

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.

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Date of Issue	Number	Number of Orders	Employer	Location	Classification Unit Number	Activity Time Recorded*	Travel Time Recorded*
2007-01-05	2006140330202	2	4000	028	841102	8.25	1.25

* 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)
51-100		2006-12-20	N	N	N	

Head Office	Job Site
PROVINCIAL GOVERNMENT WORKERS' COMPENSATION PROGRAMS BC PUBLIC SERVICE AGENCY P O BOX 9404 STN PROV GOV'T VICTORIA BC V8W 9V1	North Fraser Pre Trial 1451 Kingsway Ave Port Coquitlam, BC

Portion Inspected	partial UNKNOWN
Violations	REFER TO ORDERS ON FOLLOWING PAGE(S)

Employer Representative Name	Accompanied By Employer Representative
Jim Reilly	Jim Reilly
Employer Representative Position	Accompanied By Worker Representative
Assistant Deputy Warden	Dave Backeland
Phone Number	Organization
604 468-3500	BCGEU
Signature	Officer of the Board / Signature
	MERRYWEATHER, JERYL

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Inspection Text

Comments issued on: Jan 08, 2007

A review of the employer's history regarding the orders cited on this inspection report has determined that consideration for proceeding with an Administrative Sanction is not necessary at this time and prior to the investigation, the employer had already identified these two issues and had initiated steps to comply. This decision relates only to this inspection date, location and orders noted on this IR. A follow-up inspection may occur to authenticate appropriate compliance with the orders noted.

Issued on: 2007/01/05

Officer Inspection Text

On Tuesday, December 19, 2006, Worksafefbc was contacted by the employers' representative indicating there had been a work refusal earlier in the afternoon. The representative reported although, the work activity in question had been completed by another worker, the initial worker claimed the matter was not resolved. Based on this information it was agreed this office would attend the site the next day to meet with all parties. The work refusal determination is documented in inspection report 2006140330203. The purpose of this inspection report is to capture discussion on issues raised other than the work refusal.

Attending the Wednesday, December 20, 2006, meeting was:

Assistant Deputy Warden, Adult Custody Division (ADWACD),
Assistant Deputy Warden, Programmes (ADWP),
Worker Co Chair, joint health & safety committee (JHSC),
Corrections Officer (CO1),
Corrections Officer (CO2),
Worksafefbc prevention officer Goodman, and
Worksafefbc prevention officer Merryweather.

Order #1

This site has an established JHSC and it was learned the committee has not been meeting on a monthly basis. There was no meeting held in January, July, August, October and December 2006. The reason provided was difficulty getting attendance due to member absences, such as, vacation. We discussed the use of alternates and the employers' responsibility to ensure the members of the joint committee comply with the WC Act to meet regularly at least once each month.

Discussion

Only trained workers are authorized to possess, transport or deploy the following:

- Impact/ stun devices;
- CS gas;
- Irritant spray devices (OC);
- Distraction devices; and
- Related system delivery devices.

Workers receive initial training in the use of force including, but not

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Jim Reilly	MERRYWEATHER, JERYL

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limited to, control tactics and deployment techniques, weaponless strikes, impact weapons, levels of resistance, situation assessment, etc. The site management is responsible to conduct operational training on the ASP Baton, handcuffing and OC Spray on an ongoing basis as part of their refresher on-site training topics. After the meeting, the ADWACD provided this officer with electronic copies of various training policies and materials and a copy of the CHIPS student training summary for each of the workers attending the meeting.

The ADWACD stated ongoing (refresher) training consists of weekly training of personnel on Tuesdays and Thursdays in the afternoon, and weekend mornings. However, the training has fallen by the wayside due to staffing issues and other priorities (hiring) in 2006. It was established the refresher training is taken at the discretion of the workers, depending on their shift work. There was no evidence the employer had established minimum time frames to ensure workers receive "ongoing training" at intervals which would be necessary to ensure the health & safety of those workers in carrying out their work. Therefore, it was feasible workers may not receive refresher training for several years.

The employer has newly appointed a Training Officer whom has been tasked with getting the training back on track. A number of training sessions have been initiated in December and the ADWACD stated this will continue. The Training Officer has identified at least a dozen training topics/sessions for 2007. Workers will be provided the training when their shifts rotate through the aforementioned training periods. We discussed the employer's need to;

- * establish minimum set times for required refresher training,
 - * follow up to ensure training is taken within the time frame, and *
- properly record the training to ensure the employer is diligent and workers are able to work safely.

Order #2

The worker Co-Chair, C01 and C02 stated they had not received refresher training in areas such as, the safe use of irritant spray devices (OC) and the ASP Baton for a couple of years, at least, and consequently they believed they were not able to work safely in the event a situation arose which required them to use this equipment to protect themselves. Although there may be other training records, the documents submitted for these workers supports their claims. At the time of this inspection there was evidence workers had not been provided with appropriate refresher training necessary to ensure the health & safety of those workers in carrying out their work.

The findings of this report were discussed with the employer & worker representatives at the conclusion of the Prevention officers investigation. Given the seasonal absences and to ensure full attendance the ADWAC agreed to the delivery of this report on January 5, 2007.

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2007-01-05	2006140330202	8.25	1.25	PROVINCIAL GOVERNMENT

Order Number	1	Decision	A	WCB Reference	WCA 115 (2) (b)(ii)
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The joint health and safety committee met on seven occasions in 2006, February, March, April, May, June, September, November. The joint health and safety committee has not been meeting regularly at least once each month. This employer has not ensured that the employer's workers comply with Workers Compensation Act Part 3, Section 131 (2).

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

An employer must ensure that the employer's workers comply with Workers Compensation Act Part 3, the regulations and any applicable orders.

The employer is ordered to ensure the joint health and safety committee meets at least once each month. The employer is further ordered to provide this officer with a copy of the committee meeting minutes for the next 12 months starting January 2007. The documents shall be faxed: (604) 232-1946 or mailed: Worksafebc, Coquitlam office, suite 104-3020 Lincoln Avenue, Coquitlam, B.C, V3B 6B4 or emailed: jeryl.merryweather@worksafebc.com

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Order Number	2	Decision	A	WCB Reference	WCA 115 (2) (e)
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Workers stated they had not received ongoing training regarding the use of force, such as, O.C (pepper spray), A.S.P (baton). There was evidence the employer has failed to provide workers with ongoing training as outlined in the employer's policy in areas, such as, Impact/ stun devices;

- CS gas;
- Irritant spray devices (OC);
- Distraction devices; and
- Related system delivery devices.

This employer has not provided the workers with adequate training 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.

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, without delay, to maintain ongoing training for workers in use of control and force procedures and equipment, such as ASP, OC, Handcuffing etc. and ensure workers take the training within the minimum time frames established by the employer.

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