

# **WorkSafeBC administrative and prosecution investigations of workplace accidents**

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# OHS Investigations - Introduction

- OHS Investigations is a department of **WorkSafeBC's Prevention Services.**
- Prevention Services is dedicated to the **prevention of injury, illness, disease, and death in the workplace.**
- OHS Investigations utilizes **investigations as a tool** to reduce the risk of death or injury to workers in British Columbia
- In 2022, there were **181** work-related deaths in BC - **48** resulting from traumatic injuries, **107** resulting from occupational disease, **26** from MVIs. **5** fatalities were young workers.

# OHS Investigations – Investigations as a Prevention Tool

## **Cause and Contributing factors**

- OHSI conducts investigations into workplace incidents to determine the cause and contributing factors:
  - What happened?
  - Why did it happen?
  - How to prevent a repeat of this incident?

## **Lessons Learned Action Plans**

- Implement action plans to share the lessons learned with stakeholders, with the goal of reducing the risk of a repeat incident

# Regulatory/Prosecution Investigations

- Regulatory – Powers of compulsion exist – Potential for a regulatory penalty – **Incident Investigation Report produced**
- Prosecution – Charter of Rights to be followed – Potential for prosecution under the Workers Compensation Act (WCA) – **RTCC produced**
- Both follow major case management (MCM) protocols



# Regulatory Investigations

- Investigate workplace fatalities, serious injury incidents and serious near miss incidents within BC
- Determine the cause and contributing factors
- Identify violations of the WCA or OHS Regulation
- Consider the level of due diligence on the part of the employer
- Impose administrative penalties or orders to motivate employers to comply with the WCA and OHS Regulation (*Penalties can only be issued to employers*)
- Utilize our powers of compulsion provided by the WCA

# Prosecution Investigations

Prosecution investigations are considered when an incident has occurred, and it is apparent that:

- There is a deliberate disregard of minimum regulatory requirements, or of a worker's safety
- The actions taken to ensure worker safety fell significantly below the standard of due diligence in the circumstances
- There is a systemic failure to manage workplace health and safety
- There is a significant prior history of related violations of the WCA or OHS Regulation
- Enforcement to date has proven to be ineffective to motivate compliance and there is reason to believe that enforcement methods other than prosecution will not be effective.
- **Charter of Right and Freedoms compliant**

# Regulatory to Prosecution Investigations

