

REVIEW DECISION

Re: **Review Reference #: R0331428**
 Board Decision under Review: October 10, 2024

Review Reference #: R0331433
 Board Decision under Review: October 29, 2024

Date: **February 27, 2025**

Review Officer: **Allan Wotherspoon**

Background, Reasons, & Decision:

The employer has requested a review of orders of the Workers' Compensation Board ("Board"), which operates as WorkSafeBC. The orders are contained in two Inspection Reports ("IR"). In an October 10, 2024 IR, a Board officer cited the employer with a contravention of section 12.10 of the *Occupational Health & Safety Regulation* ("Regulation") and section 89(1) of the *Workers Compensation Act* ("Act"). A second IR dated October 29, 2024, cited the employer for violations of section 84(2) of the *Act*.

Section 20(3) of the *Act* gives me the authority to conduct this review. Section 339(2) of the *Act* requires me to make a decision on the merits and justice of the case, applying the policies of the Board's board of directors applicable in the case. The policies are found in the *Prevention Manual*. The standard of proof that applies to this review is the balance of probabilities.

On February 25, 2025, the Review Division received a communication from a Board Investigations Legal Officer stating that the officer who issued the orders was now recommending that they be cancelled on the basis that the incident occurred at a mine to which the Mines Act applied and that the Ministry of Mining and Critical Minerals had jurisdiction to investigate rather than the Board.

Based on my review, and the new information provided by the officer, I agree with the Board's recommendation to cancel both the October 10 and October 29, 2025 IR's. I therefore allow the employer's request with respect to both reviews.

Conclusion

As a result of this review, I cancel the orders of the Board dated October 10 and October 29, 2025.

Allan Wotherspoon
Review Officer
Review Division