

Rioux, Luke MUNI:EX

From: Massy, Cara LBR:EX
Sent: July 12, 2019 12:24 PM
To: Garnier, Jack AFF:EX
Cc: Cooling, Karen LBR:EX; Leduc, Danine LBR:EX
Subject: AS REQUESTED - Info Note for Minister Bains re: WCA Statute Revisions

Good afternoon Jack,

Please find attached the Information Note outlining the WCA Statute Revisions to be reviewed for approval on July 25, 2019, for Minister Bains.

Thank you,

Cara Massy
Executive Administrative Assistant
Assistant Deputy Minister's Office
Ministry of Labour
Phone: (778) 974-5102

MINISTRY OF LABOUR
INFORMATION NOTE

Cliff #: 58003

Date: July 12, 2019

PREPARED FOR: Honourable Harry Bains, Minister

ISSUE: The revision to the *Workers Compensation Act*, completed under authority of the *Statute Revision Act*, will be reviewed for approval on July 25, 2019.

BACKGROUND:

The revision of an Act completed under the *Statute Revision Act* makes no changes to the law or policy reflected in the Act. Rather, the revision is simply a rewriting of the Act to ensure that it is written in a manner that clearly and consistently reflects the intent of the Legislature and that it is readable and accessible to the public.

A revision involves rewriting provisions so they are clear, consistent, gender-neutral and avoid long, dense sentences; re-organizing the order of parts, divisions and sections; renumbering provisions to eliminate both gaps in numbering because of repealed sections and section numbers involving decimals; making minor amendments to clarify the Legislature's intent; and updating and correcting cross-references and grammar.

If the statute revision process identifies policy issues that require a legal resolution, these are addressed through separate amendments in the Legislature and not through the statute revision process.

DISCUSSION:

The *Workers Compensation Act* has not been subject to a statute revision in almost 40 years and contains many provisions written in an outdated style. In Legislative Counsel's view, it was long overdue for a comprehensive statute revision. Ministry staff have been working closely with Legislative Counsel, Legal Services Branch and WorkSafeBC since early 2016 on this revision. As indicated, the project will make no changes to the law or policy reflected in the *Workers Compensation Act*.

The final revised statute does not go through the Legislative Assembly for approval. Rather, the approval process began with Legislative Counsel forwarding the completed *Workers Compensation Act* revision to the Clerk of the Legislative Assembly on May 29, 2019. By motion of the House on May 30, 2019, the revision was in turn referred to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills, which will review the revision on July 25, 2019.

Legislative Counsel will make a presentation to the Select Standing Committee, explaining the purpose of the revision. Ministry staff and WorkSafeBC staff will also attend this presentation to answer technical questions. It is important to note that the purpose of the committee's review is not a review of the law, but rather to approve the revisions to the Act. If the Committee approves the statute revision, an official copy signed by the Lieutenant Governor and the Clerk of the Legislative Assembly will be deposited with the Clerk.

The deposited revision then comes into force by regulation under the *Statute Revision Act*, with the effective date specified in the OIC by the Lieutenant Governor in Council. The Ministry is discussing with Legislative Counsel and WorkSafeBC a proposed effective date in Spring 2020 for the *Workers Compensation Act* revision.

The main impact of the revision will be for WorkSafeBC, the Workers' Compensation Appeal Tribunal (WCAT), the Workers' Advisers Office and the Employers' Advisers Office to update their manuals, form letters, websites, and other materials to reflect the new statute numbering and wording. The implementation delay until Spring 2020 will permit these organizations to make these updates. Employer and worker stakeholders, and workers' compensation lawyers and advocates, will also be impacted to the extent that they will have to become familiar with the revised statute and possibly update their own materials. The ministry has posted the proposed revised statute on our website for the past year so that stakeholders and others have access to it for planning purposes before it comes into force.

Spring 2020 implementation also enables Janet Patterson's current review of the *Workers Compensation Act* to be completed before the revised statute comes into force, thus avoiding potential confusion for stakeholders participating in the review.

Statute revision is a regular process for modernizing BC's laws. The benefit of having a more accessible and comprehensible statute outweighs the impact on agencies and stakeholders to update their materials once in a while (the last time was almost 40 years ago for this act).

NEXT STEPS:

Staff will keep the Minister apprised as this statute revision works its way through the Standing Committee approval process.

WorkSafeBC and WCAT have begun to make the necessary updates to their materials to be ready for the Spring 2020 effective date.

Rioux, Luke MUNI:EX

From: Massy, Cara LBR:EX
Sent: July 12, 2019 12:18 PM
To: Tanner, Michael A LBR:EX; Leduc, Danine LBR:EX; Blakely, John H LBR:EX
Subject: RE: WCA Statute Revision - minor revisions in trakced

Attached is the BN with accepted edits and a CLIFF number. I will forward to the MO shortly.

Thank you!
Cara

From: Tanner, Michael A LBR:EX
Sent: July 11, 2019 4:57 PM
To: Leduc, Danine LBR:EX <Danine.Leduc@gov.bc.ca>; Blakely, John H LBR:EX <John.Blakely@gov.bc.ca>; Massy, Cara LBR:EX <Cara.Massy@gov.bc.ca>
Subject: RE: WCA Statute Revision - minor revisions in trakced

Your changes work for me and that is a good place to save the note....although Cara will also want to save a copy in the BN directory too. Thanks.

From: Leduc, Danine LBR:EX
Sent: July 11, 2019 4:51 PM
To: Blakely, John H LBR:EX <John.Blakely@gov.bc.ca>; Massy, Cara LBR:EX <Cara.Massy@gov.bc.ca>
Cc: Tanner, Michael A LBR:EX <Michael.Tanner@gov.bc.ca>
Subject: RE: WCA Statute Revision - minor revisions in trakced

Hi, this looks great! Extremely minor edits in tracked saved here an on your LAN under Worksafe Issues/worksafe leg and reg/"2016 statute revision". If that's the wrong spot, please let me know and we'll move – I want to store things correctly for your team! Cara will add the cliff number and accept these changes if you are OK with them.
Thank you,
Danine

From: Blakely, John H LBR:EX
Sent: July 11, 2019 2:52 PM
To: Leduc, Danine LBR:EX <Danine.Leduc@gov.bc.ca>; Massy, Cara LBR:EX <Cara.Massy@gov.bc.ca>
Cc: Tanner, Michael A LBR:EX <Michael.Tanner@gov.bc.ca>
Subject: FW: WCA Statute Revision

Danine, this briefing note on the WCA Statute Revision is ready for your review and approval. As discussed, our hope is that this can be sent over to the MO and reviewed by the Minister s.22 so that he is aware that this is going forward to the Select Standing Committee on July 25th. We should also give GCPE a heads up in case this generates any interest.

Cara, can we ask you to assign a cliff number to this note?

Thanks

From: Tanner, Michael A LBR:EX
Sent: July 11, 2019 2:42 PM
To: Blakely, John H LBR:EX <John.Blakely@gov.bc.ca>
Subject: WCA Statute Revision

John – as discussed, here is an updated BN on the WCA statute revision. Perhaps we can ask Cara to assign a Cliff number when you forward it to Danine. I created a subfolder for this in the 2019 BN directory. Thanks.

MINISTRY OF LABOUR
INFORMATION NOTE

Cliff #: 58003

Date: July 12, 2019

PREPARED FOR: Honourable Harry Bains, Minister

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MINISTRY OF LABOUR

MEETING NOTE

Cliff #: 57985

Date: July 11, 2019

PREPARED FOR: Honourable John Horgan, Premier

DATE AND TIME OF MEETING: Wednesday July 17, 2019; Time TBD.

ATTENDEES: BCGEU Executive; Honourable Harry Bains, Minister of Labour

ISSUE(S): Premier John Horgan and Minister Bains are scheduled to meet with the BCGEU Executive on July 17, 2019.

BACKGROUND: The BC Government & Service Employees' Union (BCGEU) represents over 79,000 members in 550 bargaining units in the public service, the broad public sector and the private sector.

The BCGEU has a diverse membership that includes members in health care, community social services, education, highways maintenance, casinos, credit unions, municipalities, regional districts and other employers. About a third of the BCGEU's membership works in government service under the BCGEU Master Collective Agreement - the current Master Agreement (2019 - 2022) was successfully negotiated under the 2019 Sustainable Services Negotiating Mandate.

The BCGEU Provincial Executive, made up of the President, Treasurer, four Executive Vice-Presidents (two women, two men) and Component Chairpersons with the title of Vice-President, represent the entire union membership. The Provincial Executive is elected every three years at the BCGEU constitutional convention, which is the supreme policy-making body of the union. The BCGEU President appoints provincial executive committees and other committees to carry out the internal business of the union.

In May 2014, Stephanie Smith was elected BCGEU president at the union's convention. She is the first woman elected president of the BCGEU. Prior to her election, Stephanie served three years as BCGEU Treasurer.

DISCUSSION:

The Ministry of Labour has not been advised on what issues the BCGEU plans to raise at the meeting. However, the ministry can advise that the BCGEU has in the recent past raised the following concerns to the Minister of Labour:

Wildland Forest Firefighters

The BCGEU recently advocated for changes to the *Workers Compensation Act* to extend existing presumptions available to firefighters for certain cancers, for heart injury and heart disease, and for mental disorders to wildfire fighters (forest firefighters, many of whom are represented by the BCGEU). The Ministry was pleased to make those recommended changes through Bill 18, the *Workers Compensation Amendment Act, 2019*. The amendments are now in force and the presumptions are available to forest fire fighters.

Occupational Health and Safety Regulation (OHSR) - WorkSafeBC Draft Regulatory Amendment WorkPlan (2019 – 2021)

The BCGEU has recently provided its views to the Ministry of Labour and to WorkSafeBC advocating for changes to the *Occupational Health and Safety Regulation* and to WorkSafeBC's policies related to violence, bullying and harassment. The union suggests strengthening of the regulations related to workplace violence and moving up WorkSafeBC's review of the violence-related sections of the regulation to 2020. BCGEU is also encouraging WorkSafeBC to invest the resources necessary to complete this project within the next two years.

In addition, the BCGEU is advocating for a WorkSafeBC review of the regulations related to wildland firefighting.

The BCGEU has been assured by WorkSafeBC, which has the legal responsibility for OHSR amendments, that their concerns and feedback will be provided to the WorkSafeBC's Board of Directors when the workplan is reviewed and WorkSafeBC's regulatory priorities are determined.

SUGGESTED RESPONSE/KEY MESSAGING:

- I very much appreciate the important work that the BCGEU is doing to promote and advocate for workers' employment rights, job security and safe workplaces in the province.
- As a Government, I can assure you that we are committed to greater protections for workers, job security, labour rights and stability for employers in all British Columbia's worksites.
- As you know, Government recently passed Bill 30, the *Labour Relations Code Amendment Act*. Provisions in Bill 30 allow for better protection of collective bargaining rights for workers in British Columbia and promote more stable and harmonious labour relations for employers and unions.
- I understand the BCGEU made submissions to the review process that informed the changes to Bill 30. I would like to thank you for the BCGEU's input.
- Government has also made substantial progress with respect to improving the BC *Employment Standards Act* (through Bill 8). The BCGEU's input into employment

standards matters continues to be very much appreciated as Government looks to make further improvements.

Contact: Danine Leduc, Assistant Deputy Minister, 778 698-3563

Prepared by: Sarah Omware, Senior Policy Advisor