

December 2024 MONTH IN REVIEW

British Columbia

LAWS & ANNOUNCEMENTS

Health & Safety

B.C. reported Canada's first confirmed H5 avian influenza case. Aka bird flu, avian influenza is spread by the H5N1 virus carried by wild aquatic birds but has also been detected on poultry farms and among small wild mammals, including skunks and foxes.

Action Point: Find out how to create a legally and clinically sound workplace infectious illness [exposure control plan](#).

New Laws

B.C. will receive \$32 million in federal funding to support small craft harbour infrastructure projects across the province over the next 3 years. The money will be used to make major improvements at 18 Pacific Region Harbours, including 9 on Vancouver Island and 4 in the Lower Mainland.

Workers' Comp

WorkSafeBC began phasing in a new Customized Recovery and Return-to-Work Program to transition its current occupational rehabilitation (OR) programs OR1, OR2 and ASTD into a single integrated service. The new program will offer the same clinical support as the previous OR2 and ASTD programs, including physiotherapists, occupational therapists, kinesiologists, clinical counsellors, and physicians. Meanwhile, the OR1 program will continue to exist as it does today but operate only in rural or more remote communities.

Action Point: Find out how to implement a legally sound [return to work policy](#) for injured workers.

CASES

Termination: Employer Should Have Reached Out to Employee Before Concluding that He Quit

Talk about a mess. A deckhand preparing to return to work from a non-work injury had been texting back and forth with the company OHS director, including photos of notes from his doctor. On June 13, the parties agreed he'd return on June 24. But then the deckhand broke his phone and couldn't afford to get a new one. As a result, he didn't get the texts from the director seeking to confirm the return date. And he didn't show up for work on June 24. Two days later, the deckhand's girlfriend called somebody at the company to let them know that he was at a PT appointment on that date and would provide a medical note. But the communication was garbled and the girlfriend ended up sending the note to the wrong address. The next morning, June 27, the company concluded that the deckhand had quit and closed his file. Not so fast, said the BC arbitrator. While both sides were sloppy in the handling of the matter, the employer knew that the deckhand wanted to keep working and was struggling to communicate. So, it should have taken steps to clarify what was going on. But it didn't even attempt to make any calls, texts or emails to the deckhand or union before pulling the plug on his employment [[Catherwood Towing Ltd. v Cement, Lime & Gypsum Division of International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local Lodge D400](#), 2024 CanLII 106822 (BC LA), November 3, 2024].

Action Point: Guard against these situations by finding out how to terminate employees who [disappear while on leave](#).

Health & Safety: Hospital Fined \$274K for Not Protecting Workers Against Hazardous Exposure

A Penticton hospital sent 2 workers to check out reports of a noxious odour coming from a patient room. The workers became ill after entering the room and 8 others were treated for exposure to the unknown substance. WorkSafeBC hit the hospital with \$274,073 in penalties for failing to communicate and train workers in its safe work procedure for responding to illicit substances and implement procedures to control the risk of exposure to potentially harmful chemical agents, a repeat violation [*Interior Health Authority*].