



6951 Westminster Highway, Richmond, BC
Mailing Address: PO Box 5350, Vancouver BC, V6B 5L5
Telephone 604 276-3100 Toll Free 1-888-621-7233 Fax 604 276-3247

**NOTICE OF COMPLIANCE REPORT
Instructions for Completion
Worker and Employer Services Division**

October 13, 2016

PROVINCIAL GOVERNMENT

WORKERS' COMPENSATION PROGRAMS
BC PUBLIC SERVICE AGENCY
PO BOX 9404 STN PROV GOVT
VICTORIA BC V8W 9V1

Reference: Inspection Report #201612003117A

Dear Sir or Madam,

One or more orders cited in the above referenced Inspection Report includes a requirement for you to provide a Notice of Compliance Report (NOC) to WorkSafeBC, explaining the actions you have either taken, or plan to take to comply with the order(s).

Please note that a copy of this NOC has also been provided to the jobsite inspected at the time the related Inspection Report was delivered. Coordinate completion and submission of this NOC with the jobsite inspected.

Instructions

1. Complete in full the attached Notice of Compliance Report. If you prefer to submit documents in addition to or in place of this NOC, note the associated Inspection Report number on those documents.
2. Submit by email, fax, or mail one copy of the NOC and any other related documents to the prevention officer identified below by the due date specified on the Notice of Compliance Report or as otherwise specified in the Inspection Report. Failure to prepare and submit a NOC Report by the date specified may result in enforcement action.
3. If compliance has not been achieved by the due date of the NOC, the employer or other person must also prepare a follow-up compliance report when compliance is achieved, and submit the report to WorkSafeBC.
4. A copy of all completed NOC reports must be posted in a conspicuous place at or near the workplace where the inspection was conducted for at least seven days, or until compliance has been achieved, whichever is the longer period.
5. Provide a copy of all completed NOC reports to the joint committee or worker health and safety representative, as applicable. If the report relates to a workplace where workers of the employer are represented by a union, send a copy of the report to the union.

Submit NOC to:

Attention: Gary Stultz (Occupational Safety Officer)
Phone: (250) 881-7916
Fax: (250) 881-3482
Email: Gary.Stultz@worksafebc.com
Mailing Address: Worker and Employer Services Division
WorkSafeBC
Field Svcs - Victoria
4514 Chatterton Way
Victoria BC
V8X 5H2

Should you have any questions, please contact the officer identified above.



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INSPECTION REPORT
 Worker and Employer Services Division

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 #201612003117A		
Employer Name	Jobsite inspected	Scope of Inspection
PROVINCIAL GOVERNMENT (WORKERS'COMP CO-ORDINATOR)	4216 Wilkinson Road Saanich BC V8Z 5B2	Vancouver Is Correctional Ctr

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Oct 03, 2016	Oct 03, 2016	Oct 11, 2016	Email

THERE IS ONE (1) ORDER OR OTHER ITEM 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: Outstanding	Cited: OHS4.29(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



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INSPECTION NOTES

Any further enforcement action identified and/or considered is set out in the order(s).

If this report has been issued following an incident that is under investigation by WorkSafeBC, further enforcement action may be taken as a result of the findings of the investigation and any orders in this report.

An inspection of this workplace was conducted on October 4th, 5th and 6th, 2016 by Occupational Safety Officers Gary Stultz, Ron Schouten and Allan Goodman.

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. rotational 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



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The Vancouver Island Regional Correctional Centre is a secure facility that currently houses approximately 40% sentenced and 60% remanded inmates. It consists of 11 Living Units and a segregation unit. The centre currently houses approximately 300 inmates and has an overall bed count of 376.

Incident Reporting and Investigations

The inspection included the review of Code Yellow incidents from January, 2015 to July, 2016 including the Employer Incident Investigation Reports (EIIRs) which resulted from those incidents. All incidents had corresponding EIIRs that were found to be in accordance with Sections 175-176 of the Workers Compensation Act. 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.

Risk Assessments

1) Living Unit Workstations and Inmate Gymnasiums:

As a result of a WorkSafeBC order issued in late 2013 the centre conducted a risk assessment of its living unit workstations and inmate gymnasiums. This risk assessment resulted in several recommendations, including immediate, mid-term and long-term solutions. The employer's Notice of Compliance issued in response to the order indicated that the long-term recommendations would be implemented within approximately 18 months (June, 2016). The risk assessment also included miscellaneous recommendations regarding living units Alpha Bravo and Golf Hotel with no estimated completion date. Not all of these recommendations have been implemented.

In discussion with the employer representatives it was evident that although several of the recommendations for the gymnasiums, including immediate and mid-term have been implemented, the final completion date for the long-term recommendation has now been extended from the original date of June, 2016 to an estimated completion date of 2019. It was evident through staff interviews that there is a concern for staff safety while working in the gymnasiums. Therefore, the employer must re-assess the risk to workers in the gymnasium, to ensure adequate interim measures are identified and implemented to minimize the risk to workers, until such time that the long-term recommendation(s) have been completed.

With respect to the above noted issues see Order #1.

2) 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. Indications are that this risk assessment will be concluded in the next few weeks.

3) Suboxone Distribution:

A risk assessment regarding the distribution of Suboxone (as an alternative to Methadone treatment) was conducted on September 30, 2016. This risk assessment resulted in a new procedure for the distribution of Suboxone in the living units or the health care unit. This procedure includes dedicated health care staff administering the Suboxone, and lockdown of those inmates not receiving the treatment when distributed in the living unit thus reducing the risk of violence to workers. During living unit distribution the Living Unit officer is responsible for observing the treated inmates for a period of 5 minutes, to ensure the medication is effectively administered.

Violent Incidents

The officers reviewed the last 20 months of code yellow incident data (beginning of 2015) and found that all reported incidents had been investigated, including those which involved a staff member. The incidents were investigated by a worker and employer representative, and reviewed by the joint committee. The incident investigations (EIIRs) met the requirements of the Act and Regulation.

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. However, there was no statistical evidence provided at this time to substantiate this concern, and the employer's living unit risk assessment conducted in 2014 included consideration of officer's concerns regarding single-staffed living units. As a result of this assessment 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 perceived increase in gang-affiliated inmates, the employer and worker representatives reported that they are also able to adequately manage these risks at this time. However, staff expressed 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

VIRCC is adhering to the Adult Custody Policy with respect to staffing requirements for off-site escorts. The centre's SOP has been amended to include the consideration of additional factors that may cause an inmate to be considered a higher risk while on medical escort, which may result in additional staff being assigned to the escort.

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.

During our interviews we noted that not all staff was aware of this feature and/or the requirements and methods for capturing and utilizing this data. Management has recently provided instruction to correctional supervisors at this centre to ensure they are aware of and continue to utilize the features of the staff assault alert. We discussed with the employer that they must ensure that all staff whose duties require them to interact with inmates are provided this knowledge.



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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: Outstanding	Cited: OHS4.29(b)
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The employer has failed to develop and implement effective interim measures to ensure the health and safety of staff assigned to work in the gymnasiums and some living units at this centre.
 Evidence of this includes the following:

- 1) In 2014 the employer provided a Notice of Compliance document stating that, with respect to the inmate gymnasium and living unit workstation risk assessment, they would complete implementation of all recommendations for the gymnasiums and living unit work stations by approximately June, 2016. However, the final completion date for the long-term recommendations has now been extended from the original date of June, 2016 to an estimated completion date of 2019.
- 2) With respect to units Alpha/Bravo and Golf/Hotel they have failed to identify a timeline for completion of all of the recommendations and only one recommendation has been completed to date.

This extended delay in implementation of the long-term recommendations exposes staff assigned to these areas to a risk of violence and the employer has not established adequate interim procedures, policies and work environment arrangements to minimize the risk to workers.

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 re-assess the risk to workers in the gymnasiums and living units Alpha/Bravo and Golf/Hotel, to ensure adequate interim measures are identified and implemented to minimize the risk to workers, until such time that the identified long-term recommendation(s) have been completed.

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 15, 2016.



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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
<p>WCA194(1)</p> <p>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.</p>	<p>Notice of Compliance</p>
<p>WCA194(2)</p> <p>The employer or other person directed by an order under subsection (1) must prepare a compliance report that specifies:</p> <ul style="list-style-type: none"> (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. 	<p>Notice of Compliance</p>



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INSPECTION REPORT
 Worker and Employer Services Division
 201612003117A

Employer #	Mailing Address	Classification Unit #	Operating Location
4000	JUSTICE SG - VANCOUVER ISLAND REGIONAL CORRECTIONAL CENTRE Dave Gordon PO Box 9224 Stn Prov Govt Victoria BC Canada V8W 9J1	841102	029

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)	Workers onsite during Inspection	Notice of Project Number
N	N	N		60	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Steve Davis	Steve Davis	Sherry Froelich	BCGEU

WorkSafeBC Officer Conducting Inspection	Contact Details	
Gary Stultz	Phone: (250) 881-7916	Email: Gary.Stultz@worksafebc.com

Inspection Time*	Travel Time*
60.25 hrs	14.75 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.

PROVINCIAL GOVERNMENT
JUSTICE SG - VANCOUVER ISLAND REGIONAL CORRECTIONAL CENTRE
Dave Gordon
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BC PUBLIC SERVICE AGENCY
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VICTORIA BC V8W 9V1

Reference: Inspection Report #201612003117A

Refer to the 'Orders - Full Details' section of the Inspection Report when completing this form.

Order #	Cited	Description of actions taken to comply, or the intended actions to comply, and the estimated date of compliance
1	OHS4.29(b)	



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Please submit the completed NOC report along with any supporting documentation, or in turn the documents that replace it no later than Thursday, November 10, 2016 or as otherwise specified in the Inspection Report.

Submit NOC to:

Attention: Gary Stultz (Occupational Safety Officer)
 Phone: (250) 881-7916
 Fax: (250) 881-3482
 Email: Gary.Stultz@worksafebc.com
 Mailing Address: Worker and Employer Services Division
 WorkSafeBC
 Field Svcs - Victoria
 4514 Chatterton Way
 Victoria BC
 V8X 5H2

For Employer Use Only	
Person Submitting this Report (Please Print)	Date Submitted
	Month: Day: Year:
Phone:	Email:

For WorkSafeBC Use Only	
Person Receiving this Report (Please Print)	Date Received
	Month: Day: Year: