

December 9, 2014

Statement by WorkSafeBC special adviser Gord Macatee on progress of WorkSafeBC to address his recommendations to further strengthen worker health and safety

Today I'm delivering WorkSafeBC's progress report on on recommendations outlined in the WorkSafeBC Review and Action Plan I submitted to Minister Bond on July 1.

Earlier today the Board Chair announced that a new CEO has been appointed at WorkSafeBC. I've been assisting the Board with that process and feel certain that Diana Miles is the right leader for WorkSafeBC at this point in time. I'm especially pleased that the new CEO has been fully involved in the work to implement my recommendations. I'm confident there will be no slowing down or shifting of priorities.

On July 15, Minister Bond and the Board of Directors of WorkSafeBC accepted all 43 recommendations outlined in the WorkSafeBC Review and Action Plan. At this point, 13 have been fully completed, 18 are in progress and on track for completion as scheduled, and 12 require legislative changes. A detailed Implementation Status Report was posted on www.worksafebc.com this morning.

These recommendations were intended to ensure that our sawmills are safer workplaces; to ensure that an investigation model is in place which will support cause and prevention investigations and successful prosecutions when they're needed; and to establish a world-class inspection and investigation regime here in British Columbia.

I've been pleased and impressed with the engagement I've seen across WorkSafeBC, as well as the level of commitment at the most senior levels of the organization.

And I'm especially impressed with the support that's been evident from external stakeholders to moving things forward. I'm referring to the police agencies, the Criminal Justice Branch, leaders in the wood manufacturing industry, the unions, the Fire Commissioner's office and others whose constructive involvement is critical to the success of my recommendations. Their support and participation has been invaluable.

First, I'll speak about progress with combustible dust in the wood manufacturing industry. WorkSafeBC continues to work with employers, labour, and industry associations to ensure the safety of workers. Policies have been updated to provide clarity and consistency pertaining to the mitigation and control of wood dust and inspection protocols. In October, WorkSafeBC's inspection officers conducted site visits with all of our sawmills to discuss the new policy and inspection protocols, as well as inspection options going forward to ensure compliance.

One of my recommendations was for daily inspections of sawmills that had been out of compliance in the last round of targeted inspections, until compliance has been sustained for three months. I also encouraged mills that were in compliance to do voluntary daily inspections, to ensure their dust controls would be sustainable. To date, 96 sawmills have chosen to conduct daily independent inspections with weekly reporting to WorkSafeBC; and 22 have chosen to have WorkSafeBC continue to conduct focused inspection activities on

their mills. I consider this to be strong evidence that the industry is serious about managing combustible dust and doing so in a way that can be sustained over the long term.

The daily inspection option enhances WorkSafeBC's monitoring capabilities, and increases employer accountability for wood dust control protocols. Weekly reporting to the WorkSafeBC inspection officer ensures the inspection process is closely monitored.

For the most recent phase of sawmill inspections (October 6 to November 25), out of 118 locations, 2 have been issued combustible dust orders related to a deficiency in the company's overall combustible dust management program. One location also received a short-term stop-work order for dust accumulation. This is a dramatic improvement from where things stood six months ago. And of course, there's still work to do. Controlling combustible dust in a wood manufacturing plant is a daunting challenge, and there will never be a time when it isn't necessary to remain vigilant.

When I released the report in July, pellet mills were experiencing particular challenges with managing wood dust. At that time only 40% were in full compliance. Regular, planned inspections in pellet mills are ongoing. As of Nov 23, 17 inspections have been conducted. Three locations received combustible dust orders with one of the three locations also receiving a stop work order. Pellet mills are on their way to incorporating the use of a recommended audit tool to help identify program deficiencies, with pilot audits completed, anticipating adoption of the final audit tool by all mills before the end of the year. Inspections of sawmills and pellet mills will continue with progress reports to be produced in early 2015.

From a longer term perspective, I also recommended that a health and safety association be established for the wood product manufacturing industry to provide continued focus on training and sharing of best practices for this industry. Consultations with employers in this sector are progressing well, and it looks promising that a health and safety association for wood product manufacturers may be in place by the middle of next year.

I was concerned that information about fire events in industrial facilities was not being shared between fire protection authorities and WorkSafeBC. Ensuring that sawmills are safer workplaces requires the sharing of information about fire events in industrial facilities. Ongoing discussions are occurring led by the Fire Inspection and Prevention Initiative team — FIPI — to ensure protocols are in place to ensure that WorkSafeBC, the Fire Commissioner's office, and other appropriate agencies are notified of industrial fire incidents. Funding for FIPI has been extended for an additional two years, and discussions are underway to give the arrangement a permanent home.

Reasons for the failure to achieve successful prosecutions after the two mill explosions were a key focus of my report. I recommended a more comprehensive and organized investigative approach that preserves the ability to conduct both cause investigations and investigations that could lead to prosecution.

The new model has been implemented, and includes the Major Case Management protocol and the establishment of a dual team investigations model. This model requires two distinct teams to have their work and files completely separated to minimize any opportunities for file and evidence contamination. Training is an ongoing priority to ensure that officers are kept abreast of best practices in investigations. To date, Investigations staff has received training from the Justice Institute of BC and the RCMP Pacific Regional Training Centre on Major Case Management protocol and prosecution best practices, including forensic

interview training. This model is now operational and is working as intended. While prosecutions are an important tool, we must remember that we do not want WorkSafeBC to diminish its primary function of investigation for cause, in order to prevent future injuries and promote health and safety in the work place.

Memorandums of Understanding are now in place with Police Services and with the Criminal Justice Branch, outlining agreed-upon protocols to preserve the integrity of investigations that could lead to prosecutions. Within WorkSafeBC, a senior director in the Legal Services department has been appointed as a gatekeeper with the authority to decide when an investigation ceases to be a cause investigation, and becomes a prosecution investigation, and to direct the teams accordingly. Internal departments have been restructured to accommodate the implementation of the dual team model, and an administrative policy to guide referrals to the Criminal Justice Branch for prosecution is in place at WorkSafeBC. WorkSafeBC anticipates that the appointment of Special Provincial Constables to each investigation team to allow for exchange of sensitive information with police authorities, will be completed by early 2015.

As part of my review of WorkSafeBC, I engaged Deloitte to undertake a jurisdictional review of world-class inspection and investigation regimes. WorkSafeBC was identified as a leader in the business of occupational health and safety, but there were some opportunities for improvement which were identified.

One of the key themes was the need to build a more robust deterrence program. I recommended development of an effective suite of tools which would allow WorkSafeBC to apply the lowest level of action needed to achieve compliance, while also enabling significant enforcement measures for the worst offenders. My recommendations will expand the suite of enforcement tools available to WorkSafeBC, increase sanctions for the worst offenders, address situations of non-payment of administrative penalties, and consider proportionality of penalty amounts. Many of these recommendations require legislative changes.

Employer and worker stakeholders agree that the time it took for WorkSafeBC to process a penalty, as much as a year, was too long to be an effective deterrent. WorkSafeBC is in the process of piloting a streamlined penalty process in two offices to reduce the time it takes to issue a penalty to a target of 90 days. Initial results from the pilot show that the penalty timelines using the new process is achieving that 90 day target.

On behalf of the Ministry Responsible for Labour, WorkSafeBC has consulted with industry and labour.

I recommended a consultation process to hear views on whether or not worker citations for failing to wear Personal Protective Equipment should be introduced in B.C. Those consultations have been completed and WorkSafeBC will be providing a report to its board and the government shortly.

WorkSafeBC also continues to consult with employers and worker representatives on revised penalty criteria and amounts, regulatory priorities, the provision for oral hearing, reduced timelines for order and penalty reviews, and for publishing more information regarding employer non-compliance. These consultations will continue into early 2015 and come forward for decisions in due course.

To enhance the sharing of workplace safety issues and occupational health and safety best practices, WorkSafeBC has started to host occupational health and safety forums with representatives of employers and labour. A Risk Analysis Unit has been created within WorkSafeBC to identify, address, and communicate emerging risks with other partners. A Memorandum with Police Services has been expanded to provide guidance when a hazard alert may be necessary, and to include an agreed upon procedure for making such a determination. WorkSafeBC continues to provide employers and industry safety associations with tools and information about safety performance to help in determining injury prevention priorities and to help in the development of serious injury reduction strategies.

Moving forward, the expertise of WorkSafeBC's Board of Directors will be enhanced by adding two new members — one who has legal and/or regulatory experience, and one who is an occupational health and safety professional. WorkSafeBC's senior executive team is in the process of reviewing strategies to enhance a corporate culture focused on collaboration, ownership, and openness within the organization and with its partners and stakeholders.

In summary, I'm very satisfied with the progress I'm seeing on the recommendations in my report. A progress report card is being posted today to the WorkSafeBC website. I expect to be updating that report monthly until the remainder of the recommendations have been fully addressed.

I want to conclude by thanking the board, senior executive and staff at WorkSafeBC for their commitment and hard work in implementing these recommendations. And I'd like to acknowledge Minister Bond's continued leadership and commitment to the safety of workers in British Columbia.