

# WorkSafeBC Review and Action Plan – Implementation Status Report



**General: Recommendations #11, 15, 43**

#	Recommendation	Significant Milestones	Target Completion	Status
11	Changes should not be made to the fundamental structure of WorkSafeBC at this time. WorkSafeBC should continue to monitor the effectiveness of its current model.	<a href="#">The Board of Directors of WorkSafeBC received and accepted the recommendation.</a> The Minister of Jobs, Tourism and Skills Training and Minister responsible for Labour has expressed support for the recommendation	Jul 2014	Complete
15	WorkSafeBC should retain the ability to develop and approve occupational health and safety regulations.	The Board of Directors of WorkSafeBC received and accepted the recommendation. <a href="#">The Minister of Jobs, Tourism and Skills Training and Minister responsible for Labour has expressed support for the recommendation</a>	Jul 2014	Complete
43	Re-engage with the search firm immediately and expand the criteria to address the unique attributes the position of President and CEO will require.	The executive search for the President and CEO was re-activated in July	Jul 2014	Complete

# WorkSafeBC Review and Action Plan – Implementation Status Report



## **Investigations and Prosecution: Recommendations #1, 2, 3, 4, 12, 13, 29, 31**

In the [Babine Explosion Investigation: Fact Pattern and Recommendations](#) dated February 6, 2014, Mr. John Dyle made several recommendations to support a more focused, comprehensive and organized investigative approach that preserves the ability to conduct both cause investigations and investigations that could lead to prosecution. These included agreements between WorkSafeBC and the Criminal Justice Branch and Police Services to enhance co-operation, increase communication, and to share best practices, protocols and procedures.

Recommendations were also made regarding the implementation of a new investigation model using a dual team approach, and the re-structuring of some departments within WorkSafeBC to facilitate implementation of this model.

#	Recommendation	Significant Milestones	Target Completion	Status
1	The Memorandum of Understanding with Police Services and the Memorandum of Understanding with the Criminal Justice Branch (CJB) should be signed.	The Memorandum of Understanding (MOU) with the Criminal Justice Branch (CJB) was signed by both parties	Aug 2014	Complete
		WorkSafeBC and the police representatives on the working group have agreed on the language and terms of the amended MOU	Sep 2014	Complete
		The amended MOU has been sent to all police agencies in British Columbia to be signed off	Oct 2014	Complete
2	WorkSafeBC should develop a policy to guide referrals to the Criminal Justice Branch (CJB) for prosecution. The decision to refer a file for prosecution is made independently by WorkSafeBC; however development of this policy should be informed by consultation with the CJB.	WorkSafeBC has drafted an administrative policy to guide referrals, as recommended	Oct 2014	Complete
		Administrative policy reviewed and approved by Senior Executive Committee of WorkSafeBC	Oct 2014	Complete
3	WorkSafeBC should proceed towards the adoption of a Major Case Management (MCM) protocol and system in its investigations.	MCM protocol was adopted by WorkSafeBC	Jun 2014	Complete
		Investigations staff training was provided by the Justice Institute of BC, with staff from the Criminal Justice Branch in attendance	Jun 2014	Complete

# WorkSafeBC Review and Action Plan – Implementation Status Report



#	Recommendation	Significant Milestones	Target Completion	Status
4	Implement a new investigation model that preserves the ability to conduct both cause investigations and prosecution investigations.	Protocols and procedures are in place that allow for both cause investigations and investigations that could lead to prosecution	Sep 2014	Complete
		Gatekeeper appointed to oversee the transition of files from one investigation team to the other when an investigation moves from cause to prosecution, and to oversee the investigations for prosecution	Sep 2014	Complete
		Special Provincial Constables appointed to each investigation team	Feb 2015	In Progress
12	The Worker and Employer Services Division (WES) should be re-structured to ensure that departments carrying out similar functions fall under the same reporting structure.	Compliance Section reports to Legal Services, Engineering reports to Regulatory Practices	Sept 2014	Complete
13	Investigations Services must be re-structured to accommodate the recommended dual team model for investigations.	Investigation Services is organized to support a dual-team model	Sept 2014	Complete
29	WorkSafeBC should continue to pursue prosecutions for regulatory violations, using major case management and the appropriate evidence gathering and interviewing techniques.	The framework, protocols, systems, structure and competencies to define conditions which would trigger a referral to the Criminal Justice Branch for charge approval are addressed in recommendations #2, 3, 4, 13, 41 and 42	Feb 2015	In Progress
31	The Memorandum of Understanding (MOU) with Police Services should be expanded to provide guidance where a hazard alert may be necessary and to include an agreed upon procedure for making such determination.	The Memorandum of Understanding with Police Services has been expanded to provide for the issuance of a hazard alert where necessary. The amended MOU has been sent to all police agencies in British Columbia to be signed off	Sept 2014	Complete

# WorkSafeBC Review and Action Plan – Implementation Status Report



## **Training and Development – Enforcement and Investigations Personnel: Recommendations #41 and 42**

Enforcement and Investigations personnel will receive enhanced training on new methodologies, techniques and cross-agency best practices to implement many of the recommendations in the WorkSafeBC Review and Action Plan.

#	Recommendation	Significant Milestones	Target Completion	Status
41	Commit to enhanced training of WorkSafeBC officers and managers in the areas of penalty process management, administration of enforcement tools, major case management, investigation techniques, interviewing skills, reporting writing, use of new systems and tools, and collaboration skills.	Investigation Officers trained on Major Case Management (MCM)	Jun 2014	Complete
		Training completed on Search and Seizure and Interviewing Techniques, with all officers trained or re-trained by December	Dec 2014	In Progress
		Current knowledge, skills and abilities assessed; needs analysis conducted for each officer	Jan 2015	In Progress
		Comprehensive ongoing training plan approved	Feb 2015	In Progress
42	Management should always take a proactive role in setting training priorities (both corporate and individual), for vetting the quality of training programs, and ensuring all staff take part on a regular basis.	WorkSafeBC is ready to implement individual officer training plans, incorporating opportunities for improvement as identified in Recommendation #41	Feb 2015	In Progress

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Sawmills/Combustible Dust Strategy: Recommendations #5, 6, and 7

Combustible wood dust control and management is an integral part of WorkSafeBC’s enforcement activities in sawmills and pellet mills. Monitoring for sustained compliance in regard to combustible wood dust continues.

#	Recommendation	Significant Milestones	Target Completion	Status
5	Move forward with the development of occupational health and safety policies to specify reasonable steps for employers, workers and supervisors to take to address combustible dust hazards.	WorkSafeBC Board of Directors approved the <a href="#">Wood Dust Mitigation and Control policy</a>	Jul 2014	Complete
		New policies communicated to industry stakeholders	Jul 2014	Complete
		Final guideline and <a href="#">toolbox</a> materials shared with stakeholders and posted to WorkSafeBC.com	Aug 2014	Complete
6	Implement the sustained compliance plan for sawmills as outlined in this report.	<a href="#">Sustained compliance plan developed</a>	Aug 2014	Complete
		Letters sent to employers outlining expectations and links to resource tools	Aug 2014	Complete
		Officers site visits to consult with employers conducted	Sep 2014	Complete
		Current phase of sawmill inspections completed	Jan 2015	In Progress
		Progress report on sawmill initiative produced	Feb 2015	In Progress
7	Develop a plan for ongoing inspection of other wood product manufacturers and pellet mills by WorkSafeBC Prevention Officers, with appropriate enforcement efforts to bring this sector into sustained compliance.	<a href="#">Plan created for achieving sustained compliance in pellet mills</a>	Sep 2014	Complete
		Current phase of pellet mill inspections completed	Dec 2014	In Progress
		Progress report on pellet mill initiative produced	Jan 2015	In Progress

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Occupational Health and Safety

### Workplace Fire Prevention: Recommendations #9 and 10

Initiatives are underway to strengthen relationships with the Office of the Fire Commissioner and other authorities to ensure workplace fires are reported appropriately. Identified hazards would help determine priorities for workplace inspections. Protocols will need to be established, with the Fire Inspection and Prevention Initiative (FIPI) playing a key role.

#	Recommendation	Significant Milestones	Target Completion	Status
9	The Fire Inspection and Prevention Initiative (FIPI) should be extended, with continued funding from WorkSafeBC, and efforts made to find a permanent host at the municipal level.	The Board of Directors of WorkSafeBC has committed to funding FIPI for an additional two years	Aug 2014	Complete
		Formal consultation with FIPI Advisory Board regarding permanent host and operational support conducted	Sep 2014	Complete
		WorkSafeBC Board of Directors makes decision on final recommendations	Jan 2015	In Progress
10	WorkSafeBC should consider developing a MOU with the appropriate agencies to ensure WorkSafeBC is notified when there is a fire at a workplace in BC.	Draft Memorandums of Understanding (MOU) prepared	Oct 2014	Complete
		Consultation with relevant parties held	Oct 2014	Complete
		WorkSafeBC Senior Executive Committee approval received	Dec 2014	In Progress
		MOUs signed by relevant parties (pending outcome of consultation and recommendations)	Jan 2015	In Progress

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Prevention Inspection: Recommendations #19 and 33

The identification and mitigation of risk is the focus of prevention initiatives at WorkSafeBC. A High Risk Strategy has been developed to align prevention efforts to those industries and employers with higher injury rates and potential for serious injury. As industries and new work practices evolve, new emerging risks materialize. WorkSafeBC continually identifies and evaluates new risks and develops mitigation strategies where required.

#	Recommendation	Significant Milestones	Target Completion	Status
19	WorkSafeBC should review its risk-based model for the allocation of work and the setting of priorities with respect to inspection and enforcement activities.	WorkSafeBC created a Risk Analysis Unit with the specific purpose of identifying, evaluating and recommending mitigation strategies to address emerging risks	Feb 2014	Complete
		The High Risk strategy is reviewed to assess/confirm priorities and officer deployment	Dec 2014	In Progress
33	WorkSafeBC should routinely schedule some Prevention Officers to conduct inspections on weekends and evenings to create an ongoing and effective level of presence in the workplace.	Consultations held regarding a new scheduling model	Jan 2015	In Progress

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Education and Proactive Compliance: Recommendations #8 and 18

WorkSafeBC will support the development of a Health and Safety Association (HSA) in the wood product manufacturing sector. HSAs provide programs and training for worksites and are responsible for sharing industry best practices with their members. They play an important role in providing leadership and support to industry. An HSA in the wood product manufacturing sector would provide WorkSafeBC a partner through which they could provide educational resources and proactive compliance tools.

#	Recommendation	Significant Milestones	Target Completion	Status
8	WorkSafeBC should assist the wood product manufacturing industry to create a Health and Safety Association, or expand the scope of an existing one, to address occupational health and safety issues in that industry in the future.	Consultation held with the Wood Manufacturing Sector to develop a Health and Safety Association	Sep 2014	Complete
		Feedback from the Wood Manufacturing Sector consolidated and next steps determined	Dec 2014	In Progress
		Recommendations reviewed and decisions made by WorkSafeBC Board of Directors	Jan 2015	In Progress
18	WorkSafeBC should continue to put a priority on education and proactive compliance and provide resource allocations accordingly.	2015 Business Plan submitted to WorkSafeBC Senior Executive Committee for approval	Dec 2014	In Progress

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Information on Employer Non-Compliance: Recommendation #30

WorkSafeBC will consider publishing the results of its compliance and enforcement actions as an additional tool within its deterrence program. Many jurisdictions have found that the publication of enforcement details acts as an additional deterrent as it draws attention to the impact of non-compliance and has the potential to significantly impact a company’s brand, reputation and competitiveness (for both business and employees).<sup>1</sup>

#	Recommendation	Significant Milestones	Target Completion	Status
30	WorkSafeBC should consider publishing additional information regarding employer non-compliance to increase transparency. WorkSafeBC should consult with industry and labour stakeholders on this issue.	Jurisdictional review and research completed	Nov 2014	Complete
		Research presented to WorkSafeBC Senior Executive for decisions on next steps	Jan 2015	In Progress
		Options paper presented for consultation with employers and labour stakeholders	Feb 2015	In Progress

<sup>1</sup> Deloitte Report: WorkSafeBC Leading Inspections & Investigations Practices, June 20, Page 21

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Performance Measurement: Recommendation #36

Part 3 of the Workers Compensation Act sets out employer, supervisor and worker responsibilities and legal obligations in the workplace. WorkSafeBC will complete research and a jurisdictional review to identify leading edge performance measures, followed by consultation with industry on the tools they could apply to evaluate their safety culture and level of health and safety awareness.

#	Recommendation	Significant Milestones	Target Completion	Status
36(a)	Develop and implement performance measures to assess the 'health and safety awareness' levels among workers and the 'health and safety culture' of the business enterprise.	Employer Safety Planning Toolkit completed	Jun 2014	Complete
		Jurisdiction review, research and evaluation conducted to identify additional industry performance measures	Dec 2014	In Progress
		Consult with industry representatives on the development of tools for measuring health and safety awareness levels among workers and the health and safety culture of the business enterprise	Jan 2015	In Progress
		Develop tools for measuring health and safety awareness levels among workers and the health and safety culture of the business enterprise	Mar 2015	In Progress
36(b)	Develop and implement performance measures to assess the effective engagement of WorkSafeBC officers and the effectiveness of compliance activities.	Develop an Inspection Experience and Impact survey	Jan 2015	In Progress
		Conduct quarterly surveys of worker and employer stakeholders	Mar 2015	In Progress

# WorkSafeBC Review and Action Plan – Implementation Status Report

<b>Legislation and Policy: Recommendations #14, 20, 21, 22, 24, 25, 26, 27, 28, 32</b>		
<b>#</b>	<b>Recommendation</b>	<b>Policy Development Workplan</b>
14	Amend the Act to enhance the OHS expertise of the Board of Directors by adding two new members, one who has legal and/or regulatory experience and one who is an OHS professional	<p>On amendment of the Workers Compensation Act (WCA) and where policy is required, WorkSafeBC will:</p> <ul style="list-style-type: none"> <li>• Conduct policy consultation with stakeholders within 60 days of an amendment to the WCA, and</li> <li>• Report to the Board of Directors within the following 30 days</li> </ul>
20	Develop a hierarchy of enforcement tools	
21	Amend the Act to introduce an Assurance of Compliance tool.	
22	Introduce Occupational Health and Safety (OHS) citations, with escalating fine provisions, to be imposed on employers who violate certain OHS regulations.	
24	Amend the Act to create three circumstances where stop work orders may be issued.	
25	(c) Shift the onus around due diligence requirements	
26	Ensure that when administrative penalties are imposed, the amount of the penalty is proportional, with consideration of the circumstances of the incident and the size of the employer.	
27	Amend the Act to improve the ability to pierce the corporate veil to address situations of non-payment of administrative penalties by employers.	
28	Amend the Act to improve injunctive powers to address egregious and ongoing violations of the Act and/or the OHS Regulation	<p>On amendment of the Workers Compensation Act (WCA) and where policy is required, WorkSafeBC will:</p> <ul style="list-style-type: none"> <li>• Conduct policy consultation with stakeholders within 60 days of an amendment to the WCA, and</li> <li>• Report to the Board of Directors within the following 30 days</li> </ul>
32	Amend the Act to specify timelines for employer incident investigations. The employer should be required to complete a preliminary investigation within 48 hours. The full investigation must be completed, and report submitted to WorkSafeBC, within 30 days with an extension available in some circumstances.	

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Legislation/ Policy – Other: Recommendations #23 and 25

Legislative change is required to implement some of the recommendations in the WorkSafeBC Review and Action Plan. These include recommendations relating to new compliance tools, amended stop work order provisions, injunctive powers, and additional members for the Board of Directors. In addition, WorkSafeBC has been asked to consult with stakeholders on a limited citation model regarding personal protective equipment and review processes relating to occupational health and safety matters. WorkSafeBC is also working to shorten the timelines for issuing administrative penalties.

#	Recommendation	Significant Milestones	Target Completion	Status
23	WorkSafeBC should undertake a consultation process with industry and labour to consider whether a limited citation model should be introduced for workers who fail to wear Personal Protective Equipment (PPE). Recognising the fact that employers have ultimate control over the workplace the consultation should also consider whether a citation to the worker should trigger an equivalent or larger citation against employer.	Policy and Practice Consultative Committee meeting held to engage industry and labour representatives	Sep 2014	Complete
		Report provided to Board of Directors (BOD)	Dec 2014	In Progress
25	(a) Significantly shorten the timelines for the issuing of administrative penalties through continuous ownership of the penalty order  (b) institute a performance management system to assess outcomes	Current state process map and analysis completed	Jul 2014	Complete
		Future state process map (concept) completed	Aug 2014	Complete
		Stakeholder input into process improvement provided	Aug 2014	Complete
		Options/recommendations developed	Aug 2014	Complete
		Regional service centre for pilot project selected	Sep 2014	Complete
		Pilot project initiated	Oct 2014	Complete
		Evaluation of pilot project completed	Jan 2015	In Progress
		Province-wide implementation plan developed	Feb 2015	In Progress
25	(d) review WorkSafeBC's penalty policies	<a href="#">High Risk Violations Policy</a> approved by BOD (the High Risk Violations Policy approval is required in order for the penalty policy review to proceed)	Oct 2014	Complete
		Comprehensive review of penalty policy approved by the BOD	Oct 2014	Complete

# WorkSafeBC Review and Action Plan – Implementation Status Report



<b>Regulation Development: Recommendations #16 and 17</b>				
<b>#</b>	<b>Recommendation</b>	<b>Significant Milestones</b>	<b>Target Completion</b>	<b>Status</b>
16	Enhance industry and labour involvement in the setting of regulatory priorities	Consultation held with employer and labour representatives at Policy and Practice Consultative Committee meeting	Sep 2014	Complete
		<a href="#">Standardized form</a> posted to external website for stakeholders to propose regulatory changes	Oct 2014	Complete
		Meeting between WorkSafeBC and stakeholders to set and discuss regulatory priorities for future regulatory amendments (annually thereafter)	Feb 2015	In Progress
17	WorkSafeBC should update and publish its OHS work plans annually to increase transparency and improve stakeholder involvement	<a href="#">Occupational Health and Safety workplan</a> posted on external website	Sep 2014	Complete

# WorkSafeBC Review and Action Plan – Implementation Status Report



<b>OHS Review Process: Recommendations #34 and 35</b>				
<b>#</b>	<b>Recommendation</b>	<b>Significant Milestones</b>	<b>Target Completion</b>	<b>Status</b>
34	WorkSafeBC should conduct an assessment of the internal OHS review processes and give consideration to discontinuing the practice of holding oral hearings for OHS reviews; seeking an amendment to the WCA to shorten the timeframes for order reviews; seeking an amendment to the WCA to shorten the timeframes for penalty order reviews; and seeking an amendment to the WCA to reduce the time limit to apply for an order or penalty order review from 90 days to 10 days.	Consultation with Policy and Practice Consultative Committee on discontinuing oral hearings and changing timelines for order and penalty reviews held	Sep 2014	Complete
		Implement oral hearing process changes – may require further consultation with external stakeholders	Jan 2015	In Progress
		On amendment of the Workers Compensation Act (WCA) and where policy is required, WorkSafeBC will: <ul style="list-style-type: none"> <li>• Conduct policy consultation with stakeholders within 60 days of an amendment to the WCA, and Report to the Board of Directors within the following 30 days</li> </ul>		
35	Amend the WCA to introduce an expedited review process for occupational health and safety citations as an alternative to existing review options.	On amendment of the Workers Compensation Act (WCA) and where policy is required, WorkSafeBC will: <ul style="list-style-type: none"> <li>• Conduct policy consultation with stakeholders within 60 days of an amendment to the WCA, and Report to the Board of Directors within the following 30 days</li> </ul>		

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Corporate Culture and Communications: Recommendations #37 and 38

WorkSafeBC will enhance its corporate culture and communication strategies to support change management, engagement (both internal and external), consistency and dissemination of critical information aligned to the implementation of the recommendations in the WorkSafeBC Review and Action Plan.

#	Recommendation	Significant Milestones	Target Completion	Status
37	Develop strategies to enhance a corporate culture with focus on the following attributes: collaboration, ownership, and openness across the prevention functions of WorkSafeBC; collaboration with other regulatory entities; ongoing engagement of and collaboration with stakeholders in labour and industry; embracing innovation and technology to improve occupational health and safety compliance; and incremental escalation in the use of enforcement tools.	Independent review on current state conducted	Jan 2015	In Progress
		Strategy to improve corporate culture developed and adopted by Senior Executive Committee of WorkSafeBC	Feb 2015	In Progress
38	Evaluate internal and external communications with a view to improving the flow of information between levels and departments; establishing and formalizing clear points of contact with key external stakeholders; establishing a forum for external stakeholders to have an ongoing dialogue with WorkSafeBC on occupational health and safety issues; increasing direct communication between WorkSafeBC and both the Criminal Justice Branch (CJB) and the Ministry.	Review of WorkSafeBC's internal communication strategy conducted	Jun 2014	Complete
		Communication between WorkSafeBC and the Criminal Justice Branch has been formalized and increased as per the signed Memorandum of Understanding, and with the appointment of the Gatekeeper	Aug 2014	Complete
		WorkSafeBC executive points of contact for key stakeholders established	Oct 2014	Complete
		Revised internal communication strategy implemented	Oct 2014	Complete
		Occupational Health and Safety forums with representatives of employers and labour initiated	Oct 2014	Complete

# WorkSafeBC Review and Action Plan – Implementation Status Report



## Enhanced Technology: Recommendations #39 and 40

WorkSafeBC will continue to leverage technology and innovation to support improvements to our inspections and investigations programs. This includes initiatives to provide Prevention Officers with new tools to keep them informed and connected while on the road, as well as incorporation of visual analytics to support officer decision making. For external stakeholders, we provide tools and share information that allows employers to review and compare their safety performance and insurance costs against others in their industry, and aids industry safety associations in development of serious injury reduction strategies.

#	Recommendation	Significant Milestones	Target Completion	Status
39	WorkSafeBC should continue to leverage new and innovative technology that will help identify emerging occupational health and safety issues.	Investigations and Prevention Phase I project implementation completed. These applications consolidate employer and jobsite information from WorkSafeBC systems, giving Prevention Officers a holistic perspective to help with inspecting, consulting and educating the employers and workers of British Columbia in Occupational Health and Safety.	Mar 2014	Complete
		Investigations and Prevention Phase II project implemented	Dec 2014	In progress
		Employer Safety Planning Toolkit enhancements completed and made available to employers. The Toolkit enables employers to compare their safety performance and insurance costs with others in their industry, and to model different scenarios to determine their injury prevention priorities.	Jun 2014	Complete
		<a href="#">Industry Safety Information Centre</a> enhancements completed and made available to employers through WorkSafeBC.com. This tool can be used by employers, Health and Safety Associations (HSAs) and other stakeholders to understand health and safety performance by industry.	Jun 2014	Complete
		Serious Injury Guided Dashboard HSA pilot launched	May 2014	Complete
		Serious Injury Guided Dashboard rolled out across additional HSAs	Dec 2014	Complete
		New large Construction Projects Dashboard launched	May 2014	Complete
40	WorkSafeBC should take the lead in creating agreements and developing technology and processes that would make data sharing between partners and jurisdictions possible.	Agreement in Principle relating to data sharing with a comparable jurisdiction completed	Jan 2015	In Progress
		Operationalize agreement in 2015 – process for regular data sharing, technology platform to share data implemented	Mar 2015	In Progress
		Information technology / system changes (if required) implemented	Jun 2015	In Progress