



# WORKERS' COMPENSATION BOARD

6951 Westminster Highway, Richmond, BC, V7C 1C6

Mailing Address: PO Box 5350, Vancouver BC, V6B 5L5

Telephone (604) 276-3100 Toll Free 1-888-621-7233 Fax (604) 276-3247

OF BRITISH COLUMBIA

# INSPECTION REPORT

PREVENTION DIVISION

An employer who fails to comply with the Occupational Health & Safety Regulation or Board orders or directions is subject to sanctions as prescribed in the Workers Compensation Act.

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.

Report Date	Number	Employee Number	Number of Orders
2000/11/01	2000115520272		0

Employer	Location

Number of Workers	Shift	Project Type	Project Number	Closure Imposed	Closure Removed
40	1				

Classification Unit	SIC

Lab Samples Taken	Direct Reading	Results Presented	Sampling Inspection
N	N	N	

Assisting Employees		

Head Office	Job Site
MINISTRY OF ATTORNEY GENERAL  VICTORIA BC	MINISTRY OF ATTORNEY GENERAL COURT SERVICES BRANCH, LMRE C.M.S. BUILDING 500 LOUGHEED HIGHWAY COQUITLAM

Portion Inspected	Jobsite Partial	Principal Contractor
Type of Industry	PROV. OF BC	
Violations	NO ORDERS WRITTEN	

Employer Representative Name	Accompanied by Employer Representative
IRA PRATT	IRA PRATT
Employer Representative Position	Accompanied by Worker Representative
SHERIFF	SEAN PRAILL
Phone Number	Organization
( 604 ) 660-9580	BCGEU (603)
Signature	Officer of the Board / Signature SINGH, VEER

Administration Notes

Inspection Text

THIS INSPECTION REPORT IS BEING ISSUED FOLLOWING AN INVESTIGATION OF OCCUPATIONAL HEALTH AND SAFETY REGULATION 3.12, REFUSAL OF UNSAFE WORK AT THE ABOVE SITE.

SEAN PRAILL, A DEPUTY SHERIFF, AND A MEMBER OF THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE CALLED OSO VEER SINGH ON OCTOBER 30TH, AND INFORMED HIM, THAT THE WORKERS AT THE SITE HAVE SIGNED A PETITION REFUSING TO DRIVE TWO OF THE Z-CLASS PRISONER TRANSPORT VEHICLES. HE INDICATED THAT THESE TWO VEHICLES (UNIT NUMBERS SH13441 AND SH13439) HAVE



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HAD A HISTORY OF BREAK DOWNS WHILE IN OPERATION, IE. WHILE ON THE ROAD AND BEING USED FOR TRANSPORT OF PRISONERS. HE INDICATED THAT THE WORKERS HAVE REASONABLE CAUSE TO BELIEVE THAT THERE IS UNDUE HAZARD TO THE THEIR SAFETY IF THEY CONTINUE TO DRIVE THESE VEHICLES.

HE INDICATED THAT THESE VEHICLES HAVE HAD A HISTORY OF BREAKING DOWN, RESULTING IN DRIVERS BEING STRANDED ON THE ROAD SIDE WAITING FOR ASSISTANCE FROM THE ANOTHER SHERIFF TRANSPORT VEHICLE AND/OR THE RCMP.

HE INDICATED THAT MANAGEMENT DOES NOT CONCUR WITH WORKERS.

DEPUTY PRAILL WAS INFORMED BY THE OFFICER THAT BASED ON THE EVENTS THAT HAVE TRANSPIRED, IT WOULD NOT BE APPROPRIATE FOR WCB TO INVESTIGATE AS UNDER "REFUSAL OF UNSAFE WORK", MEETING THE CRITERION SET UNDER 3.12 OF THE OCCUPATIONAL HEALTH AND SAFETY REGULATIONS. THE SECTION OF THE REGULATIONS WERE REVIEWED WITH HIM. HE WAS INFORMED THAT THE EMPLOYER'S OBLIGATION TO INVESTIGATE THE ISSUE AND REPORT BACK TO THE WORKERS. HOWEVER IF MATTER WAS STILL UNRESOLVED, IT WOULD NEED TO BE REPORTED TO AND BE INVESTIGATED BY THE HEALTH AND SAFETY COMMITTEE. FURTHER TO THIS IF THERE WAS STILL NO RESOLUTION, AN OFFICER OF THE BOARD WILL INVESTIGATE.

ON THE AFTERNOON OF OCTOBER 30TH, THE OFFICER PHONED AND INFORMED ROY SCOTT, REGIONAL DIRECTOR, LOWER MAINLAND REGIONAL ESCORTS OF THE REQUIREMENTS FOR THE EMPLOYER TO INVESTIGATE AND ATTEMPT TO RESOLVE THE ISSUE. FURTHER, THAT NO WORKERS CAN BE DISCIPLINED FOR EXERCISING THEIR RIGHT TO REFUSE. SCOTT INDICATED TO THE OFFICER THAT THE VEHICLES IN QUESTION ARE SERVICED REGULARLY AND HAVE PASSED THE CVIP (COMMERCIAL VEHICLE INSPECTION PROGRAM). SCOTT WAS INFORMED THAT ONE WOULD NEED TO LOOK AT THE HISTORY OF BREAKDOWNS OF THESE VEHICLES TO DETERMINE THE CONDITION OF THE VEHICLES RATHER THAN THE WHETHER OR NOT THEY HAVE BEEN REGULARLY SERVICED AND HAVE PASSED CVIP. IN CLOSING, HE INDICATED THAT HE HAD LEFT IT WITH IRA PRATT AND LORNE BRIER (SUPERVISOR, DEPUTY SHERIFFS) TO INVESTIGATE AND RESOLVE THE ISSUE.

AT APPROXIMATELY 3:30 P.M, ON OCTOBER 31ST, DEPUTY PRAILL PHONED THE OFFICER AND INFORMED HIM THAT THERE WAS STILL DISAGREEMENT ON THE ISSUE BETWEEN THE WORKERS AND THE MANAGEMENT, FOLLOWING THE SAFETY COMMITTEE'S INVESTIGATION. PRAILL INDICATED THAT HE HAD BEEN ASKED BY MANAGEMENT TO REQUEST THE OFFICER TO INTERVENE/INVESTIGATE.

AT APPROXIMATELY 5:00 P.M, THE OFFICER ATTENDED TO THE JOB SITE ON 500 LOUGHEED HIGHWAY AND MET WITH IRA PRATT, LORNE BRIERE (SUPERVISOR), SEAN PRAILL, DAVE WITUSCHEK AND STEVE LISIK (THE LATTER THREE BEING WORKER REPS. ON HEALTH AND SAFETY COMMITTEE).

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 3.12 and 3.13 WERE REVIEWED WITH THOSE AT THE MEETING. THEY WERE ALSO INFORMED OF THEIR RIGHT TO REQUEST A REVIEW OF THE OFFICER'S DECISION, AS OUTLINED UNDER DIVISION 13, SECTION 199 OF THE WORKERS COMPENSATION ACT.

MANAGEMENT INDICATED THAT THEY HAVE ARRANGED WITH THE MINISTRY IN VICTORIA FOR A BRAND NEW VEHICLE WITH A POSSESSION DATE OF DEC. 15TH, 2000, AS A REPLACEMENT FOR ONE OF THE



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TWO VEHICLES. AS FOR REPLACEMENT OF THE SECOND VEHICLE, THEY INDICATED THAT A REQUEST HAD ALREADY BEEN MADE, AND THEY EXPECT THAT THE CHASSIS OF THE VEHICLE TO BE SUPPLIED TO THEIR DEALER BY EARLY JANUARY FOR CUSTOM WORK, WITH AN ESTIMATED POSSESSION DATE OF FEBRUARY 28TH, 2001.

WORKERS SUBMITTED TO THE OFFICER A NUMBER OF DOCUMENTS RELATING TO VEHICLES, INCLUDING INTERNAL REPORTS ON THE NEED FOR VEHICLE REPLACEMENT, A LIST OF THE MECHANICAL SERVICES PERFORMED ON VEHICLES AND RESULTING EXCESSIVE COSTS RELATED TO TWO TRUCKS IN QUESTION. WORKERS INDICATED THAT DATES FOR VEHICLE REPLACEMENT WERE NOT ACCEPTABLE CONSIDERING THE RISK.

THERE WAS CONSENSUS AMONGST ALL PRESENT THAT THE VEHICLES IN QUESTION WERE IN NEED OF REPLACEMENT. HOWEVER, WHETHER DRIVING THESE WAS AN UNDUE RISK DEPENDED ON SOME SPECIFIC ISSUES/CONDITIONS. IT WAS THUS AGREED THAT THESE TRUCKS WILL ONLY BE OPERATED UNTIL THE DATES SPECIFIED FOR REPLACEMENT, WITH THE FOLLOWING CONDITIONS:

- 1) BOTH VEHICLES MUST BE INSPECTED AND PASS A CVIP, PREFERABLY THIS TO BE DONE BY ICBC BEFORE NOVEMBER 3RD, 2000. IF IT CANNOT BE DONE BY THIS DATE BY ICBC, THEN IT WILL BE DONE BY AN ICBC AUTHORIZED AGENT. ALL DEFICIENCIES IDENTIFIED IN THESE REPORT ARE TO BE ACTED UPON PRIOR TO ANY USE OF THESE VEHICLES.
- 2) THE TWO Z CLASS VEHICLES IN QUESTION ARE ONLY TO BE DRIVEN AS A LAST RESORT. I.E. THESE VEHICLES ARE TO BE USED ONLY WHEN NO OTHER Z-CLASS VEHICLES ARE AVAILABLE. FURTHER, THE EMPLOYER WILL ASSESS THE POSSIBILITY OF BREAKING THE NUMBER OF PRISONERS FOR TRANSPORT INTO SMALLER GROUPS AND THUS OTHER VEHICLES IF AT ALL POSSIBLE. EXTRA STAFFING AND/OR OVERTIME SHALL NOT TO BE A DETERRENT IN MAKING SUCH DECISIONS.
- 3) IF NECESSARY FOR USE, THE TWO VEHICLES IN QUESTION ARE ONLY TO BE USED FOR THE SHORTEST RUNS POSSIBLE.
- 4) IF NECESSARY FOR USE, THE TWO VEHICLES IN QUESTION ARE ONLY TO BE USED FOR TRANSPORTATION OF PROVINCIAL PRISONERS. (IT HAS BEEN IDENTIFIED THAT THE FEDERAL PRISONERS ARE USUALLY A HIGHER RISK)
- 5) IF NECESSARY FOR USE, ALL PRISONERS BEING TRANSPORTED WILL WEAR BLACK BOXES (A SECONDARY SYSTEM OF LOCK TO BE APPLIED COVERING THE HANDCUFF).
- 6) PRIOR TO ANY USE, EMERGENCY PROCEDURES TO BE PUT IN PLACE TO ENSURE THAT ASSISTANCE CAN BE PROVIDED TO THE STRANDED VEHICLE. THIS COULD BE THROUGH A CALL-OUT FROM LIST INFORMING OTHER DEPUTY(IES) AND OR SUPERVISOR(S) TO RESPOND TO THE SITE OF THE EMERGENCY.
- 7) THE MINISTRY TO LOOK INTO THEIR FLEET MANAGEMENT POLICY REGARDING Z-CLASS VEHICLES AND ENSURE THAT THERE IS A PROCESS FOR PROPER REPLACEMENT OF THESE VEHICLES IN THE FUTURE.



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