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Dear OHS Policy Committee

Re: OHS Penalty Stay Requests – Policy D12-196-7

The BC Building Trades Council appreciates the opportunity to provide feedback on the proposed policy changes respecting the Occupational Health and Safety Penalty Stay Requests.

The BC Building Trades represents building and construction trades workers throughout the province and the Yukon. Our members include unionized construction labourers, ironworkers, electricians, roofers, plasterers, cement masons, sheet metal fabricators, bricklayers, insulators, and many others in building and construction. There are 40,000 skilled unionized construction trades workers throughout British Columbia and the Yukon.

The Worker Representatives on the Policy Practices Consultative Committee have agreed to the policy changes proposed by the Board with respect to OHS Penalty Stay Requests. We are in full agreement with our representatives on the committee.

As detailed in the Board's discussion paper, there are three problems with the existing policy respecting penalty stay requests: first, the current policy prohibits legal action during the penalty stay request period; secondly, the current policy does not fully address when a stay request begins and ends; and lastly, the current policy does not address claims cost levies.

We agree that the Board's proposed changes to Policy D12-196-7 will address the aforementioned problems.


To begin with, the changes will allow the Board to take limited legal action during the period the penalty stay request is pending. At the same time, legal action which could cause irreparable harm will continue to be prohibited.

Secondly, the proposed changes will clarify when a stay request begins and ends. Specifically, for reviews filed after the applicable appeal period, an employer will have to get an extension of time in order that the review can proceed before a stay request generates a temporary suspension. Thus it will be clarified that a temporary stay will not last beyond the end of a review.

Lastly, the proposed policy changes will treat claims cost levy stay requests the same as OHS penalty stay requests. As a result, the collection of claims cost levies during the period of a stay request will be subject to the same limitations as OHS penalties.

The efficiency and effectiveness with which the Board collects OHS penalties is central to obtaining compliance. The BC Building Trades believes that the proposed changes to the Penalty Stay Requests policy will bolster this effort.

Sincerely



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Workers' Advocate

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pc: Business Managers - BC Building Trades Affiliates