

WorkSafe™

**Summary of
Occupational Health and
Safety Requirements
for Small Business**



**WORKERS'
COMPENSATION
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OF BRITISH
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WCB Occupational Health and Safety Regulation: Summary of Requirements for Small Business

Almost all workplaces in B.C. — including small businesses — must follow the requirements in the Workers' Compensation Board (WCB) of British Columbia's Occupational Health and Safety Regulation and in the *Workers Compensation Act*.

The purpose of this document is to provide small business employers and workers with a quick-reference guide to the *Act* and the Regulation. **This document is not a substitute for the WCB Occupational Health and Safety Regulation.**

Note: The information in this document is applicable to most, but not all, small businesses. You will need to refer to the Regulation for additional requirements that apply to your particular business. An electronic version of the Regulation and excerpts from the *Act* are available on the WCB web site at <www.worksafebc.com>.

What is a “small business”?

Generally, a *small business* is any operation that employs fewer than 20 workers, including one-person operations. Small businesses in B.C. are diverse — they can include retail stores, restaurants, construction companies, logging outfits, business consultancies, wilderness guiding companies, bed-and-breakfast operations, and many other types of businesses.

What parts of the Regulation apply to my business?

The Occupational Health and Safety Regulation consists of three books containing a total of 33 parts:

- Book 1 — Core Requirements (Parts 1–4), including excerpts from the *Workers Compensation Act*
- Book 2 — General Hazard Requirements (Parts 5–19)
- Book 3 — Industry/Activity Specific Requirements (Parts 20–33)

Your use of these three books will depend on the nature of your workplace. There may be requirements in both the *Act* and Regulation however; the most relevant parts of the *Act* are published at the front of Book 1 of the Regulation. The following table includes examples of types of businesses and the Regulation requirements most applicable to them.

Note: The examples in the table indicate the most relevant requirements for these types of businesses, but you may need to refer to other parts of the Regulation for information that applies specifically to your small business.

Types of businesses	Most applicable requirements
Commercial offices and retail operations (for example, travel agencies or consulting firms)	Book 1 – Core Requirements, Parts 1–4 Book 2 – General Hazard Requirements, Part 5 Book 3 – Industry/Activity Specific Requirements, Part 33
Businesses such as dry cleaners, hotels, and restaurants	Book 1 – Core Requirements, Parts 1–4 Book 2 – General Hazard Requirements, various parts Book 3 – Industry/Activity Specific Requirements, Part 33
More hazardous industries (for example, construction or forestry)	Book 1 – Core Requirements, Parts 1–4 Book 2 – General Hazard Requirements, various parts Book 3 – Industry/Activity Specific Requirements, various parts and Part 33

Note: All workplaces must follow the Occupational First Aid requirements in Part 33 of Book 3.

Basic responsibilities

This section outlines the basic responsibilities of employers, workers, supervisors, owners, and suppliers as required by the *Workers Compensation Act*. (Relevant excerpts are in Book 1. Unless otherwise noted, references are to Part 3 of the *Act*.)

Employers

Employers are responsible for ensuring the health and safety of their workers and any other workers at a workplace where the employer’s work is being carried out. Employers must follow the requirements of the Regulation and the *Act*, which include the following general duties:

- Establish an occupational health and safety program.
- Provide a healthy and safe working environment.
- Provide instruction and training to supervisors and workers.

In the *Workers Compensation Act*: See Division 3, Section 115.

Workers

Workers are responsible for protecting their health and safety and the health and safety of other people who may be affected by the work being done. Workers must follow the requirements of the Regulation and the *Act*, which include the following general duties:

- Learn and follow safe work procedures.
- Use and maintain personal protective equipment as required.

- Report hazards to their supervisor or employer.
- Participate in workplace inspections and incident investigations as required.

In the *Workers Compensation Act*: See Division 3, Section 116, and Division 10, Section 174.

In the Regulation: See Section 3.8.

Supervisors

Supervisors are responsible for ensuring the health and safety of all workers under their direct supervision. Supervisors must follow the requirements of the Regulation and the *Act*, which include the following general duties:

- Ensure that workers follow the requirements of the *Act* and Regulation and that they are aware of any health or safety hazards in the workplace.
- Conduct regular staff safety meetings.
- Conduct workplace inspections as required and incident investigations at the discretion of the employer.
- Correct unsafe acts and conditions.
- Ensure workers are adequately trained and are qualified to safely perform their duties.

In the *Workers Compensation Act*: See Division 3, Section 117, and Division 10, Section 174.

In the Regulation: See Sections 3.2, 3.8, and 3.10.

Owners

Small business owners are responsible for providing and maintaining the land and premises being used as a workplace in a manner that ensures the health and safety of anyone at or near the workplace. Owners must follow the requirements of the Regulation and the *Act*, which include ensuring that employers and prime contractors at the workplaces have all the information they need to identify workplace health and safety hazards as well as eliminate or control those hazards (for example, confined space).

In the *Workers Compensation Act*: See Division 3, Section 119.

Suppliers

Suppliers are responsible for ensuring the materials they supply – including any tools, equipment, machines, or devices, as well as any biological, chemical, or physical agents – comply with the *Act* and the Regulation. Suppliers must also ensure the materials are safe when used in accordance with the directions provided by the supplier.

Suppliers must follow the requirements of the Regulation and the *Act*, which include the following general duties:

- Provide directions explaining to workers how to safely use any tool, equipment, machine as well as any biological, chemical, or physical agent obtained from the supplier for use in the workplace.
- Ensure that any biological, chemical, or physical agent being supplied is labelled in accordance with federal and provincial laws.
- If the supplier has responsibility under a leasing agreement to maintain a tool, equipment, machine, device, or other thing, maintain it in safe condition in accordance with the Regulation and the *Act*.

In the *Workers Compensation Act*: See Division 3, Section 120.

WCB resources

- *Safety on the Job Is Everyone's Business: The responsibilities of employers, supervisors, and workers*

Occupational health and safety program requirements

An occupational health and safety program helps ensure a safe, productive workplace by describing specific tasks and responsibilities for many different aspects of an employer's operation.

Informal health and safety programs

Informal health and safety programs are required for small businesses. The core of an informal health and safety program is a monthly safety meeting with workers to address unsafe conditions and practices and work toward finding solutions to these problems. Employers must maintain a record of the meetings documenting the matters discussed.

In the Regulation: See Section 3.2.

Upgrading to a formal health and safety program

A small business will be required to upgrade to a formal program upon instruction by a WCB Prevention officer. Other situations include:

- High-risk work (such as logging or pile driving)
- A large number of injury claims
- Repeated non-compliance with the Regulation
- Subject to a WCB Prevention officer issuing an order under Section 3.1(2) of the Regulation

In the Regulation: See Sections 3.1 to 3.4.

WCB resources

- Health and safety checklist in *Small Business Guide to Health and Safety*
- *Effective Health and Safety Programs: The key to a safe workplace and due diligence*
- *How to Implement an Effective Health and Safety Program*
- *Joint Occupational Health and Safety Committee: Reference guide and workbook*

Hiring contractors and subcontractors

Normally, employers are responsible for their own workers' health and safety. When the work areas of two or more employers overlap, the owner of the site must coordinate health and safety activities. If the owner employs a prime contractor, the prime contractor may agree in writing with the owner that the prime contractor take responsibility.

It is a good idea to check with the WCB to make sure the contractors or subcontractors you hire are registered with the WCB. If they are not, the cost of the claim could be attributed to your company if an incident occurs. You should request a clearance letter before a contractor starts working for you, and again before you make the final payment to the contractor.

In the *Workers Compensation Act*: See Division 3, Section 118.

Written safe work procedures

Employers must provide written safe work procedures for tasks that are complex or present a high risk of accident or injury. For example, you may need written safe work procedures explaining how to operate special equipment, deal with shoplifters, or work alone safely. Employers must ensure that all workers understand these procedures well enough to perform their duties competently and safely.

In the *Workers Compensation Act*: See Division 3, Section 115.

In the Regulation: See Section 3.3(c).

Education, training, and supervision

Employers must ensure that all workers receive instruction and training so they are able to safely perform their work, and that they receive further training when necessary. Employers must also ensure that workers are supervised in the safe performance of their work.

Supervisors should provide all new workers with an orientation when they are hired. An orientation should include the following topics:

- Workers' rights and responsibilities under the *Act* and the Regulation
- Applicable safe work and emergency procedures

- Workplace Hazardous Materials Information System (WHMIS) training for all hazardous products in the workplace including the location of material safety data sheets (MSDSs)
- Locations of first aid kits and fire extinguishers
- Fire exit routes and marshalling areas
- How to report incidents and injuries

WCB resources

- Health and safety checklist in *Small Business Guide to Health and Safety*
- *3 Steps to Effective Worker Education and Training*

Investigating incidents

The Regulation defines an *incident* as “an accident or other occurrence which resulted in or had the potential for causing an injury or occupational disease.” Incidents include the following:

- Accidents in which a worker is injured or killed
- Accidents in which no one is hurt but there is major equipment or property damaged
- Near misses (incidents that caused no visible injury or damage but could have resulted in a serious injury, death, or property damage)

Workers must report all incidents, including near misses, to their supervisor or employer.

Employers must promptly investigate certain incidents, including near misses. Incident investigations are important because they help employers determine why an incident happened so they can take steps to ensure it will not recur. Once an investigation is complete, the employer must ensure an investigation report is prepared, including recommendations for corrective measures that will help prevent the incident from happening again.

In the *Workers Compensation Act*: See Division 10, Sections 172 to 177.

In the Regulation: See Section 3.4.

WCB resources

- *Investigation of Accidents and Diseases: Reference guide and workbook*

Workplace inspections

Employers must ensure that workplaces are regularly inspected and hazards and unsafe work practices are identified. Workplace inspections are an ongoing task because the workplace is always changing. Typically, a small business should have a supervisor and a worker inspect the workplace at least once a month.

During an inspection, you must identify hazards and unsafe work practices that could cause injury so corrective measures can be taken. Look at how work is performed (for example, check that workers are using safe lifting procedures).

After an inspection, find ways to eliminate or control each hazard or unsafe work practice. Remedy serious hazards or unsafe work practices immediately. Deal with other hazards or unsafe work practices without delay.

In the Regulation: See Sections 3.5 to 3.8.

WCB resources

- *Safety Inspections* (workbook)

Records and statistics

Health and safety records and statistics help identify hazards and unsafe work practices. Employers should maintain the following health and safety information:

- Monthly safety meeting minutes
- Education and training records
- Inspection and hazard reports
- First aid records
- Incident reports
- Additional information on the number and types of workplace injuries and diseases

In the Regulation: See Section 3.3(f).

Worker health and safety representatives

Small businesses with more than 9 and fewer than 20 regular employees must have a designated worker health and safety representative. (A *regular employee* is a worker employed for at least one month, whether full-time or part-time.)

Small businesses with 9 or fewer regular employees are not usually required to have a worker health and safety representative, unless a WCB Prevention officer determines that the business does require a representative — for example, where there is:

- High-risk work (such as logging or pile driving)
- A large number of injury claims
- Repeated non-compliance with the Regulation

In the *Workers Compensation Act*: See Division 4, Section 139.

Responsibilities of worker health and safety representatives

Although employers are ultimately responsible for occupational health and safety programs, worker health and safety representatives have the following duties and functions:

- Identify and recommend solutions to health and safety problems.
- Promote safe work practices.
- Recommend ways to improve the health and safety program.
- Promote compliance with the Regulation.

In the *Workers Compensation Act*: See Division 4, Sections 125 to 140.

Basic health and safety requirements

This section describes basic health and safety requirements for employers, workers, and supervisors.

Reporting incidents to the WCB

Employers must immediately report serious incidents (for example, any incident that resulted in serious injury to or the death of a worker involved in a major structural failure or collapse, or the major release of a hazardous substance) to the WCB Prevention Division.

As part of WCB compensation claims, employers must report all work-related deaths and injuries and diseases that result in medical treatment or lost time to the WCB within three days. These are reported to Compensation Services on Form 7, Employer's Report of Injury or Occupational Disease. Here are examples of work-related injuries that employers must report:

- A worker is injured and loses consciousness following an injury.
- A worker is sent for medical treatment by a first aid attendant or supervisor.
- A worker has an injury or disease that needs medical treatment.
- A worker states that he or she is going to get medical treatment or has already received medical treatment for an injury or disease.

In the *Workers Compensation Act*: See Division 10, Section 172.

In addition: In the *Workers Compensation Act*: See Part 1, Division 5, Section 54.

Refusing unsafe work

Workers must not carry out (or cause to be carried out) any task they believe is unduly hazardous to the health and safety of any person. The worker may refuse to carry out such work, in which case he or she must inform the supervisor or employer.

A supervisor or employer who receives such a report must immediately investigate the matter. If there is an unsafe condition, the supervisor or employer must ensure

that it is corrected without delay. If the supervisor or employer does not agree that the condition or task is unsafe, the Regulation lists steps to be followed.

Workers must not be disciplined for refusing to perform a task they have reasonable cause to believe is unsafe. Instead, workers may be assigned other work at no loss in pay while the reported unsafe condition is investigated.

In the Regulation: See Sections 3.12 and 3.13.

Prohibition against discriminatory action

An employer or union, or a person acting on behalf of an employer or union, must not take or threaten discriminatory action against a worker for raising concerns relating to health and safety matters in the workplace. For example, if a worker refuses to perform a task he or she believes is unsafe, the employer can as a result suggest another approach but cannot reduce the worker's wages, change working hours, or suspend the worker.

In the *Workers Compensation Act*: See Division 6, Sections 150 to 153.

Hazardous materials

Some small businesses use or store chemical or biological substances that could affect the health of workers. For example, camera stores may use hazardous photographic chemicals and many retail small businesses use special cleaners and solvents.

Exposure to hazardous materials can contribute to serious health effects such as kidney or lung damage, sterility, cancer, burns, and dermatitis. Some materials can cause fires or explosions.

The Workplace Hazardous Material Information System (WHMIS) is a nationwide program providing information about the use of hazardous materials in the workplace. WHMIS refers to hazardous materials as *controlled products*.

Suppliers must provide a material safety data sheet (MSDS) and WHMIS label for each controlled product that they sell or produce. An MSDS is a technical bulletin that provides detailed hazard and precautionary information for a controlled product. An MSDS supplements the alert information provided on the WHMIS label.

Employers must follow these requirements:

- Keep MSDSs on-site for all controlled products.
- Make sure controlled products are properly labelled.
- Ensure workers know the location of MSDSs and written safe work procedures for each controlled product.
- Ensure that workers are educated and trained so they understand the information on MSDSs and WHMIS labels.

In the Regulation: See Sections 5.3 to 5.19.

Buildings, structures, and equipment

Buildings, structures, excavations, machinery, tools, and workplaces must be maintained in such a condition that workers will not be endangered.

Employers must ensure:

- Each machine and piece of equipment in the workplace is capable of safely performing the functions for which it is used
- Machinery and equipment are operated only by authorized workers
- Workers follow manufacturers' recommendations and instructions, if available, as well as safe work practices and the requirements of the Regulation
- Machinery and equipment are inspected, tested, and maintained according to the requirements of the Regulation

Safeguards provided for the protection of workers must not be intentionally removed, impaired, or rendered ineffective, except as permitted by the Regulation.

In the Regulation: See Sections 4.1 to 4.12.

Personal protective clothing and equipment

Personal protective clothing and equipment help protect workers against workplace hazards that the employer is unable to eliminate. Employers must ensure workers are trained in the use and care of any personal protective clothing or equipment necessary for the job.

In the Regulation: See Sections 8.2 to 8.10.

Strains and sprains

Strains and sprains are known as musculoskeletal injuries (MSIs). Many of the ways in which we work – lifting, reaching, or repeating the same movement – can lead to MSIs.

Employers must conduct risk assessments to evaluate how work is organized and performed so MSI hazards can be identified. After identifying MSI hazards, employers must:

- Assess the risks to workers
- Eliminate or control each risk
- Train workers in ways to eliminate or control each risk

In the Regulation: See Sections 4.47 to 4.53.

WCB resources

- *Preventing Musculoskeletal Injury (MSI): A guide for employers and joint committees*
- *Understanding the Risks of Musculoskeletal Injury (MSI): An educational guide for workers on sprains, strains, and other MSIs*
- *Back Talk: An owner's manual for backs*
- *How to Make Your Computer Workstation Fit You*

Violence in the workplace

The possibility of violence in the workplace is an unfortunate reality. Incidents of violence include:

- Attempted assaults
- Actual assaults
- Any threatening statement or behaviour directed at a worker

Employers are responsible for the health and safety of their workers. Employers must follow these requirements:

- Identify and assess any risks of violence in the workplace.
- Develop procedures to eliminate or control each risk to workers.
- Instruct workers about the hazards of workplace violence and train them in appropriate responses to violence.

In the Regulation: See Sections 4.27 to 4.31.

WCB resources

- *Take Care: How to develop and implement a workplace violence prevention program*

Working alone or in isolation

If a worker is working alone or in isolation under conditions that present a risk of disabling injury, the employer must follow these requirements:

- Develop and implement a written procedure for checking the worker's well-being at regular intervals and at the end of a shift.
- Ensure the written procedure is reviewed at least once a year.
- Provide training in the written procedure for the worker and any person assigned to check on the worker.

In the Regulation: See Sections 4.21 to 4.23.

Emergency preparedness and response

Employers must conduct a risk assessment for any workplace in which workers may need to be rescued or evacuated. Employers must ensure:

- Emergency exit routes are designed and marked to provide a quick and unimpeded exit
- Emergency drills are held at least once a year to ensure worker awareness and to test the effectiveness of emergency exit routes and procedures
- A record of emergency drills is maintained

In the Regulation: See Sections 4.13 to 4.18.

First aid requirements

All small businesses with at least two workers must keep a first aid kit at the workplace. Most small businesses only require a basic first aid kit, which includes items such as bandages, scissors, and latex gloves. Some small businesses require a Level 1 first aid kit and Level 1 first aid attendant.

Please note: Some higher-hazard small businesses with between 11 and 20 workers will require a Level 2 or 3 first aid kit and first aid attendant. If a first aid attendant is required, the attendant must hold a first aid certificate of the level necessary for that workplace.

Use the following table to determine your first aid requirements.

Note: This table is for low-hazard environments (Hazard Classification C) such as offices or retail operations. To determine the hazard classification of your small business, see the Regulation, Part 33, Schedule 7. For higher-hazard operations, see Part 33, Schedule 1, Tables 1 to 4.

First Aid Requirements for Hazard Classification C

Workplace surface travel time from hospital	Number of workers employed	Requirement(s)
20 minutes or less	2–10 workers per shift	Basic first aid kit
	11–50 workers per shift	Level 1 first aid kit and a Level 1 first aid attendant
More than 20 minutes	2–5 workers per shift	Basic first aid kit
	6–30 workers per shift	Level 1 first aid kit and a Level 1 first aid attendant

Employers must ensure:

- Workers are aware of the location of the first aid kit and how to call the first aid attendant, if an attendant is required
- Signs are posted in the workplace indicating how to access first aid
- A record of all workplace injuries or diseases is maintained

Employers are responsible for the cost of transporting an injured worker from the workplace to the nearest source of medical treatment. Employers must ensure written procedures for transporting injured workers are developed and posted in the workplace. These procedures should include:

- Who to call for transportation
- How to call for transportation
- Prearranged routes in and out of the workplace and to the hospital

In the Regulation: See Part 33, Occupational First Aid.

Do you have any questions?

You may have questions about some of the requirements in the Regulation or situations specific to your workplace. For more information, ask a WCB Prevention officer or phone the WCB Prevention Information Line at 604 276-3100 in the Vancouver area or toll-free 1 888 621-SAFE (7233).

About the WCB

Preventing on-the-job injury and disease is the first priority of the Workers' Compensation Board (WCB) of British Columbia. WCB officers inspect worksites in B.C. to make sure they comply with the Occupational Health and Safety Regulation, which sets out minimum workplace standards for health and safety. The WCB also investigates serious workplace accidents and consults with employers, supervisors, and workers to promote health and safety in the workplace.

Under the requirements of the *Workers Compensation Act*, a worker must report an injury or a disabling occupational disease as soon as possible to the employer. The employer must report work-related injuries, occupational diseases, and work-related deaths to the WCB within three days. A worker may not make an agreement with the employer to give up WCB benefits.

If a worker suffers a work-related injury or illness, the WCB provides fair compensation that may include medical costs, loss of earnings, physical rehabilitation, and pensions. The WCB also works with employers to help injured workers return to work. If a worker is killed on the job, counselling and financial help are made available to the victim's family. For more information on requirements or eligibility for WCB coverage, contact the WCB office nearest you.

WCB Prevention Information Line

The WCB Prevention Information Line can answer your questions about workplace health and safety, worker and employer responsibilities, and reporting a workplace accident or incident. The Prevention Information Line accepts anonymous calls.

Phone 604 276-3100 in the Lower Mainland, or call 1 888 621-7233 (621-SAFE) toll-free in British Columbia.

To report after-hours and weekend accidents and emergencies, call 604 273-7711 in the Lower Mainland, or call 1 866 922-4357 (WCB-HELP) toll-free in British Columbia.

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