

Know Your Legal Obligations

Every employer needs to understand the legal context in which they run their business. There are several provincial and federal laws that apply to BC employers who have employees who drive for work.

Information below identifies and summarizes each of those acts and regulations, explains to whom the legislation applies, and provides links to sections important to driver safety.



Occupational Health and Safety

The **Workers Compensation Act** and **Occupational Health and Safety Regulation** apply to nearly all employers with employees working in BC. The exceptions include mines, which are regulated under the Mines Act, and federal jurisdiction workplaces, which are regulated under the Canada Labour Code (see below).

The **Workers Compensation Act** (WCA) provides the legal authority for WorkSafeBC to set and enforce occupational health and safety standards. It establishes policies about compensation, assessment and rehabilitation, and defines occupational health and safety rights and responsibilities.

The WCA has four main Parts. [Click here](#) for a summary of the content and functions of each one. [Part 3](#) is particularly important as it creates general duties and responsibilities for employers, supervisors and workers.

The **Occupational Health and Safety Regulation** (OHSR) is a regulation created under the WCA. The purpose of the OHSR is to promote occupational health and safety and to protect workers and others from work-related risks to their health, safety and well-being. It sets out legal requirements that all workplaces under WorkSafeBC jurisdiction must meet. While most OHSR requirements are directed at employers, some also apply to supervisors and workers.

Below is a summary of Parts of the OHSR with particular importance for vehicle and driving safety.

[Part 2](#) – explains to whom the OHSR applies, and the general duty of employers to ensure that all work is carried out without undue risk of injury or occupational disease to any person.

[Part 3](#) – identifies requirements for occupational health and safety programs, workplace inspections, correcting unsafe conditions, refusing unsafe work, occupational first aid and new and young workers.

[Part 4](#) – defines general requirements for workplace safety including start-up procedures, authorizing operators (drivers), physical and mental impairment, working alone, violence prevention, ergonomics (MSI), load capacities and smoking.

[Part 7](#) – explains requirements to protect workers against exposure to noise and vibration.

[Part 8](#) – describes requirements for personal protective equipment – of interest when your drivers are outside of their vehicles.

TIP

For purposes of understanding and administering the WCA and OHSR, a vehicle used for business or work-related purposes is a workplace.

[Part 16](#) – explains requirements for the operation of motor vehicles and mobile equipment. Topics include maintenance records, operator competency, operator and supervisor responsibilities, specific equipment requirements, seat belt use, pre-use inspections, reporting and conducting necessary repairs, load securement and tire servicing.

[Part 17](#) – deals with transportation of workers but only applies when the transport vehicle carries three (3) or more workers. It describes owner and operator responsibilities, general operating requirements, seat belt provision and use, transporting hazardous materials, and requirements for passenger compartments.

See the [Road Safety Compliance Guide](#) for a listing of road safety requirements referenced to applicable section of the regulations, and the Road Safety At Work tools and resources available to help you meet those obligations.

TIP

The definition for mobile equipment in Part 16 means that requirements specified in Part 16 also apply to cars, pickups, vans and other motor vehicles used for work-related purposes.

Occupational Health and Safety Policies

Policies provide direction to WorkSafeBC prevention officers on how to apply the WCA and OHSR, and practical instructions to employers.

[Several policies](#) written under the Act are relevant to road safety. Have a closer look at the policy items about [employer duties towards other workers](#) and [general duties of supervisors](#).

A few policies drafted under OHSR have implications for work-related driving: [Part 2](#) (writing orders with reference to “undue risk”), [Part 4](#) (workplace conduct, violence), and [Part 17](#) (seating design requirements).

Occupational Health and Safety Guidelines

[Guidelines](#) assist employers and other workplace parties with interpreting and applying the regulatory requirements of the WCA and OHSR – they provide information and explain how employers can comply with regulatory requirements. Most Guidelines written under the WCA pertain to administrative or jurisdictional issues. [Guideline G-D10-172-1](#) will help you understand expectations for reporting serious injuries, perhaps due to a crash. Guidelines written under the OHSR that have road safety applications include: [clarification of when a resource road is a workplace](#); [operating equipment with air brakes](#), [lift truck operator training](#), [inspections of vehicles used to transport workers](#).

The **Canada Labour Code** applies to employers that fall under federal, rather than provincial, jurisdiction.

Federally regulated industries include:

Interprovincial trucking	Interprovincial rail	Airlines	Telecommunications
Interprovincial pipelines	Broadcasting	International shipping	RCMP
Postal service	Military	Chartered banks	

For more information on who is covered under the *Canada Labour Code*, [click here](#).

Similar to the provincial *Workers Compensation Act* and *Occupational Health and Safety Regulation*, the purpose of Part II of the [Canada Labour Code](#) (CLC) is to protect workers from workplace injury and disease. The CLC describes the duties of employers, focussing on identifying hazards and implementing measures to prevent injuries. It includes requirements for training, supervision, personal protective equipment, first aid and incident investigations. The CLC specifies that vehicles used by employees in the course of their employment must meet prescribed health, safety and ergonomic standards.

The ***Criminal Code*** applies to all individuals that direct, or have authority to direct, how a person does their work.

Section 217.1 of the federal [Criminal Code](#) specifies that any person who directs, or has the authority to direct, how another person does their work or performs work-related tasks has a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task. Sections 22.1 and 22.2 create rules for imposing criminal liability on an organization and its representatives for negligence and other offences.

Vehicle Licensing, Operation and Maintenance

The provincial ***Motor Vehicle Act*** and ***Motor Vehicle Act Regulations*** apply to owners and operators (drivers) of vehicles operated on BC roads and highways.

The [Motor Vehicle Act](#) (MVA) is provincial legislation. It describes requirements for vehicle registration, licensing and insurance, driver licensing, and driving practices, offences and enforcement. ICBC is responsible for administering MVA sections that deal with vehicle and driver licensing, and driver training. The Ministry of Transportation and Infrastructure is responsible for MVA sections that focus on rules of the road, traffic control device standards, commercial vehicle weigh scales, vehicle safety standards, inspections and enforcement.

The [Motor Vehicle Act Regulations](#) (MVAR) set out requirements for operating commercial or non-commercial vehicles on BC roads. It addresses license plates, lights and reflectors, brake systems, horns, windshields, mufflers and tires. The MVAR also describes requirements for commercial passenger vehicles and school buses regarding operating permits, driver licensing and training, traffic control devices, air pollution control devices, seat belts, cargo securement, and child restraint systems.

[MVAR Division 25](#) explains vehicle inspection requirements for taxis, buses and other commercial vehicles. [Division 37](#) explains the Safety Code applicable to commercial motor vehicles with respect to safety certificates, hours of service, log books, trip inspections, facility audits and general road safety.

Under the MVA, the owner of a vehicle is responsible for licensing, insurance and equipping and maintaining the vehicle as required by the MVAR (for example, lights work, windshield not cracked, good tires and brakes). The driver of a vehicle is responsible for confirming that the owner has met the requirements of the MVA and MVAR before they drive the vehicle. If an enforcement officer stops the vehicle and identifies an offense (for example, the vehicle is not properly licensed or its brake lights don't work), the driver, not the owner, is accountable for the offence and can be ticketed.

To meet their obligations under the *Occupational Health and Safety Regulation*, each employer must regularly confirm all vehicles – company-owned and employee-owned - used for work are inspected, maintained and operated in a manner that meets or exceeds MVA and MVAR requirements.

TIP

Employees operating their vehicle for work purposes should expect their employer to regularly ask them for records showing that the vehicle is insured, inspected and maintained at least to MVAR requirements.

The provincial **Commercial Transport Act** and **Commercial Transportation Regulations** apply to owners and operators of vehicles that are designed to carry a load and engaged in commercial transportation.

Vehicles include:

Trucks with an attached delivery body	Truck tractors
All truck and trailer combinations	Taxis
Pickups	Vans
Tow trucks	Motor buses
Fire apparatus (e.g., fire engines)	Some road-building machines
Ambulances	Hearses

The [Commercial Transport Act](#) describes the Minister’s responsibilities and provides authority to make agreements regarding inter-provincial carriers. It describes registration and licensing requirements and various offences and penalties, particularly those about gross vehicle weight.

[Commercial Transport Regulations](#) defines the size (height, length and width) and weight parameters for many axle and equipment configurations, plus the procedures for permitting vehicles engaged in commercial transport. It explains requirements for equipping and operating pilot vehicles, and deals with short-term licences and issuing permits to non-resident vehicles for purposes of inter-jurisdictional movement.

The provincial **Passenger Transportation Act** and **Passenger Transportation Regulations** apply to owners and operators of commercial passenger vehicles that are “passenger directed vehicles” – taxis, limousines and some buses.

The [Passenger Transportation Act](#) and its [Regulations](#) deal with commercial passenger vehicles that are “passenger directed vehicles” – taxis, limousines and some buses. The Act is the empowering legislation and deals with governance. It describes requirements for commercial passenger vehicles to have appropriate licences, deals with licence and permit renewals, transfers and amendments, and penalties, fines and appeals.

The Regulation supports the Act by providing detailed requirements for the safe operation of commercial passenger vehicles, including vehicle inspections, reporting unsafe conditions, maximum number of passengers, refusal of passengers, and licensing.

The provincial **Industrial Roads Act** and **Industrial Roads Regulations** apply to the owners and operators (drivers) of vehicles operated on roads that are constructed on Crown or private lands and used primarily for transportation of natural resources, machinery, materials or personnel.

The [Industrial Roads Act](#) has few requirements about road safety, but does specify the broad requirement that vehicles used on industrial roads be maintained in safe and proper operating condition.

The [Industrial Roads Regulations](#) define requirements for vehicle inspections, record keeping, reporting unsafe conditions, maintenance, lights and driver licensing.

The **National Safety Code** applies to owners and operators of commercial vehicles licensed with a gross vehicle weight of more than 5,000 kg, vehicles operating under the **Passenger Transportation Act**, or commercial vehicles that have a seating capacity of 10 or more passengers plus the driver.

In Canada, many regulations that govern commercial vehicles, commercial vehicle drivers and motor carriers are based on [National Safety Code](#) (NSC) standards. Member jurisdictions of Canadian Council of Motor Transport Administrators (CCMTA) worked with the carrier industry to develop the NSC. It includes 15 standards ranging from commercial driver licence requirements to carrier facility audits. One commonly referenced standard is the [Cargo Securement Standard, Part 10](#).

In BC, *National Safety Code* objectives and standards are applied and enforced through the *Motor Vehicle Act Regulation*.

Learn more about the *National Safety Code* on the [CVSE website](#) and on the [CCMTA website](#). The [NSC Safety Plan Guidelines](#) and [Carrier Safety Guide](#) are also helpful.

Other

The **Federal Transport of Dangerous Goods Act** and **Regulations** apply to any person or carrier transporting dangerous goods.

[Federal Transport of Dangerous Goods Regulations](#) describe requirements that must be met when any person or carrier is transporting substances or materials that are explosive, flammable or combustible, poisonous, compressed gases, nuclear substances or organisms that are dangerous to life, health, property or the environment when handled, offered for transport, or transported.