



What are Woodlot Licensee/Community Forest Agreement holder responsibilities regarding the safety of workers, volunteers, visitors and learners on their licence?

Woodlots and community forests are great places for visitors to learn about forest management or hike and ski, and for volunteers to participate in productive projects. However, as a licence holder, you may wonder about your safety responsibilities for workers, volunteers, visitors and learners. Below is guidance on the matter.

	WSBC Compensation	Liability Issues	Caution/Due diligence
Worker ¹	Eligible for WSBC compensation.	Worker cannot sue the employer (licensee) for a workplace injury.	As an employer, your main obligation is to ensure the health and the safety of workers at the workplace.
Volunteer ¹	Not eligible for WSBC Compensation	The volunteer, if injured on a woodlot or CFA area, has the right to sue. The licensee can be held liable if the injury was the result of a malicious act or gross negligence on the part of the licensee.	Workers' Compensation Appeal Decisions have found that cash and "non-cash" payments (e.g. ski lift pass or beer) are enough for an individual to be considered a "worker", rather than a volunteer. Courts would look more favourably on a licensee that made efforts to identify and remove hazards.
Visitor ¹	Not eligible for WSBC Compensation	The visitor, if injured on a woodlot or CFA area, has the right to sue. The licensee can be held liable if the injury was the result of a malicious act or gross negligence on the part of the licensee.	Courts would look more favourably on a licensee that made efforts to identify and remove hazards.
Learner ^{1, 2}	May be eligible for WSBC compensation (as determined through the courts).	If not eligible for WSBC compensation, the injured person has the right to sue. The licensee can be held liable if the injury was the result of a malicious act or gross negligence on the part of the licensee.	Courts would look more favourably on a licensee that made efforts to identify and remove hazards.

In practical terms, a licensee needs to ask: "Have I done all that I can reasonably do to ensure the health and safety of workers, volunteers, visitors and learners?"

Notes:

1. A family member, depending on what they are doing and if there is any compensation, could be any of the above i.e. a worker, volunteer, visitor or learner.
2. A learner is defined as a worker who, at the time of injury, is an apprentice in a trade, an occupation or a profession, or a person, although not under a contract of service or apprenticeship, who becomes subject to the hazards of an industry for the purpose of undergoing training or probationary work specified or stipulated by the employer as a preliminary to employment.