

**WORKERS' COMPENSATION BOARD**

6951 Westminister Highway, Richmond, BC, V7C 1C6
 Mailing Address: PO Box 5350, Vancouver BC, V6B 5L5
 Telephone (604) 276-3100 Toll Free 1-888-821-7233 Fax (604) 276-3247

OF BRITISH COLUMBIA

**INSPECTION
 REPORT
 PREVENTION DIVISION**

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Report Date	Number	Employee Number	Number of Orders	Employer	Location
2000/12/29	2000115520310		5		

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 G.M.S. BUILDING 500 LOUGHEED HIGHWAY COQUITLAM

Portion Inspected	Jobsite Partial	Principal Contractor
Type of Industry	PROV. OF BC	
Violations	REFER TO ORDERS ON FOLLOWING PAGE(S)	

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

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.

STEPHEN LISIK, A DEPUTY SHERIFF, AND A MEMBER OF THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE CALLED STEPHEN KWAN, REGIONAL MANAGER, COQUITLAM ON DECEMBER 29TH, AND INFORMED HIM, THAT THE WORKERS AT THE SITE HAVE EXERCISED THEIR RIGHT TO REFUSE TO TRANSPORT A "HIGH RISK" FEDERAL PRISONER FROM KENT INSTITUTION TO VANCOUVER PRE-TRAIL.

OCCUPATIONAL SAFETY OFFICERS RON MOREHOUSE AND VEER SINGH MET WITH THE FOLLOWING WORKER



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Employer	Location

Inspection Text (Continued)

AND MANAGEMENT REPRESENTATIVES AT THE SITE:

- DALE LAHAISE (SHIFT SUPERVISOR AND THE WORKER WHO EXERCISED HIS RIGHT TO REFUSE)
- JOHN SMITH (SHIFT SUPERVISOR)
- SEAN PRAILL, STEPHEN LISIK, DAVE WITUSCHEK (WORKER REPRESENTATIVES, OCCUPATIONAL HEALTH AND SAFETY COMMITTEE)
- LORNE BRIER, SENIOR DEPUTY
- TRA PRATT, SHERIFF
- ROY SCOTT, REGIONAL DIRECTOR, LOWER MAINLAND REGION.

ACCORDING TO SHERIFF LAHAISE, ON DECEMBER 28TH, 2000, DURING A MEETING WITH SHERIFF PRATT AND BRIER, DEPUTIES MUTCH, SMITH AND LAHAISE WERE ASKED IF AND HOW A HIGH RISK PRISONER SHOULD BE TRANSPORTED FROM THE KENT INSTITUTION TO VANCOUVER PRE-TIAL CENTER ON DECEMBER 31ST, 2000. THIS WOULD BE DONE BY USING THREE ESCORT VEHICLES AND SIX ARMED DEPUTIES WITHOUT POLICE ESCORT. THE DEPUTIES ADVISED THAT THE TRANSPORT SHOULD BE DONE WITH THE ASSISTANCE OF THE POLICE DEPARTMENT.

THE WORKERS WERE THEN ASKED BY PRATT AND BRIER IF THEY WOULD CONDUCT THE TRANSPORT, THEY INDICATED THAT THEY WOULD REFUSE. THEIR REASONS WERE BASED ON THE FOLLOWING:

- 1) THE PRISONER TO BE TRANSPORTED WAS DEEMED A "HIGH RISK",
- 2) WITH THE LIGHTS AND SIRENS HAVING BEEN REMOVED FROM THE TRANSPORT VEHICLES, THERE ARE NO FIGHT OR FLIGHT PROCEDURES IN PLACE.
- 3) THERE IS A LACK OF TRAINING IN TRANSPORTING HIGH RISK PRISONERS.
- 4) THERE IS A LACK OF ADEQUATE RADIO COMMUNICATION. ACCORDING TO THE WORKERS THIS ISSUE HAS BEEN OUTSTANDING SINCE SEPTEMBER 1998, I.E. SHERIFFS ARE NOT ABLE TO OBTAIN IMMEDIATE ASSISTANCE WHEN NECESSARY DUE TO, BUT NOT LIMITED TO DEAD ZONES AND POOR WEATHER CONDITIONS.
- 5) THE RESPONSE TIME BY THE RCMP IN THE RISKIEST AREA, EQ. NEAR KENT INSTITUTION, IS APPROXIMATELY 20 MINUTES AND ONLY ONE RCMP GENERAL DUTY MEMBER IS AVAILABLE, IF COMMUNICATION SYSTEMS FUNCTION EFFECTIVELY.

ACCORDING TO DEPUTY LAHAISE, AT APPROXIMATELY 9:45 ON DECEMBER 29TH, 2000, HE RECEIVED AN ORDER FROM SHERIFF PRATT AND BRIER TO DO A TRANSPORT RELATING TO THE SAME PRISONER. DEPUTY LAHAISE INDICATES HE CONTINUED TO REFUSE WITH HIS REASONS AS OUTINED ABOVE. THE ISSUE WAS REPORTED TO THE SAFETY COMMITTEE, IT WAS INVESTIGATED BY DEPUTY LISIK AND SHERIFF BRIER. WITH NO RESOLUTION, DEPUTY LYSICK WAS ADVISED BY MANAGEMENT TO CONTACT THE WCB FOR INTERVENTION/INVESTIGATION.

SAFETY OFFICER MOREHOUSE AND SINGH, INVESTIGATED THE ISSUE OF REFUSAL AT APROXIMATELY 13:00 ON DECEMBER 29TH, 2000. THE WORKER REFUSING TO WORK WAS INTERVIEWED. ACCORDING TO INFORMATION RECEIVED ON SITE, THIS PRISONER WAS TRANSPORTED BY SIX MEMBERS OF THE RCMP EMERGENCY RESPONSE TEAM IN NOVEMBER OF 2000. THE EMPLOYER INDICATES THAT THE REASON WHY THE PRISONER WAS TRANSPORTED BY THE RCMP IN NOVEMBER, 2000 WAS DUE TO AN ANTICIPATION THAT THE SHERIFF'S WOULD REFUSE TO TRANSPORT THE PRISONER SINCE LIGHTS AND SIRENS HAD JUST BEEN REMOVED FROM SHERIFF'S TRANSPORT VEHICLES.

THE EMPLOYER STATED THEY HAD CONDUCTED A RISK ASSESSMENT ON THIS PRISONER AND THEY FELT THAT THE PRISONER COULD BE TRANSPORTED BY AN ELEMENT OF SURPRISE, (WHERE EVEN THE

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Inspection Text (Continued)

PRISONER IS NOT AWARE HIS TRANSPORT SCHEDULE); THEREFORE, DECIDED THAT THE PRISONER COULD BE TRANSPORTED BY THE SHERIFFS AND WITHOUT POLICE ESCORT.

WCB OFFICERS ALSO REVIEWED THE INTERNAL PRISONER RISK ASSESSMENT PROFILE. ACCORDING TO THIS DOCUMENT AND OTHER INFORMATION RECEIVED, THIS PRISONER PRESENTS AN UNDUE RISK TO WORKERS DURING TRANSPORT. THIS DECISION WAS BASED ON THE FOLLOWING:

- 1) REVISED PROCEDURES AND/OR GUIDELINES RELATING TO PRISONER TRANSPORT HAVE NOT BEEN FINALISED.
- 2) MANAGEMENT REASONING FOR DOWNGRADING THIS PRISONER FROM POLICE ESCORT TO SHERIFF TRANSPORT WAS UNACCEPTABLE.
- 3) THE SHERIFF DEPARTMENT HAS BEEN AWARE OF RADIO COMMUNICATION PROBLEMS SINCE IT WAS IDENTIFIED IN 1998, HOWEVER THESE ISSUES HAVE NOT BEEN RESOLVED.
- 4) IT IS RECOGNISED THAT SHERIFFS, UNLIKE THE POLICE AGENCIES DO NOT HAVE AN EMERGENCY RESPONSE TEAM. HIGHER SECURITY RISK ESCORTS ARE CARRIED OUT BY DEPUTIES WITH NO SPECIALISED TRAINING OR EQUIPMENT. MANAGEMENT HAS RECOGNISED, HOWEVER, IT HAS NOT ADEQUATELY ADDRESSED THE ISSUE WITH RESPECT TO TRAINING IN HIGH SECURITY ESCORTS IN THE ABSENCE OF POLICE ESCORTS. AS A POSSIBLE SOLUTION, THIS MAY BE RESOLVED WITH THE FORMATION OF HIGH SECURITY ESCORT TEAMS IN THE SHERIFFS DEPARTMENT. THIS MAY ALSO REQUIRE SPECIALISED EQUIPMENT.



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Report Date	Number	Employee Number	Employer
2000/12/28	2000115520310		MINISTRY OF ATTORNEY GENERAL

Order No.	1	Decision	L	WCB Reference	OHS 4.28 (1)	Action Due Date

THIS ORDER IS IN RESPONSE TO AN INVESTIGATION OF 3.12 OF THE OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

ADEQUATE RISK ASSESSMENT HAS NOT BEEN PERFORMED IN THIS WORKPLACE RELATING TO HIGH RISK PRISONER TRANSPORT, IN WHICH A RISK OF INJURY TO WORKERS FROM VIOLENCE ARISING OUT OF THEIR EMPLOYMENT MAY BE PRESENT.

THIS IS IN CONTRAVENTION OF THE OCCUPATIONAL HEALTH AND SAFETY REGULATION SECTION 4.28 (1).

WITHOUT DELAY, ENSURE THAT ADEQUATE RISK ASSESSMENTS ARE PERFORMED FOR TRANSPORTATION OF PRISONERS. THIS RISK ASSESSMENT SHALL ADDRESS THE LEVEL OF RISK, IE. LOW, MEDIUM OR HIGH AND SHOULD CLEARLY OUTLINE THE PROCEDURES TO BE USED APPROPRIATE TO THE RISK.

Employer's Compliance Action	Date	Decision	Initials

Employer Representative	Officer of the Board
	SINGH, VEER

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2000/12/29	2000115520310		MINISTRY OF ATTORNEY GENERAL

Order No.	Z	Decision	L	WCB Reference	OHS 4.29 (b)	Action Due Date

THIS ORDER IS IN RESPONSE TO AN INVESTIGATION OF 3.12 OF THE OCCUPATIONAL HEALTH AND SAFETY REGULATIONS.

IN THE ABSENCE OF UTILIZING SPECIALIZED AND ADEQUATELY TRAINED POLICE UNITS, THIS EMPLOYER HAS FAILED TO ESTABLISH ADEQUATE PROCEDURES AND POLICIES FOR WORKERS INVOLVED IN TRANSPORTATION OF HIGH RISK PRISONERS.

THIS IS IN CONTRAVENTION OF THE OCCUPATIONAL HEALTH AND SAFETY REGULATION SECTION 4.29 (b).

TRANSPORT OF HIGH RISK PRISONERS SHALL NOT BE PERMITTED UNTIL ADEQUATE PROCEDURES AND POLICIES HAVE BEEN DEVELOPED AND IMPLEMENTED.

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Report Date	Number	Employee Number	Employer
2000/12/29	2000115520311		MINISTRY OF ATTORNEY GENERAL

Order No.	3	Decision	L	WCB Reference	OHS 4.1	Action Due Date

IT WAS DETERMINED DURING THIS INVESTIGATION THAT THE RADIO COMMUNICATION SYSTEMS USED BY THE SHERIFFS, REQUIRED TO TRANSPORT PRISONERS, IS OFTEN INADEQUATE. THIS RELATES TO THE USE OF A COMMUNICATION SYSTEM THAT IS INEFFECTIVE IN DEAD ZONES, DURING BAD WEATHER OR OTHER COMMUNICATION INTERFERENCES, CREATING A POTENTIAL HAZARD TO WORKERS REQUIRED TO SEEK ASSISTANCE IN ANY EMERGENCY CIRCUMSTANCES.

NOTE: THIS ISSUE WAS IDENTIFIED DURING A RISK ASSESSMENT IN 1998 AND IS STILL OUTSTANDING.

THIS IS IN CONTRAVENTION OF THE OCCUPATIONAL HEALTH AND SAFETY REGULATION SECTION 4.1.

WITHOUT DELAY, ENSURE THAT AN ACTION PLAN IS IMPLEMENTED TO ADEQUATELY ADDRESS THE COMMUNICATION SYSTEMS WITHIN THE SHERIFF'S DEPARTMENT.

Employer's Compliance Action	Date	Decision	Initials

RECEIVED
 JUN - 2 2005
 BCGEU LOWER MAINLAND
 AREA OFFICE

Employer Representative	Officer of the Board
	SINGH, VEER



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Report Date	Number	Employee Number	Employer
2000/12/29	2000115520311		MINISTRY OF ATTORNEY GENERAL

Order No.	4	Decision	L	WCB Reference	WCA 115.(1) (a)(i)	Action Due Date
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IT IS EVIDENT FROM THE ABOVE ORDERS THAT THIS EMPLOYER HAS FAILED TO ENSURE THE HEALTH AND SAFETY OF ALL WORKERS INVOLVED IN TRANSPORTATION OF PRISONERS.

THIS IS IN CONTRAVENTION OF THE WORKERS COMPENSATION ACT SECTION 115 (1) (a) (i).

EVERY EMPLOYER MUST ENSURE THE HEALTH AND SAFETY OF ALL WORKERS WORKING FOR THAT EMPLOYER.

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2000/12/29	2000115520311		MINISTRY OF ATTORNEY GENERAL

Order No.	5	Decision	L	WCB Reference	WCA 115.(2) (e)	Action Due Date

IT IS EVIDENT THROUGH THIS INVESTIGATION THAT THIS EMPLOYER HAS NOT PROVIDED THE WORKERS WITH ADEQUATE INFORMATION, INSTRUCTION AND TRAINING TO ENSURE HEALTH AND SAFETY OF WORKERS IN CARRYING OUT THEIR WORK.

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.

Employer's Compliance Action	Date	Decision	Initials

Employer Representative	Officer of the Board
	SINGH, VEER