

September 1, 2026

Ms. Lori Guiton
Director, Policy, Regulation and Research Division
WorkSafeBC
Sent via email: OHSRegFeedback@worksafebc.com

RE: PROPOSED PART 4.1 OF THE OHSR – PSYCHOLOGICAL HEALTH AND SAFETY, HARASSMENT AND VIOLENCE – THE PROPOSED AMENDMENTS ARE UNWORKABLE, UNSUPPORTED BY DATA, AND SHOULD BE WITHDRAWN

Dear Ms. Guiton:

On behalf of the more than 6,000 construction and resource companies that make up the Independent Contractors and Businesses Association (ICBA), Canada's largest construction association, I write in response to the [proposed amendments](#) creating a new Part 4.1 of the Occupational Health and Safety Regulation, and in particular to [sections 4.107 to 4.109 on psychological health and safety](#). This is the most far-reaching expansion of WorkSafeBC's regulatory authority in a generation, and we are very concerned about the impacts of the proposed changes at a time when B.C.'s economy is struggling and its competitiveness is lagging. This submission responds to both consultations released on August 10, 2026 – the psychological health and safety amendments and the harassment and violence amendments – and we ask that it be entered on the record for each.

The new framework would put the Board's officers in judgment of how every business in British Columbia designs work, manages people, sets schedules, and equips its workplaces – against a standard no one can define, with no cost discipline, and with no evidence it will prevent a single injury. WorkSafeBC has a prevention mandate. It does not have the tools, the expertise, or any workable standard to exercise authority over how a business is run. These amendments should be withdrawn.

ICBA's members represent approximately 85 percent of the 265,000 men and women who work in construction in British Columbia, an industry that makes up nearly 10 per cent of provincial GDP. Every construction employer would be captured by this far-reaching proposal. We have reviewed it closely, alongside the positions of the Council of Construction Associations of British Columbia (COCA) and the Employers' Forum, and we support their views. Our own comments and conclusions follow.

Construction Takes Mental Health Seriously

No one needs to persuade our industry that psychological health is important. In 2021, ICBA launched our award-winning mental health program, [ICBA Wellness](#), and offers it free to every member company. The program delivers mental-health toolbox talks, supervisor training, suicide-prevention resources, and education across two dozen areas of worker wellbeing. More than 20,000 construction workers have

participated in B.C. Recently, ICBA has been partnering with organizations in Western Canada, and has added another 5,000 participants. Through ICBA Benefits, one of the largest independent group health benefits providers in Canada, we deliver health coverage, including mental-health and employee-and-family-assistance supports, to more than 320,000 Canadians. We see the claims data, we understand the challenge and the need, and we act by funding support.

These programs work because they are practical, comprehensive, and fitted to how construction contractors and their teams operate. The proposed WorkSafeBC regulation is none of those things. Our objection is not to the goal; it is to a regulatory design that will generate paperwork, disputes, and likely a vast uptick in claims instead of healthier workplaces.

The Proposal Puts WorkSafeBC in Charge of How Every Business in B.C. Is Run

Proposed section 4.107 defines a *“psychosocial hazard”* as a workplace or work-related hazard that could expose a worker to the risk of psychological injury, including hazards arising from *“the design and management of work,” “the physical workplace environment,”* and *“equipment in the workplace.”* Section 4.108 then requires every employer to identify these hazards, prepare a written risk assessment for each, and either eliminate them or minimize the risk of psychological injury *“to the lowest level practicable.”*

Read those two provisions together. How work is designed, how it is managed, how the workplace is laid out, and what equipment is used: that is the entire business. Under this proposal, a WorkSafeBC prevention officer, a review division officer, or a WCAT vice-chair would sit in judgment of whether a contractor’s crew size, schedule, workload, and workflow reduced psychosocial risk as far as *“practicable.”* That is not a safety standard; it is an open-ended licence for regulators from outside an industry to second-guess every management decision in the province. The result will be arbitrary and subjective decisions that will result in the inconsistent application of the rules and sow confusion. And the cost implications are enormous.

Consider what compliance means on a real jobsite. A written psychosocial risk assessment for every schedule compression caused by weather. For every trade stacked on a multi-employer site. For every equipment substitution, every design change, every deadline moved up by an owner or a municipality. Construction is deadline-driven, seasonal, and mobile by nature; safety literature lists workload, low job control, role ambiguity, and change management among psychosocial hazards. A regulation that treats the ordinary and long-established conditions of our industry, an industry that accounts for almost 10% of the B.C. economy, as hazards to be eliminated cannot be complied with. It can only be enforced selectively and in an arbitrary fashion, which is far worse.

‘Lowest Level Practicable’ Cannot Be Adjudicated

The OHSR defines *“practicable”* as *“that which is reasonably capable of being done,”* assessed against the degree of risk, the availability and suitability of controls, the state of knowledge, and the resources needed. Those tests were built for guarding a saw and controlling silica dust. They cannot be applied to

staffing levels, reporting structures, or the pace and design of work. No employer, no officer, and no tribunal can objectively determine whether a company's change-management process reduced "*psychosocial stress*" to the lowest level practicable.

And because resources are part of the test, the proposal drags budgets and margins into safety adjudication. If effective controls would cut a contractor's margin from 12 percent to 7, is that practicable? Could an officer find that a public-sector employer's staffing level, set by government budget allocation, fails to reduce risk as far as practicable? The proposal is silent on all of it. Employers would be left to the discretion of individual decision-makers, file by file, with every disagreement litigated through reviews and appeals.

Other Jurisdictions Have Already Looked at This

The federal government addresses the prevention of psychological injury through [section 122.1 of Part II of the Canada Labour Code](#). There is no freestanding "*psychosocial hazard*" regime in the Code at all. Federal policy also distinguishes "*practicable*" from "*reasonably practicable*": a measure is not reasonably practicable where its cost, time, and effort significantly outweigh the safety benefit. Australia's [Model Work Health and Safety Act](#) builds the same cost discipline directly into the definition of "*reasonably practicable*," requiring risks to be managed unless the cost is grossly disproportionate to the risk.

The proposed B.C. amendments contain neither a cost-benefit methodology nor any exclusion for staffing levels and other labour relations matters. WorkSafeBC proposes to impose the broadest psychosocial duty in Canada with the least-defined standard in Canada. That combination is not workable in any sector.

This Moves B.C. Away From the Rest of Canada at the Wrong Time

There is a larger problem with going first, and it is one the provincial government has spent two years arguing against in every other file.

On August 27, 2026, Canada's provinces and territories agreed to further dismantle internal trade barriers, committing to recognize skilled tradespeople's certifications within 30 days and to work toward model mutual-recognition legislation. B.C.'s jobs minister [put the reason plainly](#): "At a time when unjustified U.S. tariffs and global trade uncertainty are creating challenges for businesses and workers across Canada, reducing trade barriers within our own country has never been more important." We agree. B.C. has led on this. The Province convened all ten provinces, three territories and the federal government to approve the Canadian Mutual Recognition Agreement in November 2025, and it [passed the Trade Recognition Act](#) to make mutual recognition permanent rather than temporary.

British Columbia is also a party to the [Pan-Canadian Occupational Health and Safety Reconciliation Agreement](#) under the Canadian Free Trade Agreement, in which every Canadian government committed to "*recognize and adopt common occupational health and safety standards as a means to reduce and*

eliminate barriers.” That is not an aspiration; it is a signed obligation, and safety regulation is precisely its subject matter.

Set that against what is proposed here. No other Canadian jurisdiction has adopted a prescriptive psychosocial hazard duty of this kind. The federal Code is purposive. Alberta addresses psychosocial hazards through guidance rather than an enforceable standard. The national benchmark, CSA Z1003, has been voluntary since 2013 and was built that way on purpose, because its authors understood that these factors cannot be enforced the way a machine guard is enforced. WorkSafeBC now proposes to make British Columbia the only jurisdiction in Canada where a written psychosocial risk assessment is a legal requirement, and the only one where an officer may audit how a company schedules its crews.

The practical consequence lands on employers who work across the B.C.-Alberta border. A contractor running crews in B.C. and Alberta would maintain two different safety systems for identical work – not because the hazards differ, but because one regulator moved alone. A firm deciding where to bid, or where to headquarter, adds that to the ledger. Multiply it across every sector and this is exactly the kind of barrier the Premier has spent two years asking other provinces to remove.

We do not say British Columbia may never lead. We say that a province cannot ask the country to converge while its own regulator diverges, and that a measure of this cost and novelty belongs at the national table first. If psychosocial hazards require a regulatory response in Canada, it should be a Canadian response – developed through the Regulatory Reconciliation and Cooperation Table and with the other jurisdictions – not a made-in-B.C. standard that our competitors are not required to meet and our members cannot escape.

The Harassment and Violence Provisions Repeat the Same Mistakes

Our concerns are not confined to sections 4.107 to 4.109. The harassment and violence provisions carry the same defect in a different form.

The proposed definitions turn on how a worker experiences an interaction rather than on what actually occurred. A blunt safety correction, a direct conversation about poor performance, or ordinary friction between trades on a busy site could satisfy the definition even where no one intended harm and none was done. The draft carves out reasonable management action but does not define it, so the exception gives no guidance in advance. An employer learns where the line sits only after a complaint has been filed and adjudicated.

The drafting makes that worse. Nearly every obligation in these provisions is an absolute must, without the *“wherever reasonably practicable”* qualifier used throughout the rest of the Regulation. Set alongside definitions that turn on subjective experience, this creates a standard an employer can fail while acting responsibly and in good faith. That is not a prevention framework. It is a liability framework.

The review requirements compound it again. Risk assessments must be reviewed annually and whenever there is a “*significant change*” – a term the draft leaves undefined. In construction, crews, sites, subcontractors and scopes change weekly. Read strictly, that language demands reassessment at nearly every project milestone. Read loosely, it means nothing at all. Neither reading helps an employer comply.

The Rules Assume One Employer, One Crew, One Workplace

The draft reads as though it were written for a single employer with a single workforce in a single building. That is not how construction works, and several provisions do not translate to the operating reality of the construction industry.

Reporting. Under the proposed scheme, a worker cannot be required to report an incident to the person involved. The principle is sound in a large company. But on a five- or six-person crew where the supervisor is the only person in authority, meeting it means standing up a separate reporting channel (a third-party hotline or an outside contact) at a company with no human resources department and little in-house administrative capacity. The draft imposes the duty without acknowledging the costs or offering any workable alternative for a small employer.

Two programs, many employers. Employers would be forced to maintain two complete prevention programs, one for harassment and one for violence, each with its own written policy, annual review, training records and incident log. On a typical site a general contractor coordinates a dozen or more subcontractors, each a separate employer under the Act, and the draft does not say who holds those obligations. Under section 118, the prime contractor coordinates health and safety across the site – but a prime contractor does not manage a subcontractor’s crew and cannot investigate its internal complaints. Made answerable for psychosocial risk arising from “*the design and management of work*,” a general contractor would be responsible for work it does not design or manage, on schedules set by owners, consultants and municipalities.

Consultation. The draft requires employers to consult a worker representative repeatedly, but never says how, over what period, or what happens when there is disagreement. On sites with no joint committee, it could be read to require crew-wide sign-off before an employer can act, including on urgent changes such as revising an emergency response plan after an incident. A safety rule that slows the safety response has failed on its own terms.

Third parties. Employers would have to warn workers about non-employees with a known history of harmful behaviour, including site visitors, property owners, and even members of the public. That obliges contractors to compile and keep records of other people’s conduct, with no privacy standard attached and no guidance on accuracy, retention or disclosure, while exposing them to blame for anything not flagged in time. WorkSafeBC should not create a duty to build informal behavioural files on members of the public without first saying how privacy law applies to them.

The Cost Hits Smallest Contractors the Hardest

British Columbia has 28,173 construction companies, and 25,784 of them – 92 percent – employ fewer than 20 people. Most are owner-operated. They have no HR department, no in-house counsel and no compliance staff. Everything this proposal requires – written risk assessments, two prevention programs, documented consultation, annual reviews, incident logs, independent reporting channels, records on non-employees – lands on the exhausted owner, at night, after the work is done. The consequences, for many small construction employers, will be dire.

A large employer may be able to absorb this additional regulatory burden with staff it already has. A ten-person contractor absorbs it out of the owner's own hours or by hiring a consultant, and passing costs on to their client. WorkSafeBC is proposing the largest new administrative duty on employers in a generation with no funding, no model policies, no templates, no cost-benefit assessment, and no transition period. If the Board proceeds over our objections, it must at a minimum publish model programs and assessment templates a small contractor can adopt as written, and phase compliance so the smallest employers are not exposed to enforcement while the guidance is still being drafted.

And none of it reaches the sectors generating the claims. The cost would fall on more than 28,000 construction companies to address a problem WorkSafeBC's own data places overwhelmingly in the sectors of healthcare, social services, education and security.

WorkSafeBC Has Not Published the Data That Would Justify This

The best sector-level evidence available to stakeholders is WorkSafeBC's record of accepted violence-related claims, obtained by COCA. Of the 28,593 such claims accepted between 2015 and 2024, five occupations – nurse aides and orderlies (5,587), social and community workers (3,829), teacher assistants (2,391), security guards (1,669), and licensed practical nurses (1,532) – account for more than half of all of them. Construction occupations accounted for 299 claims over the entire decade: roughly 30 a year across a workforce of about 240,000, or one claim for every 8,000 construction workers.

That is violence data, not a sector breakdown of psychological-injury claims, and that is precisely the problem. WorkSafeBC is proposing the broadest psychosocial duty in Canada without publishing the claims data that would show where the risk actually exists. The Board holds that data; employers do not. We are being asked to accept a province-wide remedy while the diagnosis stays inside the building.

What information is available, points one way. COCA reports that the great majority of psychological-injury-only claims arise in healthcare, education and security, and the violence data shows the same concentration in the same occupations. That is enough to justify looking harder. It is not enough to justify a written risk-assessment duty on more than 280,000 registered employers. Publish the psychological-injury claims data by sector and occupation, convene a task force with the sectors it identifies, and build targeted regulation and education there. Regulation should follow evidence, and the evidence should be on the table before the duty is written, not after.

Psychological Claims Are Open-Ended by Nature – and the Curve Is Already Steep

A broken wrist claim has a diagnosis, a treatment path, a recovery, and an end. A psychological injury claim has none of those fixed points. There is no X-ray. Diagnosis rests substantially on self-report. Causation must be apportioned across a life in which work is only one part. Recovery has no defined horizon, and the same set of facts can support a claim or defeat one depending on who adjudicates it.

None of that is a criticism of workers who are genuinely unwell, and we do not offer it as one. It is a statement about what a compensation system can adjudicate consistently. A category defined by subjective experience has no natural boundary, and a regulator that writes new duties into that category should expect the category to grow.

WorkSafeBC's own numbers show it growing already. Between 2021 and 2025, [psychological-injury-only claims reported to the Board rose from 5,443 to 8,065](#) – an increase of 48 percent in four years. Claims allowed rose from 1,736 to 2,613, up 51 percent. Bullying and harassment claims rose from 271 to 461, up 70 percent. Claims allowed under the traumatic-event presumption rose from 654 to 1,128, up 72 percent. Every one of those curves bends upward, and every one of them bends upward under the regulation as it exists today, before a single psychosocial duty has been added to it.

The Board's own allowance rate tells the other half of the story. It fell from 54 percent in 2021 to 45 percent in 2025. More claims, a smaller share accepted: the system is now absorbing thousands of contested files a year, each one an investigation, a review, an appeal and a disrupted workplace, and most of them ending with no benefit paid to the worker who filed. That is cost without care. It is the worst outcome available, and it is what an ill-defined entitlement produces.

The boundary also keeps moving outward. The mental-disorder presumption covered five occupations in 2018 and eight in 2019; since June 2024 it has covered sixteen. In [Pickering v. Workers' Compensation Board, 2025 BCSC 376](#), the B.C. Supreme Court narrowed the labour relations exclusion that kept ordinary management decisions outside the system. Each step is defensible on its own terms. Taken together they describe a category that has expanded every year for a decade and has never once contracted.

Now write "the design and management of work" into the Regulation as a hazard an employer has a legal duty to eliminate. Every workload dispute acquires a regulatory foundation. Every restructuring, every schedule change, every performance conversation becomes potential evidence that a duty was breached. WorkSafeBC is not merely regulating a risk here – it is manufacturing the entitlement that will be claimed against it, and it has published no estimate of what that will cost. Before this proceeds, the Board should model and publish the projected effect on claim volumes, durations and costs over ten years, with its assumptions shown. If the Board cannot produce that number, it cannot know whether this regulation is affordable. Neither can the employers who will pay for it.

Australia Ran This Experiment and It Was a Costly Failure

WorkSafeBC's stated purpose for advancing these amendments is to address the rising number of mental-disorder claims. Australia adopted broad psychosocial regulation years ahead of us, and the results are in.

Psychological injury claims in New South Wales have [doubled since 2018](#). Mental-injury claims in the state of Victoria have grown from 2 percent of all claims to 16 percent, and WorkSafe Victoria projects a further 5.5 percent annual increase through 2030. Safe Work Australia's data show a serious psychological claim costs roughly four times more than a physical one – \$55,270 versus \$13,883 – and takes a median of 30.7 weeks of lost time versus 6.2. Only half of workers with psychological claims return to work within a year, against 95 percent for physical injuries. Long-duration claims made up 21.3 percent of accepted claims but consumed 75.6 percent of total compensation payments. That's about \$4.4 billion in a single year.

The financial wreckage is measured in billions. NSW's main workers' compensation plan [lost \\$1.7 billion in 2024–25](#) after losing \$1.88 billion the year before, and its outstanding claims liability has climbed from \$22.0 billion to \$25.6 billion. Premiums in Australia's public schemes have risen 23 percent since 2021–22, and NSW employers were warned of a further 36 percent increase over three years without reform. When the NSW government tried to tighten access to psychological claims, it was forced to retreat. That is the lesson: once a scheme of this kind is built, it cannot be walked back. British Columbia should not build it.

B.C. Is Already on the Same Track – These Changes Will Make it Worse

The warning signs are already in WorkSafeBC's books. In 2024, the Board received [7,258 new psychological injury claims and accepted 2,437](#). Mental-health and chronic-pain claims now represent [14 percent of all injury claims, up from 10 percent in 2019](#), and WorkSafeBC's claims costs jumped 22 percent in two years, rising roughly \$650 million between 2023 and 2025 to reach \$3.6 billion – almost \$400 million of that in 2025 alone – while the Board's funding ratio slipped below 140 percent for the first time in a decade. ICBA's Chief Economist Jock Finlayson projects a series of annual premium hikes beginning as soon as 2028. Every dollar of that comes from employers, including large numbers of small firms struggling to survive in an increasingly harsh and unforgiving economic environment.

The legal ground is shifting in the same direction. In [Pickering](#), the Court narrowed the labour-relations exclusion in the Workers Compensation Act, opening the door to more accepted psychological claims arising from ordinary management decisions. A fundamental principle of the system is that what is regulated becomes compensable. Write “the design and management of work” into the OHSR as a hazard, and every workload dispute, every restructuring, and every missed deadline becomes the foundation of a future claim and a future appeal. On the Australian evidence, this regulation will not reduce mental-disorder claims. Instead, it will manufacture them, at a cost every employer in the province will pay through their premiums. It will completely overwhelm WorkSafeBC.

Consulting on a Fraction of the Framework Is Not Consultation

WorkSafeBC has indicated that the guidance material interpreting these amendments – what counts as a psychosocial hazard, what an adequate risk assessment looks like, how “practicable” will be assessed – will be published only after the regulation is made. Stakeholders are being asked to sign off on regulatory text whose practical meaning is deferred to documents no one has seen. That is not meaningful consultation. Nor is it responsible policymaking. The complete framework, guidance included, must be published and consulted on together, and the [October 9 deadline](#) should be extended accordingly. We support the Employers’ Forum’s request for an extension.

ICBA Recommendations

- **Withdraw proposed sections 4.107 to 4.109.** The psychological health and safety amendments are unworkable as drafted. No amount of tinkering fixes a duty that cannot be defined, measured, or adjudicated.
- **Take a targeted, incremental approach to harassment and violence.** Amend the existing regulation: define “*harassment*,” add it to the current violence provisions, require referral of external threats and acts to police, and require that workplace investigations be conducted by a senior employer representative independent of the allegation. We fully endorse COCA’s recommendations on this point.
- **Publish the claims data before regulating.** Release psychological-injury claim volumes, costs and durations by sector and occupation, so employers can see the problem the Board is asking them to solve.
- **Convene a sector task force.** Study the healthcare, social services, education, and security industries that generate the large majority of psychological-injury claims, and build evidence-based regulation and education for those sectors – not a blanket duty on 280,000+ employers.
- **Set the standard before writing the duty.** Any future proposal must define “*reasonably practicable*” with an explicit cost-benefit methodology, expressly exclude staffing levels and other labour-relations matters from the assessment, and deem compliance with existing requirements – ergonomics, hours of service – to satisfy overlapping obligations.
- **Take this to the national table before B.C. goes alone.** British Columbia has signed the Pan-Canadian Occupational Health and Safety Reconciliation Agreement and has led the country on mutual recognition. Refer the psychosocial question to the Regulatory Reconciliation and Cooperation Table and work it through with the other jurisdictions, so that any Canadian standard is a common one.
- **Publish a ten-year cost projection.** Model the expected effect of these amendments on claim volumes, durations, allowance rates and total costs, publish the assumptions, and consult on them. No regulation of this scale should be made without a public estimate of what it will cost the system.
- **Define the terms before imposing the duties.** Define “*reasonable management action*,” “*significant change*,” and what consultation actually requires – how it is conducted, over what

period, and how disagreement is resolved. An employer must be able to know in advance whether it complies.

- **Restore “*reasonably practicable*” throughout.** Every obligation in the harassment and violence provisions should carry the same qualifier used elsewhere in the Regulation.
- **Write the rules for multi-employer worksites.** State plainly who holds each obligation when a prime contractor and a dozen subcontractors share a site, and do not assign a prime contractor responsibility for work it does not control.
- **Provide a small-employer pathway.** Publish model policies, risk assessment templates and a reporting option a contractor with fewer than 20 employees can adopt as written, and phase in compliance. Ninety-two percent of B.C.’s construction companies are that size.
- **Set a privacy standard before requiring records on third parties.** No employer should be required to compile behavioural records on members of the public without rules on accuracy, retention and disclosure.
- **Publish all guidance concurrently and re-consult.** No amendment should proceed to the Board of Directors until stakeholders have seen and commented on the complete framework.
- **Extend the comment deadline.** A regulatory change of this magnitude, released in August with an October 9 deadline, deserves far more than eight weeks of consultation. Construction companies across the province are in the middle of their busiest time of year; they don’t have time to fully digest and provide feedback on pages of WorkSafeBC regulation amendments.

Our members build the homes, hospitals, schools, roads, bridges, and critical infrastructure that every British Columbian depends on – and with them, we have spent the past five years proving that construction can lead on mental health voluntarily, through ICBA Wellness and other programs that meet workers where they are, at no cost to the workers’ compensation program.

We remain ready to work constructively with WorkSafeBC on approaches that will actually reduce psychological injury, and we request the opportunity to review any revised proposal, together with its guidance, before it advances.

Sincerely,

INDEPENDENT CONTRACTORS AND BUSINESSES ASSOCIATION



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