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The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

Inspection Report #201615891063A		
Employer Name	Jobsite Inspected	Scope of Inspection
PROVINCIAL GOVERNMENT (WORKERS'COMP CO-ORDINATOR)	1451 KINGSWAY AVE Port Coquitlam BC	North Fraser Pre-Trial Centre

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Oct 18, 2016	Oct 18, 2016	Oct 24, 2016	Email

**THERE ARE TWO (2) ORDERS OR OTHER ITEMS OUTSTANDING**

**ACTION REQUIRED**

Summary of Orders or other Items		
See "Orders/Items – Full Details" section of this Inspection Report for orders/items cited		
Order/Item No.1 <input type="checkbox"/>	Status: <b>Outstanding</b>	Cited: <b>WCA176(1)(c)</b>
Notice of Compliance Required.		
Order/Item No.2 <input type="checkbox"/>	Status: <b>Outstanding</b>	Cited: <b>OHS4.29(b)</b>
Notice of Compliance Required.		

ORDER STATUS LEGEND	
Order Status	Description
Outstanding	Order Outstanding - Action Required to Achieve Compliance
Complied	Compliance Achieved - No Further Action Required
Closed	Order is Closed
Rescinded	Order has been cancelled – No Further Action Required

## INSPECTION NOTES

An inspection of this workplace was conducted on October 18th, 19th, and 20th, 2016 by Occupational Safety Officers Allan Goodman and Ron Schouten.

In late October 2012 WorkSafeBC launched an initiative to inspect all nine adult custody correctional centres in the province. The purpose of the Provincial Correctional Centre Initiative at that time was to assist parties in achieving regulatory compliance. The inspections focused on 3 Key Areas: workplace accountabilities & responsibilities (supervision), violence in the workplace, and blood and body fluid (infectious disease).

This current inspection is the result of a new inspectional initiative focusing on workplace violence and compliance verification. This initiative consists of inspecting a sample of the nine correctional centres with a view towards verifying that key areas of the centre's workplace violence procedures and controls have been operationalized and entrenched in the day to day operations.

The definition of workplace violence provided in the Occupational Health and Safety Regulations (OHSR) will be used to determine compliance during these site inspections. OHSR 4.27 defines "violence" as the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.

Verification & validation of the workplace violence procedures focused on the following key areas:

- All violence in the workplace (VITW) risk assessments conducted since 2012, including recommended corrective actions, status of corrective action implementation, and participants in the assessment process
- Current makeup of inmate population (general population, inmates with mental health needs (IMHN), gang and related peer-to-peer concerns) in relation to any notable change in population makeup since 2012
- Staff incident reports (ICON) filtered for violence against staff
- Standard Operating Procedures (SOPs) related to Code Yellow Staff Assaults, Escorts, Transports, Cell Extractions, and Exercise Periods
- Facility/work area changes (new blocks, living units, changes to layout/function) since 2012
- Work procedure changes (e.g. modified lockdown, direct/indirect supervision, medication distribution) since 2012
- Joint Health and Safety Committee (JHSC) meeting minutes for the past 12 months
- Employer incident investigation reports (EIIRs) for the past 12 months
- Workplace inspection reports for the past 12 months
- Joint Health and Safety Committee functioning
- Training & supervision of workers in the top high risk activities involving inmate interaction

This inspection included interaction and engagement with corrections staff and front line workers to gauge their understanding of their workplace procedures and controls. The inspection included the participation of a worker representative from the joint committee along with employer representative(s). The intention was to ensure that the policies, practices and procedures have been made operational. Focus was on those work activities that present with a high risk of violence to staff from inmate interaction and that haven't been controlled by engineering measures. Consideration was given to possible changes that may have occurred in the work environment, which may affect the risk of workplace violence and the site's risk assessment and procedures, such as:

- Increase in inmates with mental health needs and
- Increase in multiple gang and related peer to peer issues.

### Centre Description:

The North Fraser Pre-Trial Centre is a secure facility with a population that consists mainly of remanded inmates. It consists of several living units and a segregation unit. The centre currently houses approximately 480 inmates and has an overall bed count of 548.

### Incident Reporting and Investigations:

The inspection included the review of Code Yellow incidents from January, 2015 to August, 2016 including the Employer Incident

Investigation Reports (EIIRs) which resulted from those incidents. Not all recorded incidents had corresponding EIIRs, however, in discussion with the employer and worker representatives they stated those incidents that were not investigated did not meet the criteria for investigation in that they did not have the potential for causing serious injury to a worker. All EIIR's were reviewed by the JHSC, and the employer has maintained a follow up report spreadsheet to track the status of the implementation of the recommendations.

However, not all EIIRs were found to be in accordance with Sections 173 of the Workers Compensation Act. As such Order #1 is issued.

#### Risk Assessments:

##### 1) Centre:

A risk assessment of this correctional centre was conducted in 2013 by a third party consultant, with the report issued in 2014. This risk assessment resulted in several recommendations. The employer included a review of those recommendations as part of a new risk assessment they conducted in 2016. Some of the recommendations implemented as a result of the 2016 risk assessment included, in part, the following:

- A change in living unit designation to address an increase in protective custody inmates
- Increase in officer positions, including Escort(s), Mental Health Liaison, Correctional Supervisor(s) G Block instructor and Correctional Officer(s).

##### 2) First Aid Needs:

As a result of eliminating the Health Care nurse/OFAA during the hours of 2300 – 0430 a first aid needs assessment was conducted. This resulted in the centre designating a correctional officer on the night shift as the occupational first aid attendant during these hours.

##### 3) Microwaves:

As part of their province-wide directive this centre is currently conducting a risk assessment for the use of microwave ovens in the facility. As documented in Order #1 on this report a risk of injury to workers has already been established at this centre as a result of an incident that occurred in 2015 that involved an inmate throwing microwave heated food at a living unit officer. This resulted in first and second degree burns to the officer's arm and face. Therefore the employer must, as per OHSR 4.29:

- (a) Establish procedures, policies and work environment arrangements to eliminate this risk and,
- (b) If elimination of this risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

#### Violent Incidents:

During our review of the EIIRs we noted that several of the incidents involving a staff member occurred when there was more than one officer present in the area at the time of the incident however, staff expressed concern during the interview process that in some single-staffed living units managing a changing mix of inmate population with complex needs may be increasing their risk of injury from violence. There was no statistical evidence provided at this time to substantiate this concern, however the employer's 2016 risk assessment did include the consideration of the change in inmate population, and additional control measures were, and continue to be implemented to address some of these concerns.

#### Inmate Population:

Management and staff reported that inmates with complex needs have increased over the last few years and the evidence found was that the facility has been able to manage the risks at this time. Although there is a recognized increase in gang-affiliated inmates, the employer and worker representatives reported that they have taken steps via living unit re-allocation to adequately manage these risks at this time. Staff did however express concern that although they are able to manage these risks at this time, any substantial increase in this type of inmate population may result in an inability to manage this population safely with the current resources (i.e. staffing, facility layout, inmate placement) available at this time. We discussed with the employer they must continue to monitor the risks associated with changing inmate population.

#### Hospital Escorts:

The employer maintains they are adhering to the Adult Custody Policy with respect to staffing requirements for off-site escorts.

However, evidence provided indicates that the employer has utilized a public taxi service, on more than occasion, as an escort vehicle to transport an inmate to a public health facility. This practice may increase the risk of injury from violence to the escort staff, and is contrary to the following:

- NFPC Escort SOP, section 1.16: "... only secure corrections branch vehicles will be used to escort inmates..." and,
- Adult Custody Policy, section 1.7.17: "... the Warden or designate determines the corrections branch vehicle for use in escorting Level II and Level III inmates..."

As such, Order #2 is issued.

Other Issues:

**Staff Assault Alert in Cornet:**

The centre's CORNET system has been updated to provide a "Staff Assault Alert" feature as a means of 'flagging' inmates with a documented history of violence towards staff. This important tool provides staff with a means of identifying inmates who may pose a higher risk of violent tendencies towards staff. This feature is available at all adult custody centres such that when inmates are transferred from centre to centre staff will be provided common knowledge of these inmates.

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**ORDERS/ITEMS**

**An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the *Occupational Health & Safety Regulation*, or WorkSafeBC orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.**

**Orders/Items - Full Details**

Order/Item No.1 <input type="checkbox"/>	Status: <b>Outstanding</b>	Cited: <b>WCA176(1)(c)</b>
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A staff assault at this centre, that occurred in August, 2015, involved an inmate throwing microwave heated food at a living unit officer. This resulted in first and second degree burns to the officer's arm and face. The employer's EIIR contained several recommendations, however the corrective actions that the employer implemented, which consists of a modified microwave availability schedule, does not adequately address the requirements of this regulation. Specifically, the implemented corrective actions do not prevent the recurrence of similar incidents.

This is in contravention of the Workers Compensation Act Section 176(1)(c).

An employer must, immediately after completing a preliminary investigation under section 175, undertake a full investigation to, as far as possible, if unsafe conditions, acts or procedures are identified under paragraph (b) of this subsection, determine the corrective action necessary to prevent the recurrence of similar incidents.

**Measures to Ensure Compliance:**

The employer must ensure, through their microwave risk assessment process that is currently being conducted, they identify effective measures to, as far as possible, prevent the recurrence of a similar incident.

Pursuant to section 194 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 194 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than November 30, 2016.

**Orders/Items - Full Details**Order/Item No.2 Status: **Outstanding**Cited: **OHS4.29(b)**

With respect to the use of a taxi service as an escort vehicle to transport inmates to a public health facility (during single staffed escort) the employer has failed to ensure the risk to the escort officer riding in the taxi has been minimized. Specifically, the employer cannot ensure the security of the vehicle as it is not a Corrections Branch vehicle, nor is the operator a Corrections Branch employee. This exposes the worker to a risk of injury from violence from sources such as unknown weapons, sharps, blood and body fluid exposure, unknown driver history/motives, etc.

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.

Measures to Ensure Compliance:

The employer must assess the use of a taxi service as an escort transport vehicle to ensure the risk of injury to the escort officer from violence is minimized. This assessment must include the consideration of either elimination of this mode of transport or implementing effective procedures, policies and work environment arrangements to minimize the risk to the escort officer.

See Inspection Notes for additional information.

Pursuant to section 194 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 194 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than November 30, 2016.

## REFERENCES

**In addition to any orders, or other items, and the information provided in the Inspection Notes section in this Inspection Report, the officer may discuss other health and safety issues with the employer arising out of the inspection. The information below sets out the health and safety requirements discussed with the employer, and unless otherwise noted, violations of these requirements were not observed.**

Reference	Details Discussed
<b>WCA194(1)</b>  This Inspection Report contains one or more orders requiring you to submit a Notice of Compliance report. This report must be prepared in accordance with section 194(2) of the Workers Compensation Act.	Notice of Compliance
<b>WCA194(2)</b>  The employer or other person directed by an order under subsection (1) must prepare a compliance report that specifies: (a) what has been done to comply with the order, and (b) if compliance has not been achieved at the time of the report, a plan of what will be done to comply and when compliance will be achieved.	Notice of Compliance

Employer #	Mailing Address	Classification Unit #	Operating Location
4000	WORKERS' COMPENSATION PROGRAMS BC PUBLIC SERVICE AGENCY PO BOX 9404 STN PROV GOVT VICTORIA BC V8W 9V1	841102	305

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)
N	N	N	

Workers onsite during Inspection	Notice of Project Number
101	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Harbippan Cheema	Harbippan Cheema	Ken Kay	BCGEU

WorkSafeBC Officer Conducting Inspection
Allan Goodman

*Inspection Time	*Travel Time
30.25 hrs	2.00 hrs

\*The time recorded above reflects the inspection time and travel time associated with this inspection report and includes time spent on pre and post-inspection activities. Additional time may be added for subsequent activity.

### Right to Review

**Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 45 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, by contacting the Review Division. Employers requiring assistance may contact the Employers' Advisers at 1-800-925-2233.**

WorkSafeBC values your feedback. To obtain that feedback, an external market research provider may be contacting you to complete a survey.