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Date of Issue	Number	Number of Orders	Employer	Location	Classification Unit Number	Activity Time Recorded*	Travel Time Recorded*
2007-04-12	2007157520133	0	4000	028	841102	37.00	1.50

* 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		2007-03-30	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	Surrey Pre-trial Services Centre 14323 57th Ave Surrey, BC

Portion Inspected	Information Meeting UNKNOWN
Violations	NO ORDERS WRITTEN

Employer Representative Name	Accompanied By Employer Representative
Gord Davis	Steve Phillips
Employer Representative Position	Accompanied By Worker Representative
DEPUTY WARDEN	Kim MacQueen
Phone Number	Organization
604 599-4110	BC Government & Service Employees Union
Signature	Officer of the Board / Signature
	SCHOUTEN, RONALD

Regulation(s) Referenced in Inspection Text

OHS 3.12.(4)(a), OHS 3.12.(4)(b), OHS 3.12.(4)(c), OHS 3.13.(1),
 OHS 3.13.(2), OHS 4.28.(1), OHS 4.28.(2)(a), OHS 4.28.(2)(b),
 OHS 4.28.(2)(c), OHS 4.29, OHS 4.29.(a), OHS 4.29.(b), OHS 4.30.(1),
 OHS 4.30.(2), OHS 4.30.(3)(a), OHS 4.30.(3)(b), OHS 4.30.(3)(c),
 OHS 4.30.(3)(d), WCA 115.(1), WCA 115.(2).(a), WCA 115.(2).(b)(i),
 WCA 115.(2).(d), WCA 115.(2).(e), WCA 115.(2).(g), WCA 116.(2).(f),
 WCA 117.(2).(a)(i), WCA 117.(2).(b), WCA 128.(1).(a), WCA 128.(1).(d),
 WCA 130.(g), WCA 130.(i)

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Inspection Text

Issued on: 2007/04/12

Officer Inspection Text

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This inspection report has been generated to record discussions carried out and information gathered during a meeting held on March 30th, 2007 to discuss some of the outstanding safety issues at the Surrey Pretrial Services Center (SPSC).

PURPOSE

The purpose of this meeting was to discuss the outstanding, and unresolved, safety issues that have been developing over the past several months at the SPSC. These issues have been ongoing and although the employer and workers have been encouraged to resolve the issues on their own, through Joint Occupational Safety & Health Committee (JOSHC) involvement, collaborative risk assessments and work procedure reviews, however, the issues continue to be unresolved.

The employer and worker representatives appear to be at an impasse with respect to the procedure and format for carrying out risk assessments concerning worker exposure to violence in the workplace. The issue of worker exposure to violence in the workplace is of paramount concern and has resulted in several documented work refusals under OH&S Regulation 3.12 with respect to inmate escorts to unsecured locations.

The 3.12 procedure for refusal was in most cases followed by both parties and did not progress beyond the joint investigation stage before being resolved. However, in some cases the escort assignment was accepted by another worker and the Worker representatives do not feel that this is an adequate resolution to a work refusal procedure, as it did not involve a worker member of the JOSHC or Union worker representative, as part of an employer investigation with the worker who made the refusal.

The above issues were addressed at a previous meeting held on November 23, 2006 at the Surrey Pretrial Services Center facility and documented in Inspection report 2006157520158, wherein the guidelines and policies for carrying out risk assessments and incident investigations were discussed, as well as the procedures for 3.12 refusal of unsafe work. At that time all parties were provided with printed copies of the afore-mentioned policies and guidelines to assist the employer and JOSHC in developing and implementing those procedures.

In attendance at this meeting were the following representatives:

Gordon Davis, Deputy Warden of Programs SPSC
Steve Phillips, Deputy Warden SPSC

Employer Representative	Officer of the Board
Gord Davis	SCHOUTEN, RONALD

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Brad Buck, OHS Team Leader Southern Region - BC Public Service Agency
Kim MacQueen, Local Executive - SPSC
Shari Griffiths, Union JOSHC Co-Chair SPSC
Gail Radtke, Union JOSHC Member - SPSC
Mona Sykes, BCGEU OSH Officer

Mark Ruelle Senior Regional Officer WES-FVR, Prevention Div.
Isobel Reinelt Occupational Hygiene Officer WES-FVR, Prevention Div.
Ron Schouten Occupational Safety Officer WES-FVR, Prevention Div.

For the purposes of this meeting the items for discussion were limited to three of the main issues as follows:

1) First Aid to Inmates

On March 05, 2007 an e-mail was received from a Worker representative which raised an issue regarding Corrections Officers being asked to provide emergency first aid to inmates if required. The employer qualified the directive by stating that the COs would be covered under the Good Samaritan Act (against litigation) if the situation arose where this service was required.

2) Single Staffed Escorts

This issue has resurfaced repeatedly and to this day, the Union, JOSHC Worker reps, and COs themselves continue to challenge the policy of defaulting to single staffed escorts and then having to prove that an escort requires double staffing.

The Worker Representative charges that many of the situations are emergency escorts to the hospital and invariably there is not sufficient time to do the risk assessment, with regards to staffing them, and thus they default to the single staff. This has resulted in the COs invoking the 3.12 right to refuse, and attempting to force an investigation when they are asked to escort the inmate. The employer feels that reassigning the single staffed escort duty to a CO that accepts it effectively fulfills their responsibility in regards to investigating the 3.12.

3) Inmate to CO Ratio in Living Units

This issue revolves around the employer's notification that they intend to increase the inmate to CO ratio in the Living Units from 20:1 to 30/40:1 in each unit.

The CO's feel that they are at too much risk if a situation gets out of control, because they are literally alone amongst the population in these LUs and not protected by any type of containment or barrier.

At last contact regarding this situation, the Union, JOSHC and Employer were trying to complete a risk assessment on this issue, however, the employer's request for participation of Worker representatives on the risk assessment team was meeting resistance from the Union on the grounds that they feel any increase will be inherently unsafe and increases the risk to CO's of injury due to workplace violence.

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Issue #1

With respect to issue #1, the employer stated that they did not intend for the memo regarding first aid to inmates to come out as a directive to provide this service. The memo was intended to give the workers support, in the event that, if such a situation should arise whereby the workers are faced with the decision of whether or not to provide first aid to an inmate, (with regards to liability) that the GSA would provide immunity.

The employer and Worker representatives agree that the issue of possible liability is not in itself a safety issue and will be determined by other appropriate channels and not to be determined at this meeting.

The Worker representatives expressed concerns over how to safely administer first aid to an inmate, if the liability issues are sorted out, as there are several unusual circumstances to consider such as HIV positive victims or other biohazards.

The Board's jurisdiction and concern is that adequate levels of first aid coverage for the workers is maintained at all times, as required by OH&S Regulation, and that the provision for providing first aid to inmates does not interfere with this coverage.

With this in mind it is the Board's recommendation that the employer develop written procedures for providing first aid to workers, which includes ensuring availability of an attendant, and that separate emergency response procedures for first aid to inmates are also developed, which include safe work procedures for dealing with communicable diseases or bio hazards, as well as, ensuring the safety of the worker who is administering first aid. The employer is also reminded that first aid is to be administered by trained first aid attendants only and that they can only provide the level of first aid to which they have been trained for. Please refer to OH&S Regulations Part 3, Sections 3.16 through 3.21 and the associated OH&S Guidelines for direction on this matter.

Issue #2

With respect to issue #2, the Worker representatives feel that the default to single staffed escorts was a decision made due to budgetary cutbacks introduced in 2004, which affected staffing levels, and that single staffed escorts to unsecured sites are inherently high risk due to the concern that the environment at the escort destination can not be managed or controlled.

The Worker representatives provided several pieces of documentation which included, joint incident investigations of near misses with regards to perceived threats of violence during inmate escorts, excerpts of the Ontario Health and Safety Adjudicators August 28, 1998 ruling on double staffed escorts, excerpts from the 2003 Kienas decision and, newspaper and media articles on rising drug use and violence by inmates in corrections facilities.

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The employer responded that the joint worker/management review of the risk assessment form for escort practices, which had been undergoing a review and modifications since the November 23, 2006 inspection, has had the first draft completed and tabled for approval by the JOSHC. The employer pointed out that SPSC holds offenders until trial and that this means all levels of offender are held there, from low level thieves to high risk gang members. The employer feels that it is not unreasonable to perform risk assessments for the escorts to unsecured facilities, due to the fact that a certain percentage of the inmates are low risk and double staffed escorts are not necessary for that faction of the inmate population.

The Worker representatives informed that they did not feel that, in all circumstances, the people carrying out the current risk assessments were properly trained or knowledgeable of the escort task and also, that not all the information required on the risk assessment form is accessible. The Worker representatives feel this is not an adequate risk assessment on which to base the safety of the worker, and does not take into account the destination of the escort.

In consideration of the information gathered regarding the above issue during this meeting, the Board strongly recommends that the Worker/Management team continue the review and modification of the current escort risk assessment form and make all reasonable attempts to ensure that access to information is available, and that the level of security at the destination receives consideration in the risk assessment.

In the interim, the existing escort risk assessment form which currently is in use by the employer is adequate to perform a proper risk assessment, as much as is reasonably practicable, if the form is properly executed and completed in accordance with OH&S Regulation and Policies 4.28 thru 4.30.

The employer must ensure that all Supervisors are trained in the procedure for carrying out the risk assessment and properly completing the escort risk assessment forms as required by OH&S Regulation 4.29(b) and associated Policy Item R4.29-2, 2,(c)and (d).

If there is not adequate time to do a properly executed, completed risk assessment of the inmate escort, then the default must be to the previously utilized and time proven best practices of double staffed escort. Any time that the level of risk of a worker's exposure to injury from their work can not be, as much as is reasonably practicable, adequately determined, then the higher level of risk must be assumed to ensure that worker's safety.

If a properly executed, completed risk assessment can be performed for an inmate escort, then the findings of the risk assessment will prevail.

For the purpose of clarity, a properly executed, completed risk assessment would consist of utilizing all reasonably available information regarding the inmate history and the destination of the escort. The items/sources of information listed on the escort risk assessment form may not all be reasonably available, and hence be unknown, however this in itself would not constitute an incomplete risk assessment if both the employer and worker representative agree that there is sufficient information to make the decision on the degree of risk and subsequent staffing requirements.

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(At the time of this inspection report, the employer has scheduled April 17th, 2007 as the date for the first session of training for JOSHCH and Supervisor risk assessment training. Due to this commitment from the employer, there will be no order written regarding the requirement for risk assessment training).

Issue #3

With respect to issue #3, an Accommodation Plan Working Group (APWG) has been formed to conduct a risk assessment with regards to the proposed future increase of the inmate to CO ratio in the Living Units. The APWG is composed of both employer and worker representatives which either volunteered or were assigned to the team. The APWG has held several meetings and forwarded a report to the JOSHCH for review.

The Worker representatives feel that the APWG team members do not all have the proper training to carry out the risk assessment and that the worker component is not properly represented, in addition, they feel that the JOSHCH members do not have adequate risk assessment training to carry out the review of the report and it's recommendations.

The employer has provided documentation which indicates that the worker representative positions on the team were offered to all workers, and that the Union position was that they were advising their workers not to participate in the APWG as they felt that any increase to the ratios in the living units would be unsafe and would increase the risk to workers.

At the time of this meeting there has been no increase to the inmate to CO ratio in the Living Units at the SPSC and the report tabled by the APWG to the JOSHCH has not been properly reviewed.

Based on this information the Board strongly recommends that, in accordance with WCA Act Section 115(2)(e), the employer also provides risk assessment training to the APWG team members performing the risk assessment, as well as, the JOSHCH members involved in the APWG report review. (Alternatively, if practicable, the APWG member component could be revised to ensure that the team consists of employer and Worker representatives which have previously received documented risk assessment training).

The existing APWG report must then be reviewed by the trained members of the APWG and JOSHCH. An updated report and recommendations for actions to mitigate risk or reduce the risk, as much as is reasonably practicable, will then be re-issued. Prior to increasing the inmate count in the Living Units, the employer must initiate implementation of all reasonably practicable recommended actions, including date time lines for estimated completion of those actions.

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