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2013/05/03	2013158910073	9	4000	305	841102	4.00	0

*The Time Recorded reflects only that time which has been charged to this inspection up until the document was printed for delivery. Subsequent time may be added for additional activity related to this inspection.

Number of Workers	Project Number	Site Visit Date	Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)
101 or more		2013/05/02	N	N	N	

Head Office	Job Site
PROVINCIAL GOVERNMENT WORKERS' COMPENSATION PROGRAMS BC PUBLIC SERVICE A PO BOX 9404 STN PROV GOVT VICTORIA BC V8W9V1	North Fraser Pre-Trial Centre 1451 KINGSWAY AVE Port Coquitlam BC

Portion Inspected	Provincial Corrections Initiative
Violations	REFER TO ORDERS ON FOLLOWING PAGE(S)

Employer Representative Name	Accompanied by Employer Representative
Lisa Anderson	Elliott Smith/Lisa Anderson
Employer Representative Position	Accompanied by Worker Representative
Warden	Brian Campbell
Phone Number	Organization
	BCGEU Local 104
Signature	Officer of the Board / Signature
	Goodman, Allan

For Internal Use Only

Delivery Method: In Person

Regulation(s) Referenced in Inspection Text

WCA 132, WCA 133.(1), WCA 133.(2), WCA 133.(2).(a), WCA 133.(2).(b), WCA 133.(3), WCA 133.(4), WCA 133.(5)

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Inspection Text

As part of the Provincial Correctional Centre Initiative, WorkSafeBC Prevention Officers Allan Goodman, Ron Schouten, and Jeanette Campbell conducted an inspection of North Fraser Pre-trial Centre (NFPC) during the week of April 22, 2013.

The purpose of the Provincial Correctional Centre Initiative is to assist the Corrections Branch in achieving regulatory compliance with the Workers Compensation Act and the Occupational Health and Safety Regulation. The initiative focuses on the nine regional Correctional Centres in British Columbia.

A Baseline Compliance Assessment was completed at NFPC. A copy of the form used in the assessment is attached to this report in the employer's firm file. This assessment focused on 3 key areas:

- * Workplace Accountabilities and Responsibilities
- * Violence in the Workplace
- * Blood and Body Fluid Exposures.

During the completion of the assessment, the officers reviewed documentation, interviewed Corrections staff and conducted a site inspection. A worker representative from the local joint occupational health and safety committee accompanied the officers on the inspection.

Staff interviewed included various employer representatives in addition to correctional officers/supervisors from living units, pod control, central control, programs, segregation, and classification. Representatives from several key contractors (Sentry Correctional Health Services, Compass/Eurest Services and WSI) were also interviewed. On April 24 - 26 a site inspection was conducted of Pod Control, Living Units, Central Control, Segregation, Health Care, Kitchen, "F" Block and "G" Block.

The Baseline Compliance Assessment addressed the following elements:

- 1) Workplace Accountabilities and Responsibilities
 - a. Policy Statement
 - b. Inspection of Premises
 - c. Incident/Accident Investigations Required by WorkSafeBC
 - d. Supervision and Training of Workers

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- e. Joint Health and Safety Committee
- f. Records and Statistics
- g. Prime Contractor Responsibilities

- 2) Violence in the Workplace
 - a. Risk Assessment
 - b. Policies and Procedures
 - c. Training
- 3) Blood and Body Fluid Exposures
 - a. Exposure Control Plan
 - b. Training and Record Keeping
 - c. Waste Containers
 - d. Vaccinations
 - e. Exposure Incidents

Based on a review of the documentation submitted, information provided during worker and employer representative interviews, and observations made during the site inspection, Orders have been issued as documented on this Inspection Report.

Further to the orders issued, the employer is advised of the following:

NOTICE OF COMPLIANCE

It was discussed with the employer representatives that they are required to submit a written Notice of Compliance outlining the steps to be taken and time frame required to comply with the orders issued in this report.

A notice of compliance package will be mailed to the head office address indicated on this inspection report. Pursuant to WCA 194.(4).(b), the employer must provide a copy of the completed Notice of Compliance report to the joint committee.

GENERAL DISCUSSION

A. JHSC Process: The JHSC Terms of Reference outlines, in part, the following:

- Appointed Union or Employer representatives in excess of an equal number shall be considered "non-voting members" at that meeting. The

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Co-Chairs will endeavor to keep equal numbers of union and Employer representatives at the meetings. It is understood that guests may attend the meeting to provide information on their area of expertise and/or responsibility; however, a committee meeting should only proceed with an equal number of "voting" Employer and Union representatives.

- The process outlined in the Terms of Reference "is meant to direct the Committee to cooperative resolutions to health and safety concerns, but does not preclude a Union or Co-Chair or Employer representative from contacting WorkSafeBC".

- Recommendations of the Committee shall be by the consensus of the majority of members on any issue. Majority shall mean a simple majority of "voting members" present.

- Recommendations shall be submitted to the Employer by use of the JHSC Recommendation Form, and signed by both Co-Chairs.

B. JHSC Dispute Resolution: The process outlined in the JHSC Terms of Reference is consistent with the WC Act which states, in part, the following:

* WCA 132 - Assistance in resolving disagreements within committee

If a joint committee is unable to reach agreement on a matter relating to the health or safety of workers at the workplace, a co-chair of the committee may report this to the Board, which may investigate the matter and attempt to resolve the matter.

* WCA 133 Employer must respond to committee recommendations

(1) This section applies if a joint committee sends a written recommendation to an employer with a written request for a response from the employer.

(2) Subject to subsections (4) and (5), the employer must respond in writing to the committee within 21 days of receiving the request, either
(a) indicating acceptance of the recommendation, or
(b) giving the employer's reasons for not accepting the recommendation.

(3) If the employer does not accept the committee's recommendations, a co-chair of the committee may report the matter to the Board, which may investigate and attempt to resolve the matter.

(4) If it is not reasonably possible to provide a response before the end

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of the 21 day period, the employer must provide within that time a written explanation for the delay, together with an indication of when the response will be provided.

(5) If the joint committee is not satisfied that the explanation provided under subsection (4) is reasonable in the circumstances, a co-chair of the committee may report this to the Board, which may investigate the matter and may, by order, establish a deadline by which the employer must respond.

C. "G" Block: We discussed with the employer and worker representatives that a risk assessment must be conducted before inmates are transferred to the "G" block.

D. Communication: We discussed with the employer representatives to ensure daily muster communications are effective and include information related to all code yellows, staff injuries, incidents from the control summaries, known safety hazards, and reasons for administrative moves of inmates due to peer to peer violence from either within the facility or external.

E. Night Shift Emergency Responders: The employer representatives stated they have designated a minimum of seven emergency responders on the night shifts. We discussed that the duties of the Correctional Supervisor (CS) on this shift require this person to be the officer in charge. As the CS is responsible for maintaining the security and safety of the centre during this time, they may not be able to effectively perform the emergency responder duties, if called upon. Therefore, the employer may need to call in additional staff to ensure the minimum number of responders are available.

Documentation Provided by WorkSafeBC

The following documents were provided to the employer representatives to assist them in complying with the orders issued.

- 1) Respirators and facial hair bulletin
- 2) Excerpt from CSA Standard: Z94.4-02 - facial hair
- 3) Respirator program template (previously emailed)
- 4) Policy Item R4.28-1 Violence in the Workplace Risk Assessment

The orders issued in this inspection report are based, in part, on the

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review of several documents that were requested from and provided by the employer. These documents were returned to the employer at the conclusion of this inspection. WorkSafeBC may request these documents at a later date should the need arise.

If there are any questions regarding the items noted in this Inspection Report, or to forward any documentation that may be requested in this Inspection report, please contact me by:

Faxing to: (604) 232-1946 marked Attention: Allan Goodman or,

Emailing to: allan.goodman@worksafebc.com or,

Mailing to: WorkSafeBC, Coquitlam Office,
Suite # 104 - 3020 Lincoln Avenue,
Coquitlam, B.C., V3B 6B4
Attention: Allan Goodman

Office Phone: (604) 232-1936

WorkSafeBC has a wide range of health and safety information. For assistance and information on workplace health and safety visit our website at www.worksafebc.com.

To report a serious accident/incident or major chemical release call:
604 276-3100 in the Lower Mainland
1 888 621-7233 toll-free within B.C.

To report after hours safety and health emergencies, call 1 866 922-4357

Orders					
Order No.	1	Decision	AL	WCB Reference	WCA174.(2)

Our review of numerous incident investigations determined that the employer is not always ensuring that incident investigation reports contain all of the information required by this Regulation and OHSR 3.4.

For example:

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- 1) Investigation reports for some code yellow responses do not clearly identify the unsafe conditions/acts/procedures which led up to the incident.
- 2) Some investigation reports only identify the cause/contributing factor as a "non-compliant, unpredictable inmate", and do not consider other conditions that may have contributed to the incident such as inmate/inmate interactions, availability/access to resources, etc.
- 3) Recommended corrective actions to prevent similar incidents are not always being documented on the report, even when corrective action(s) had been taken.

This is in contravention of the Workers Compensation Act Section 174 (2).

As far as possible, the investigation must:

- (a) determine the cause or causes of the incident,
- (b) identify any unsafe conditions, acts or procedures that contributed in any manner to the incident, and
- (c) if unsafe conditions, acts or procedures are identified, recommend corrective action to prevent similar incidents.

The employer is ordered to ensure incident investigation reports clearly identify the unsafe conditions/acts/procedures which led up to the incident and the recommended corrective actions to prevent similar incidents.

Order No.	2	Decision	AL	WCB Reference	WCA125.(a)
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The employer has established but is not maintaining the joint health and safety committee (JHSC). For example:

- 1) Interviews with members of the JHSC revealed that when there is a disagreement amongst JHSC members the process to resolve these disputes may not be clearly understood and/or effective.
- 2) Review of the meeting minutes determined the JHSC is not reviewing injury and illness statistics, contrary to OHS 3.3(f).
- 3) The JHSC is not expeditiously dealing with complaints relating to the health and safety of workers, contrary to WCA 130(b), as evidenced by items remaining on the agenda for several months and in one case for more than a year.

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4) The employer has not been providing the JHSC with the clerical personnel necessary for the carrying out of its duties and functions, contrary to WCA 136(1). The requirement for a recording secretary is also outlined in the JHSC TOR.

5) The JHSC meeting minutes for the past several months were not issued prior to the next scheduled meeting, contrary to WCA 137(1).

This is in contravention of the Workers Compensation Act Section 125 (a).

An employer must establish and maintain a joint health and safety committee in each workplace where 20 or more workers of the employer are regularly employed.

Pursuant to Workers Compensation Act Division 4, the employer must post any order written under Division 4 and keep it posted for 12 months.

The employer is ordered to develop and implement a system or plan to address the deficiencies identified above.

** See Inspection Text for additional information related to the JHSC Terms of Reference and the process for dispute resolution as outlined in the WC Act.

Order No.	3	Decision	AL	WCB Reference	WCA134.(1).(b)
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In discussion with the JHSC worker co-chair it was determined the employer has not been ensuring this member is allocated time off from work for the time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other functions and duties of the committee.

This is in contravention of the Workers Compensation Act Section 134 (1)(b).

A member of a joint committee is entitled to time off from work for the time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other functions and duties of the committee.

Pursuant to Workers Compensation Act Division 4, the employer must post any order written under Division 4 and keep it posted for 12 months.

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2013/05/03	2013158910073	9	4000	305	841102	4.00	0

The employer is ordered to institute a formal system to ensure the worker co-chair of the JHSC is provided with scheduled time off from work for the time that is reasonably necessary to prepare for meetings of the committee and to fulfill the other functions and duties of the committee.

Order No.	4	Decision	AL	WCB Reference	WCA176.(2).(a)
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A review of the minutes of the JHSC determined the employer has not been providing the joint committee with a follow-up report of the corrective actions implemented to address the recommendations indicated on incident investigations.

This is in contravention of the Workers Compensation Act Section 176 (2)(a).

As soon as is reasonably practicable, the employer must prepare a report of the action taken under Workers Compensation Act Part 3 Division 10 Subsection 176 (1) and provide the report to the joint committee or worker representative, as applicable.

The employer is ordered to ensure the JHSC is provided with a follow-up report of the corrective actions implemented to address the recommendations indicated on incident investigations.

Order No.	5	Decision	AL	WCB Reference	WCA115.(2).(e)
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The employer has not ensured that the training being offered to pod control officers with respect to the Digital Video Monitoring System (DVMS) is effective. The majority of pod control officers interviewed had received the information session, however the employer has not ensured all pod control officers have a thorough, comprehensive understanding of the DVMS through a competency evaluation check.

Several staff reported difficulty operating the new DVMS and we observed these staff were relying almost entirely on the old analog system due to a lack of familiarity with the new system. As this system is an integral component of the employers VITW program to minimize the risk to the living unit officers, the pod control officers must be proficient in the use of the DVMS to ensure worker safety.

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This is in contravention of the Workers Compensation Act Section 115 (2)(e).

An employer must provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace.

The employer is ordered to ensure, through a competency evaluation or other equivalent means, that all pod control officers have a thorough, comprehensive understanding of the DVMS.

Order No.	6	Decision	AL	WCB Reference	OHS4.28.(2)(c)
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The 2006 VITW risk assessment conducted on behalf of the employer did not adequately evaluate the risk of injury from inmate violence to the living unit officer (LUO), with respect to the location and circumstances in which the work occurs (e.g. physical layout, PPE, specific tasks).

For example:

1) In Alpha, Bravo and Charlie pods the current practice of the LUO performing the cell inspections on their own (in most instances) exposes the LUO to a risk of injury from inmate violence. Adequate backup to the LUO by another officer is not provided during these times.

2) The employer has chosen to disable the "person down" function on the PMT devices to minimize the occurrences of suspected false alarms. This reduces the effectiveness of the PMT in that it no longer will operate automatically when a worker is down nor will it provide the location of the LUO.

3) The current risk assessment states the pod control officer provides some visual support to the LUO. The duties of the pod control officer in conjunction with the poor visibility sight lines and insufficient camera angles of the living units do not allow for this support.

This is in contravention of the Occupational Health and Safety Regulation Section 4.28(2)(c).

The risk assessment must include the consideration of the location and circumstances in which work will take place.

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The employer is ordered to conduct a risk assessment for the living units at this facility in accordance with Policy Item R4.28-1 and ensure it addresses the items identified above.

The risk assessment must consider, in part, the following:

- Layout of the living unit,
- Existence of any barriers to the LUO position (i.e. camera angles, visual sight lines, etc),
- Methods of access and egress and the degree to which the living unit would allow a potential assailant to hide,
- Extent and nature of contact with inmates,
- Experience, skills and training of the LUO,
- Communication methods available to the LUO.

The risk assessment must involve the JHSC and living unit and pod control officers. Sources of information are first aid records, past injury reports, checklists and questionnaires completed by workers, reports of Board officers, expert advice or relevant publications. A visual inspection of the place of employment and the work being done must be carried out.

Order No.	7	Decision	AL	WCB Reference	OHS4.29.(b)
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The employer has identified the use of OC spray as, in part, a control measure to minimize the risk of injury to workers from inmate violence.

Currently, Bravo pod officers are the only living unit officers not provided OC spray. It was reported that inmates previously housed in Alpha and Charlie pods and who were classified with a potential for violence, were sometimes placed in Bravo pod. There were reports that the number of code yellows in Bravo pod were not substantially different than in Alpha or Charlie pod. In addition, staff escorting Bravo pod inmates are issued OC spray.

The previously conducted 2006 VITW risk assessment provided statistical data confirming the provision of OC Spray on Alpha pod coincided with a decrease in the number of violent incidents supporting the use of OC spray as an effective control to minimize the risk of injury to staff from inmate violence.

Although the employer has already identified the potential for violence

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from some inmates in Bravo pod the current policy of not providing OC spray to staff working in this unit fails to ensure the risk to staff from inmate violence is minimized.

This is in contravention of the Occupational Health and Safety Regulation Section 4.29(b).

If a risk of injury to workers from violence is identified by an assessment performed under section 4.28 the employer must, if elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

The employer is ordered to amend the current policy for the issuance of OC spray to include the requirement that OC spray be provided to living unit officers in Bravo pod.

Order No.	8	Decision	AL	WCB Reference	OHS3.20.(b)
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Interview with corrections and health care staff determined that the employer (prime contractor) is not ensuring, in all instances, that workers are provided with effective first aid services.

For example:

1) A worker and an inmate were treated in the same health care examination/treatment room at the same time. The worker's right for their medical information to remain confidential as per WCA 156(1)(a) cannot be accommodated when two persons are treated in the same room at the same time.

2) On at least two occasions in the last three months a worker did not receive prompt first aid treatment by the FAA because the FAA was treating a non-worker (inmate).

As per Guideline G.3.18(2) the attendant must be ready to receive the injured worker or to depart to where the worker is situated without delay, usually within 3 to 5 minutes of being summoned.

This is in contravention of the Occupational Health and Safety Regulation Section 3.20(b).

If workers of 2 or more employers are working at a workplace at the same time, the prime contractor must

(b) do everything that is reasonably practicable to establish and maintain

Employer Representative	Officer of the Board
Lisa Anderson	Goodman, Allan

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The Occupational Health & Safety Regulation requires that one copy of this report remain posted in a conspicuous place at or near the operation inspected for at least seven days, or until compliance has been achieved, whichever is the longer period.

An affected employer, worker, owner, supplier, union or member of a deceased worker's family may, within 90 calendar days of this report, in writing, request the Review Division of the WCB to conduct a review of an order, or the non-issuance of an order, in this report by contacting the Review Division at the Board's Richmond Office. The time limit may be extended in certain circumstances. Employers requiring assistance can contact the Employers' Advisers at 1-800-925-2233--workers can contact the Workers' Advisers at 1-800-663-4261.

Date of Issue	Number	Number of Orders	Employer	Location	Classification Unit Number	Activity Time Recorded*	Travel Time Recorded*
2013/05/03	2013158910073	9	4000	305	841102	4.00	0

the first aid equipment, supplies, facilities, first aid attendants and services required under section 3.16.

The employer is ordered to develop and implement a procedure to ensure:

- 1) A worker's medical confidentiality will be maintained when the worker is being treated by a first aid attendant and,
- 2) A worker reporting to first aid will receive prompt treatment by the OFA within 3-5 minutes.

Order No.	9	Decision	AL	WCB Reference	OHS8.5(b)
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Two types of respirators are in use in this facility: full-face respirators worn by ERT members and dust masks (N95 filtering face-piece respirators) used by staff when working in proximity with an inmate with known or suspected respiratory disease.

At the time of this inspection, the employer did not have written procedures for the selection, use, inspection, cleaning, maintenance and storage of respirators. In discussion with both a correctional officer and correctional supervisor it was determined that the employer was not ensuring that ERT staff are clean shaven where their full face respirators seals the face, and that some staff have been fit tested with facial hair (e.g. goatees), which may interfere with the respirator seal.

This is in contravention of the Occupational Health and Safety Regulation Section 8.5(b).

If personal protective equipment is required to protect against a chemical exposure or an oxygen deficient atmosphere the employer must implement an effective protective equipment program at the workplace which includes written procedures for selection, use, inspection, cleaning, maintenance and storage of protective equipment, when required.

The employer is ordered to, without undue delay, develop and implement site specific written procedures for the selection, use, inspection, cleaning, maintenance and storage of respirators and procedures for fit testing in accordance with CSA Standard CAN/CSA-Z94.4-02, Selection, Use, and Care of Respirators.

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These procedures must include the requirement for the officers to be clean shaven when being fit tested and when wearing respirators.

Compliance to this order will include the employer submitting a copy of the respirator procedures and the fit testing records for all of the ERT members to me for review.

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