



Are you an employer ?

"**Employer**" includes every person or company having under contract of hiring, written or oral, express or implied, a person engaged in work in or about an industry.

Examples:

- i. As a licensee (Woodlot or CFA), you hire an individual(s) to work on your licence area, and you give that person a paycheque (or other compensation) and submit WorkSafeBC contributions and income tax, CPP and EI deductions on their behalf, you **are** the employer.
- ii. As a licensee (Woodlot or CFA), you hire a contractor(s) that has sufficient knowledge and expertise of the work to be done, and assign the contractor the responsibility to be aware of what is occurring in the workplace and to exercise control over the workplace on a day-to-day basis. You **are not** the employer.
- iii. As a licensee (Woodlot or CFA), you hire a person to hand fall a block. You pay him, he is covered under your WCB and you deduct income tax, etc. By definition you, the licensee, are an employer (i. above). Then you hire ABC contracting to skid, process, load and haul. You sign a Prime Contractor agreement with ABC contracting (ii. above). ABC is an employer and now the Prime Contractor. It is the Prime Contractors job to **coordinate** the health and safety activities of **all** companies/employers at the worksite. However given that you are employing a worker as well, there are key things you are still responsible for as an employer.

The key responsibilities to your worker(s) are as follows:

- 1) **Establish** OH&S policies and program.
- 2) **Establish** emergency response procedures and ensure all workers are familiar with them.
- 3) **Educate** workers of their rights, and responsibilities in the workplace.
- 4) **Ensure** health and safety of all workers on the worksite. (Including service providers, suppliers, visitors etc., unless assigned to another party by contract i.e. prime contractor)
- 5) **Compile** and share all safety information with workers.
eg: onsite hazards, work plans, safe work practices, etc.

- 6) **Communicate** any changes in the worksite and any necessary action(s).
eg: changes to plans, established safe work practices, access, etc.
- 7) **Remedy** all hazardous workplace conditions through hazard control. eg. eliminate, administrative control, PPE)
- 8) **Conduct** workplace inspections, investigations and initiate corrective actions. Includes worksite, equipment and employees.
- 9) **Provide** and maintain in good condition protective equipment, devices and clothing and ensure their use.
- 10) **Provide** information, instruction, training and supervision required to ensure the health and safety of all workers. i.e. ensure worker competency.
- 11) **Make** available a copy of the workers Compensation Act and regulations available to all workers. Digital or otherwise.
- 12) **Consult** and cooperate with all worker health and safety representatives.

Key Things to Remember:

- **Establish a safety program** - The program must identify hazards and assess their risks. It must include plans to manage those hazards. The plans should eliminate or implement controls to reduce the probability hazards causing harm.
- **Implement and Monitor** - The program must meet the needs of the workplace and the workers and a process must be in place for the employer to regularly check the effectiveness of the program. i.e. minimum annual program review.
- **Practice due diligence** - An employer must take every reasonable precaution in the circumstances to avoid a work related injury or illness". Due diligence looks at what was done **before** an accident occurred, not what corrective action was taken **after**.
- **Know your responsibilities** – Whether you're an employer or not, as the licensee you are the owner and have specific responsibilities with regards to safety. See previous article "Are you an owner".

As an employer, your main obligation is to ensure the health and safety of workers at that workplace. In practical terms, the employer needs to ask: "Have I done all that I can reasonably do to ensure the health and safety of those workers?"

Resources:

http://www.bcforestsafesafe.org/safety_info.html

<http://www2.worksafefbc.com/Publications/OHSRegulation/Policies-WorkersCompensationAct.asp#SectionNumber:D3-115-1>