

# Occupational Health And Safety In The Forest Industry: A Matter Of Superordinate Importance



Those who work 'on the ground' in the BC forest industry are required to manage occupational health and safety issues that are, for the most part, completely foreign to the rest of us. And the unique dangers of working in the woods have, unfortunately, resulted in tragedy from time to time over the years and subjected the forest industry's health and safety performance to intense media scrutiny. As someone who practices law in the forest industry (tucked safely behind a desk and computer monitor in my office), I would suggest that, in recent years, no single field of legal liability has come to concern those who work in the forest industry more than occupational health and safety.

Much of the focus in the BC forest industry with respect to occupational health and safety is placed upon 'prime contractors.' Under the Workers Compensation Act and Regulations (the 'Act'), prime contractors must ensure that the health and safety activities of employers and workers at any 'multiple-employer workplace' are coordinated, and must do everything reasonably practicable to establish and maintain systems or processes to ensure compliance with the occupational health and safety requirements of the Act.

That noted, the Act actually places primary responsibility for the health and safety at a workplace upon others. 'Employers' (who probably have the biggest slice of the occupational health and safety pie) must ensure the health and safety of its own workers and all other workers at the workplace. 'Owners' must provide and maintain lands and premises that are used as a workplace in a manner that ensures the health and safety of "all persons at or near the workplace." 'Supervisors' must ensure the health and safety of all workers under their direct supervision. Even 'workers' themselves must take reasonable care to ensure their own health and safety, as well as that of other workers who may be affected by their acts or omissions. Each of these actors are potentially subject to prosecution under the Act if they fail to discharge their respective responsibilities for health and safety at the workplace.

As well, every officer and director of a corporation "must" ensure that the corporation complies with its health and safety obligations under the Act. So, if a corporation is an 'employer' or an 'owner' and the corporation fails to comply with the obligations that are imposed upon employers or owners under the Act, every director and officer of the corporation is potentially subject to prosecution on

account of that failure, subject to a defense of due diligence. Moreover, the Act provides that if a corporation contravenes a provision of the Act related to health and safety, then any director or officer of the corporation who “authorizes, permits or acquiesces” in the commission of the offence also commits the offence. In other words, corporate directors and officers are exposed to personal liability for the corporation’s contraventions of the occupational health and safety requirements of the Act.

Occupational health and safety is also of particular concern to BC’s forest professionals. As an ethical matter under the ABCFP’s Code of Ethics, a member’s responsibility to the public is to “have regard for existing legislation.” Presumably, this would include the Act. More specifically, a member must “have proper regard in all work for the safety of others.” In terms of the ABCFP’s Standards of Professional Practice, “members maintain safe work practices and consider the safety of workers and others in the practice of professional forestry.” Not only is health and safety a moral and legal issue in the work lives of forest professionals; it’s also matter of ethics and practice enforceable through the imposition of discipline under the Foresters Act. Anyone who is a practicing forest professional, sits on the board of directors of a forest company and is responsible for employees has plenty of motivation to exercise rigorous diligence when it comes to occupational health and safety. Little wonder why legal liability for health and safety has become of such super ordinate importance in the forest industry.

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