) in subsection (3) (b) by striking out “if in his or her opinion” and substituting “if, in the supervisor’s or employer’s opinion,”.*
- 3** *Section 4.19 (1) is amended by striking out “his or her” and substituting “the worker’s”.*
- 4** *Sections 4.24 (a) and 4.27 are amended by striking out “he or she” and substituting “the worker”.*
- 5** *Section 4.87 is amended by striking out “he or she” and substituting “that the person”.*
- 6** *Sections 5.6 (2) and (3) and 5.7 (1) are amended by striking out “his or her” and substituting “the worker’s”.*
- 7** *Section 6.4 (3) is amended by striking out “his or her” and substituting “the employer’s or owner’s”.*
- 8** *Section 7.19 (2) is amended by striking out “her” in both places and substituting “the worker’s”.*
- 9** *Sections 10.7 (b), 10.8 (3) and 10.9 (5) are amended by striking out “his or her” wherever it appears and substituting “the worker’s”.*
- 10** *Section 12.178 (2) (a) is amended by striking out “his or her” and substituting “the driver’s”.*
- 11** *Section 16.43 (2) is amended by striking out “Part 6” and substituting “Clause 6”.*
- 12** *Section 21.12 (1) is amended by striking out “his or her” and substituting “the blaster’s”.*
- 13** *Section 22.63 (2) is amended by striking out “his or her” and substituting “the worker’s”.*
- 14** *Section 24.20 (1) is amended by striking out “he or she” and substituting “the diver”.*
- 15** *Section 28.47 is amended by striking out “sections 13.12, 13.23 (1) (b) and 13.23 (5)” and substituting “sections 13.12 and 13.23 (1) (b)”.*