

WORKING TO MAKE A DIFFERENCE

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Date of Issue	Number	Number of Orders	Employer	Location	Classification Unit Number	Activity Time Recorded*	Travel Time Recorded*
2008-04-21	2008157520104	6	4000	028	841102	16.00	2.50

\* 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)
>100		2008-04-03	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 Pretrial Services Centre 14323 - 57th Ave. Surrey, BC

Portion Inspected	Meeting and facility inspection UNKNOWN
Violations	REFER TO ORDERS ON FOLLOWING PAGE(S)

Employer Representative Name	Accompanied By Employer Representative
Steve Phillips	Steve Phillips/Pat Annesty
Employer Representative Position	Accompanied By Worker Representative
DEPUTY WARDEN	Heather Jackson/Sandra Vallee
Phone Number	Organization
604 572-2105	BCGEU
Signature	Officer of the Board / Signature
	SCHOUTEN, RONALD

For Internal Use Only

Delivery Method: Email

Regulation(s) Referenced in Inspection Text

OHS 3.10, OHS 4.27, OHS 4.28.(2)(a), OHS 4.28.(2)(b), OHS 4.28.(2)(c), OHS 4.29, OHS 4.29.(a), WCA 116.(2).(e)(ii), WCA 177

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Inspection Text

Comments issued on: May 12, 2008

A review of the order(s) cited in this inspection report has determined that further enforcement action is not necessary at this time. This decision relates only to this inspection date, location and order(s) noted on this inspection report. A follow-up inspection may occur and/or a Notice of Compliance document may be required to authenticate compliance with the order(s) noted.

Issued on: 2008/04/21

This inspection report was generated as a result of a meeting which took place on April 3, 2008, and a facility inspection which took place on April 10, 2008 at 11:00 AM.

The April 3, 2008 meeting was held to review the progress of the implementation of the recommended actions which were to be carried out as a result of the Living Unit inmate count increase risk assessment. Attending the meeting were the following:

Steve Phillips - SPSC Deputy Warden  
Pat Anesty - SPSC JOSHC CO-Chair  
Heather Jackson - JOSHC Worker Rep  
Ron Schouten - WorkSafeBC Occupational Safety Officer

The employer has fully implemented 17 of the 21 recommendations and 1 recommendation which deals with restructuring of the common room areas has been dropped, as it is not supported by the JOSHC review or the Head office.

Of the remaining items to be implemented,

Item 8 - Standing Operating Procedures, are under review, and due to the sheer size of the task will not be completed until later this year.

Item 12 - Egress Routes, have passed the preliminary design consultation stage and according to the employer, have had funding approved for this fiscal budget. The employer has formed a working group with worker representation which will address the possible incorporation of work station design with the installation of the egress routes. The employer will then submit the ideas to a consultant for final design engineering and subsequently upon approval a request for quotation will be sent to qualified contractors for construction of the new egress routes.

The steps above will take considerable time to complete and the employer representative stated that they hope to have construction begin before the end of the fiscal year.

Item 20 - Future Review - Is ongoing and is the responsibility of the employer and the JOSHC.

This Officer has advised the employer and JOSHC Co-Chair to bring the committee up to date on the status and progress of the implementation of the recommendations above at the next available committee meeting.

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Steve Phillips	SCHOUTEN, RONALD

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In addition, the committee must consider any new or additional recommendations which have been put forward regarding the Living Unit risk assessment as part of the duties and functions of the committee.

Also discussed during this meeting was the recent incident of the alleged verbal threats concerning a Corrections Officer's personal safety which took place on March 29, 2008.

This matter is currently under investigation by not only the employer and JOSHC, but also by the RCMP and an independent Safety Consultant. At this time the credibility of the informant is suspect, however, the employer and other parties continue to follow up on the incident as required by the WCA Act.

During the site inspection and facility tour which took place on April 10, 2008, this Officer was accompanied by:

Pat Annesty - JOSHC - Employer Co-Chair  
Sandra Vallee - JOSHC - BCGEU Worker rep  
Kim MacQueen - Programs Supervisor and BCGEU Local 104 1st Vice  
and cover guard of two Corrections Officers

Discussions with workers and employer included, but were not limited to, the following:

Discussed the continued increase of the inmate counts in the Living Units and some of the effects created by the overcrowding, such as, additional difficulty in monitoring the activities of the inmates, heightened tension, increased difficulty in moving the inmates into lockdown, and also, increased feeling of isolation for Living Unit officers due to the sheer numbers of inmates.

Some of the other issues brought up regarding safety concerns in the Living Units were the blind spots in the LU's that the camera does not see due to the configuration of the unit, concerns about the fact that TV's, microwaves, and coffee makers are not in any way secured and could possibly be used as projectiles, and also the procedure for executing the shift change at 1430 hours. These issues are not necessarily related to the increased inmate count but still need to be addressed by the JOSHC and employer. In the case of the TV's, microwaves, etc. these items have been installed in this manner for a considerable time and the history of incidents involving these types of items should be considered when assessing the risk, as well as, installation practices at other similar facilities concerning these types of items.

#### POLICIES AND PROCEDURES

The workers feel that the increased inmate count has also affected the movement of inmates throughout the facility as the additional population creates increased logistical issues in coordinating the transfer of inmates from one area to another in the facility, or to the adjacent court or police buildings.

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The employer recognizes these possible issues, and in addition to adding over 20 new FTE positions at this facility, is also taking some short term steps in creating more overall capacity at determined locations in the Province.

In the interim, site specific locations such as this facility are working together with the JOSHC, to create policies and procedures and find reasonably practicable solutions which will minimize any risk to workers that may be created by the increased inmate counts.

With the addition of the new FTE's the ratio of junior to senior officers has also increased and the employer has implemented a mentoring program and whenever possible is attempting to maintain that system. The employer should reiterate to the scheduling supervisors to keep this in mind when drafting schedules and determining officer duty placement.

Also noted during these discussions about procedures, was concerns regarding the employer not backfilling positions upon redeployment of Landing Officers. A review by this Officer of Program Shift Summaries indicates that this is a near daily occurrence. In most cases the redeployment is of short durations of 3 hours or less and in those cases backfilling may not be practical due to the time required to locate an off duty officer willing to come in and the travel time to arrive at the site, however, for situations where the redeployment duration is of an extended period of time, the employer would be expected to ensure that every effort is made to backfill the position, if required to ensure adequate responder numbers.

#### JOINT COMMITTEE

A review of the past 4 months of the JOSHC safety meeting minutes indicates that many training programs have now been created and are being implemented to increase the workers and supervisors awareness of safety, however, it appears that there is still a lack of understanding on the correct processes for reporting safety issues, and also, supervisor, JOHSC, and employer handling of safety issues.

Some aspects of the maintenance of the JOSHC, such as selection of committee members (including alternates) has had negative impacts on the overall function of the committee with regards to worker representative participation due to worker absences on the date of the meetings. With regards to this, scheduling of the meetings has been cited by the workers as an issue, however, all of the minutes reviewed clearly state the date for the next meeting, which should give sufficient notice to participants, particularly if the required worker selections (including alternates) has occurred.

With regards to issues previously discussed in this inspection text, this Officer had the opportunity during the site inspection and tour to hold a meeting with a large group of the Corrections work staff without the presence of any employer management staff. Management had no protest to this arrangement.

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In the meeting, the worker representatives brought forth several concerns, some of which were directly related to safety items or issues, and some of which were more systemic or labour relations oriented in nature. The worker representatives requested that the names of the workers reporting the concerns be kept confidential.

As much as possible, this Officer has tried to address the workers health and safety related concerns in this inspection report, however, some issues may require additional investigation and subsequent site inspections.

A copy of this report and all related documents has been sent to Firm File.

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Order Number	1	Decision	A	WCB Reference	OHS 4 29 (b)
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In a workplace assessed as posing a risk of injury to workers from violence arising out of their employment, and where elimination of the risk is not possible, the employer has failed to establish procedures, policies or work environment arrangements to minimize the risk.

Specifically, the employer has not established or implemented specific procedures or policies for use of the cells and waiting area in the Healthcare Dept. of this facility. The cells are currently sometimes being used as overflow cells for Segregation inmates. This causes different classifications of inmates, requiring medical attention, to be occupying the waiting room at the same time, which then can cause violent situations to arise.

This presents a heightened risk of injury to workers that are called upon to deal with the violent situation.

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.

The employer must establish policies and procedures for use of the healthcare waiting area cells and ensure that all required supervisors and workers are informed of and instructed in the established procedures.

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Order Number	2	Decision	A	WCB Reference	OHS	4	28	(1)
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The workers have encountered violent situations arising from inmate interaction, when moving the inmates into, and out of, the gym area, as well as the use of the gym as an overflow inmate holding cell. This poses a potential risk of injury to workers.

This is in contravention of the Occupational Health and Safety Regulation Section 4.28(1).

A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.

The gym area of this facility requires an updated risk assessment to determine levels of risk to workers due to movement of inmates into and out of the gym area and the use of the gym area as temporary inmate overflow holding areas. As required by OH&S Regulation section 4.29, policies and procedures must be developed to minimize the risk if the risk assessment indicates there is a risk of injury to workers. The workers must then be informed of and instructed in the developed procedures.

WorkSafeBC Policy Item D4.29, states,

As with the risk assessment, the employer should consult with the joint health and safety committee or worker health and safety representative, where one exists, and workers and management personnel in each area affected, in considering what action is necessary to eliminate or minimize any risk of violence. Where the employer has undergone a proper process of consultation of this nature and has taken reasonable measures to eliminate or minimize any risk shown by the assessment, the Board will generally assume that the regulation has been complied with. However, the Board always reserves the right to determine whether the measures taken by an employer are in fact sufficient to meet the obligation under section 4.29.

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Order Number	3	Decision	A	WCB Reference	WCA 173 (1) (c)
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As evidenced by a review of incident investigations provided to this Officer by the employer, as well as, incidents reported to this Officer by the workers, this Officer has found that not all incidents perceived by the workers to have a potential for serious injury to a worker, have been investigated. It appears that this is partially due to some disparity between the employer and the workers on the interpretation of what is required by this regulation to be investigated.

This is in contravention of the Workers Compensation Act Section 173 (1)(c).

An employer must immediately undertake an investigation into the cause of any accident or other incident that did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker.

Workers Compensation Act Part 3 Division 10 Subsection 173 (1) does not apply in the case of a vehicle accident occurring on a public street or highway.

The employer in consultation with the joint committee must adopt written guidelines or criteria for incidents which require prompt investigation by the employer and worker representatives.

For example, as this is a remand facility for inmates, the expectation to investigate every single incident of swearing or name calling from an inmate may not be required. However, if the verbal assault by an inmate contained threats to the workers life or life of their family, and the worker perceived it to be a legitimate threat, or was accompanied by physical actions, it must be investigated.

Another example would be inmate on inmate violence. Inmate on inmate violence or attempted violence must be an almost daily occurrence, and the expectation to investigate every single occurrence that required CO response team action may not be realistic. However, if a responder was injured during the response, or the execution of the response was flawed, then an investigation may be required.

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Order Number	4	Decision	A	WCB Reference	WCA 175 (2)
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The employer has not provided a copy of the incident investigation report to the joint committee or worker representative, as applicable, and/or the Board.

This is in contravention of the Workers Compensation Act Section 175 (2).

The employer must provide a copy of the incident investigation report to:  
(a) the joint committee or worker representative, as applicable, and  
(b) the Board.

As discussed during the site inspection, the specific names of any inmates involved may be deleted and an alternate reference used to protect the privacy of the inmate if required.

Order Number	5	Decision	A	WCB Reference	WCA 187 (2)
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This is a directive order pursuant to WCA section 187.

Several safety concerns or observations by workers of unsafe or harmful acts or conditions, including workplace practices and procedures, have been brought to the attention of this officer.

A review of past JOSH committee meeting minutes from the last several months gives evidence that many of these concerns were not brought forward to the committee, and in addition, in many cases the employer was not aware of the concerns.

This indicates that the process for bringing forward and/or reporting safety concerns or observations of unsafe acts or conditions has not been properly followed.

The employer and JOSH committee must ensure that all workers understand the process for reporting safety concerns and/or observation of unsafe acts or conditions to the employer (supervisor) and JOSHC. In addition, the supervisors and JOSHC must be advised of their responsibility and process for investigating the situation and recommending corrective actions to the employer if required.

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Order Number	6	Decision	A	WCB Reference	WCA 194 (1)
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You are required pursuant to section 194(1) of the Workers Compensation Act, to notify WorksafeBC Officer Ronald Schouten, in writing by May 16, 2008, of the action taken to correct the contraventions cited in orders 1 through 5,

The Notice of Compliance with the "Employer's Compliance Action" and "Date" the action was taken to comply with orders 1 through 5, shall be provided to Officer Schouten by FAX 604-232-7077 or by delivery to WorksafeBC, 100 - 5500 Street, Surrey.

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