

Utility Didn't Have Duty to Report Incident Involving Non-Employee It Rescued



A worker was injured when he contacted a live power line. His employer called the utility for help rescuing him, which the utility provided. The utility reminded the employer to report the incident as required by OHS law, which it did. But the utility didn't report the incident itself, arguing that it wasn't an employer in this case. The utility was charged with violating the reporting requirement. The court found that the review officer's conclusion that the utility's instructions to the worker's employer to report the incident didn't satisfy its reporting duty was reasonable. However, although the interpretation of the word 'employer' shouldn't be limited to the employer of the injured worker, it was unreasonable under these circumstances for the review officer to conclude that the utility was an employer with a reporting duty [*BC Hydro and Power Authority v. Workers' Compensation Board*, [2013] BCSC 2007 (CanLII), Nov. 4, 2013].