

WorkSafeBC Board of Directors'
Health and Safety Initiative

From Awareness to Action

**Building a Better System
for the Future**

Summary and Conclusions



We want to hear from you

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Summary and Conclusions

This document summarizes what the stakeholders told us in the fall of 2005, during the first phase of our Health and Safety Initiative. It also reflects the conclusions we have drawn based on the input we received. As we plan for the future, we continue to receive a great deal of valuable input from stakeholders. Stakeholders provided a wide range of perspectives, and we've taken all this feedback into consideration in order to make decisions in the best interests of the system.

We would like to thank everyone who has participated in our continuing journey to build a better workplace health and safety system. We all play an integral role in prevention initiatives. Broad stakeholder ownership of, and accountability for, workplace health and safety is critical to its success.

The nature and format of regulations

WorkSafeBC will maintain a balance of prescriptive regulations (that is, a specific set of rules to follow) and performance-based regulations (which focus instead on the end result). Many stakeholders prefer prescriptive regulations, so there is little benefit to expanding performance-based regulations. However, to accommodate the need for flexibility in regulations, WorkSafeBC will explore improvements to the variance system. (A variance is an alternative set of safety measures to those specified in the Occupational Health and Safety Regulation; WorkSafeBC may consider requests for variances.) Many stakeholders don't understand the variance system, so we need to effectively communicate any improvements.

Access to and understanding of B.C.'s workplace health and safety standards is crucial to preventing injury and death. This will lead to a broader ownership of workplace health and safety. Therefore, WorkSafeBC will examine ways of making the standards more user friendly, including:

- Distributing hard copies of the *Workers Compensation Act* and regulations to stakeholders in a cost-effective manner
- Providing specific industries with their own regulation book
- Translating the regulations and guidelines into other languages

Enforcement

WorkSafeBC needs to enhance its capacity to enforce the law and regulations. To that end, the 2006 budget includes additional staff and/or funds to conduct more inspections and apply more timely sanctions. We also approved the Prevention of Serious Injury and Fatality Resolution, which directs a review of existing policies to:

- Clarify the roles and responsibilities of each workplace party (including the status of independent operators and labour contractors) and their interrelationships where there are overlapping obligations
- Introduce a new general enforcement policy
- Review, clarify, and strengthen orders, general authority, administrative penalty, and high-risk violation policies
- Make full use of incentive and disincentive mechanisms

Education

WorkSafeBC should no longer be seen to play a disproportionate role in educational activities; we need to actively seek partnerships or support other stakeholders in implementing these initiatives.

Health and safety associations

Health and safety associations can help to change attitudes and behaviours around workplace safety. Association members have specialized knowledge of their industries, and they can play a role in:

- Developing industry standards and best practices
- Educating and training workers
- Providing consultative services

We believe it's time to review our Principles and Criteria for Funding Industry Associations Resolution.

Worker penalties

Employers have the right, through their own policies or within collective agreements, to discipline workers who violate company policies and rules — including those pertaining to workplace health and safety. Under the Act, officers can also issue orders to workers. The law allows employers to refer files to the Crown to prosecute workers. We feel that the current laws regarding worker non-compliance are sufficient, and thus will not be seeking amendments to the Act to penalize workers at this time. However, we will seek to enhance worker accountability through a review of the current worker order policy and other means.

Unions

Unions need to become more involved in workplace health and safety. They should be encouraged to assume responsibility for educating their members about their right to refuse unsafe work.

From awareness to action

WorkSafeBC will continue to play a role in raising awareness of and commitment to workplace health and safety throughout the province. We have asked the Research Secretariat to explore social marketing as a means of communicating the safety message. We'll also seek to develop a province-wide occupational health and safety plan that brings other organizations with similar mandates into partnership with WorkSafeBC.

Young workers

Educating young workers is vital to reducing occupational injury and disease, now and in the future. We will support a new and enhanced young worker program that will include educational programs in schools, apprenticeship programs, and targeted prevention activities for young workers in high-risk industries.

Injured worker speaker series

We feel that an injured worker speaker series is not required at this time, given the numerous proactive prevention strategies underway.

In conclusion

WorkSafeBC's Board of Directors does not believe that further consultation on this Health and Safety Initiative is necessary at this time.

A. KEY THEMES FROM STAKEHOLDER CONSULTATIONS

EMERGING TRENDS

- Increase in the number of contractors and small business employers, some of whom don't know about their workplace health and safety responsibilities
- Increase in the number of young and unskilled workers, and therefore an increased need for training and supervision
- Increase in the prevalence of ESL and illiteracy, and therefore the need for face-to-face or pictorial communication
- Shrinking operational budgets and/or earnings, resulting in an ongoing conflict between production and safety

WORKPLACE HEALTH AND SAFETY STANDARDS

- Stakeholders expressed a desire/preference for:
 - a hard copy of clear and concise regulations and guidelines
 - streamlined and industry-specific regulations
 - prescriptive regulations or a mix of prescriptive and performance-based regulations
 - an improved variance system or tiered regulations
 - financial incentives for firms that adopt standards above and beyond those in the regulations
- Stakeholders expressed concern about:
 - the number of people at all levels (i.e., workers, supervisors, management, and corporate directors) who don't know about or meet their health and safety responsibilities
 - their lack of access to the external standards referenced in the regulations because they do not know where to find these standards and/or their cost is prohibitive
 - the timeliness and effectiveness of the regulation review and development process
 - the opportunity for stakeholder input in both identifying issues for regulatory review and responding to proposed regulatory changes
- Many stakeholders were not familiar with the variance process

COMPLIANCE AND ENFORCEMENT

- WorkSafeBC should continue to conduct worksite inspections, offer educational and consultative services, and enforce B.C.'s workplace health and safety standards
- WorkSafeBC should:
 - offer more of the above services
 - separate officers' responsibility for education and enforcement
 - continue to focus on the consistent interpretation and application of regulations
 - enhance its enforcement activities against repeat offenders; supervisors and employers who engage in discriminatory practices; and those who commit high-risk violations
 - adopt new enforcement tools (such as warning letters against workers, more substantial administrative penalties, and fines against those who (a) fail to report or misreport work-related injuries or diseases or convince others to do so, or (b) fail to register their company with WorkSafeBC)
 - advertise its enhanced consultative services, new enforcement plan, and actual enforcement actions to encourage improvements and deter non-compliance

ROLES AND RELATIONSHIPS

- Stakeholders made it clear that:
 - everyone in an organization plays a role in creating a safe and healthy workplace and that personal responsibility and action are needed for effective prevention
 - a holistic approach to prevention including the following is needed: regulations; industry best practices; communications; education/consultation; audits; enforcement; financial incentives; and public campaigns to effect cultural change
- While there was much discussion about WorkSafeBC's role (i.e., which efforts are working well now and what could be enhanced or

improved in the future), there was less discussion about the roles of workers, employers, associations, and unions. Stakeholders recommended the following:

Workers

- Workers should adopt safe and healthy behaviours, voice their health and safety concerns, and ensure that their co-workers know their health and safety rights and responsibilities. Many workers are unaware of their right/responsibility to refuse unsafe work, those who know about this ability are reluctant to exercise it for fear of discrimination, and those who suffer discrimination are not reporting it to WorkSafeBC

Unions

- Unions should support an enhanced role for joint health and safety committees and should provide support and training to such committees

Small contractors

- One-person companies should have the same workplace health and safety obligations and protections as other workers

Employers and senior management

- Employers should:
 - understand their workplace health and safety responsibilities and appreciate the human and financial benefits of executing them
 - include workplace health and safety as a strategic goal for the organization and follow through with commitment from the top down, including the appropriate budget allocation
 - provide leadership and develop a culture of safety
 - provide the tools and resources workers need to do their jobs safely and effectively
 - be more vigilant about offering and/or funding effective safety training and disciplining workers who engage in unsafe practices
- Large employers should take more responsibility for the safety of the workers of their contractors or subcontractors (e.g., by setting pre-qualification standards, monitoring their injury rates, and/or offering them training) and conduct periodic self-audits

Associations

- Stakeholders expressed support for health and safety associations taking on a greater role in:
 - developing industry best practices
 - providing industry-based education and training
 - conducting evidence-based research
 - developing a comprehensive strategy of how to improve workplace health and safety in their industry
- Stakeholders also expressed concerns regarding:
 - the proportion of stakeholders who are not represented by a health and safety association
 - the ability of existing associations to communicate effectively with all the people they represent
 - the perceived effectiveness of existing and potential associations

Auditors

- While stakeholders supported the use of independent audits (such as through the COR program) as a means of improving workplace health and safety, they did not support them as a substitute for WorkSafeBC inspections

WorkSafeBC

- WorkSafeBC should continue to provide overall leadership in workplace health and safety, but in greater coordination with stakeholders. It should develop a long-term plan (involving a significant media campaign and educational component) and communicate it widely
- WorkSafeBC should also expand its incentive programs for employers and workers, continue developing health and safety associations, and support industry-based training

Provincial government

- The provincial government should support WorkSafeBC in fulfilling its role and protecting the health and safety of workers by incorporating safety into all levels of the education system, amending the Act as recommended, and holding coroners' inquests

INCREASING AWARENESS

- Despite the fact that we live in a risk-taking society, most stakeholders said they believe it is possible to make work-related injuries, diseases, and deaths as socially unacceptable as drinking and driving
- Stakeholders emphasized that there is a need for education and public awareness about (1) the prevalence and effect of work-related injury and disease, and (2) workplace health and safety standards. They suggested that this could be accomplished through:
 - the education system
 - training for tradespeople, supervisors, managers, and CEOs
 - media campaigns and coverage
 - a speaker series featuring injured workers
 - publications

Though useful, the Internet should not be used as the exclusive means of communication because many people do not have access to it.

FINANCIAL INCENTIVES AND DISINCENTIVES

- A significant number of stakeholders (i.e., 27 percent of survey respondents) were unfamiliar with WorkSafeBC's incentives.
- Stakeholders supported stronger ties between individual performance and assessments, such as:
 - aligning employers' assessment rate more closely with the safety record of their individual worksite
 - introducing the concept of "mandatory deductibles" for employers with consistently poor safety experience

RETURN TO WORK

- Stakeholders suggested that WorkSafeBC should improve the services it provides to both workers and employers to help injured or ill workers return to work.
- Workers should have a legal duty to co-operate with their employers' efforts to help them return to work following a work-related injury or disease.

B. PRELIMINARY CONCLUSIONS FROM STAKEHOLDER CONSULTATIONS

- Many people in B.C. don't know or appreciate (1) the frequency or impact of work-related injury and disease, (2) the risks they face at their workplace(s), (3) WorkSafeBC's mandate, and/or (4) their statutory rights and responsibilities — safety is not "top of mind."
 - Some of those who are aware of WorkSafeBC think that it plays a disproportionately large role in relation to its prevention partners.
 - Those who are knowledgeable about workplace health and safety firmly believe that prevention is a collective responsibility and that commitment and effort by all parties is needed to effect meaningful change.
 - Stakeholder compliance with workplace health and safety standards varies significantly across the province. While some stakeholders are meeting or exceeding the minimum statutory standards, others are failing to meet these standards. Knowledge, attitude, and production pressures are said to be key influences in this area.
 - Stakeholders support WorkSafeBC's continuing leadership role in coordinating prevention efforts and asked that it develop a long-term plan for the system in consultation with stakeholders.
 - Stakeholders believe that a holistic approach to prevention composed of the following elements is needed:
 - regulations
 - industry best practices
 - communications
 - education/consultation
 - audits
 - enforcement
 - financial incentives
 - public campaigns to effect cultural change
- Stakeholders also support WorkSafeBC continuing to play a primary role in education, consultation, and enforcement
- Stakeholders suggest that some aspects of B.C.'s current workplace health and safety system are

working well (such as the existing blend of prescriptive and performance-based regulations), that some efforts need to be enhanced (such as focus on consultation and enforcement), and that other efforts need to be refined (such as discriminatory practices in response to workers raising health and safety concerns).

- Pervasive communication challenges (such as language barriers, unfamiliarity with technical safety language, young workers who think they cannot be injured, and staff turnover) will need to be addressed to achieve effective prevention.

C. ACTIONS ALREADY TAKEN IN RESPONSE TO THE FEEDBACK RECEIVED

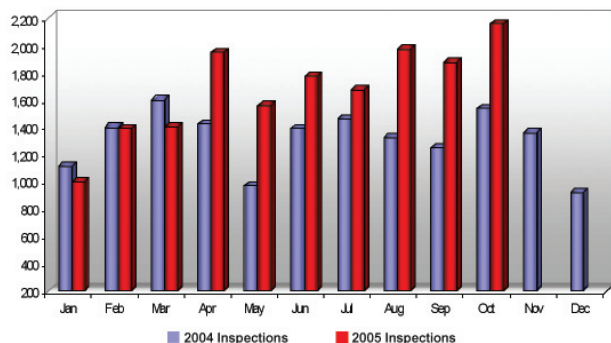
Regulations

- WorkSafeBC has developed a new online consultation mechanism for greater stakeholder input. If you would like to review and comment on the latest proposed regulatory changes before the formal public hearing in May 2006, you can now do so online at www.worksafebc.com/regulation_and_policy/public_hearings/2006_amendments/law_40_30.asp.

Compliance

- As can be seen in the chart below, WorkSafeBC has increased the number and frequency of its worksite inspections and given its officers the tools they need to better evaluate and apply cascading responsibilities and accountabilities. This increase will be further expanded in 2006.

Monthly comparison of inspections (2005 vs. 2004)



Enforcement and roles

- WorkSafeBC has been working closely with industry, labour, the Forest Safety Council, and the provincial government to combat the unacceptably high rate of work-related serious injuries and fatalities in the forest industry. A Forest Prevention and Compliance

Strategy and action plan have been announced and are being implemented. Among other things, the Chair and CEO of WorkSafeBC have written personal letters to their counterparts in each major B.C. forest company and agency, advising them of the law, its consequences, and the potential criminal liability under Bill C-45. These letters made it clear that the current level of workplace injury and death in the forest industry is unacceptable and must be changed going forward. WorkSafeBC is also in the midst of hiring more prevention officers who will focus on the forestry sector (see Appendix A for more information).

- The Board of Directors has approved the organization's 2006 budget, which includes additional staff and/or funds to:
 - provide additional educational and consultative services
 - strengthen field inspections and investigations, particularly in areas of higher risk
 - apply sanctions in a more timely manner
 - administer financial incentives
 - develop more industry partnerships
 - refine the focus firm program
 - develop and implement a social marketing campaign that takes all of us from awareness to action

For more information regarding the allocations to each of these areas, see Appendix A.

- Recognizing that the number of serious injuries and fatalities in many of B.C.'s industries is unacceptable and may result, in part, from the changing nature of working relationships, WorkSafeBC is reviewing its existing policies to:

- clarify the roles and responsibilities of each workplace party (including the status of independent operators and labour contractors) and their interrelationships where there are overlapping obligations
- strengthen industry accountability and enforcement

The organization will soon release a comprehensive strategy and policy amendment package for consultation that:

- reflects the changing nature of working relationships in forestry, construction, and other industries in B.C. and holds each workplace party (including owners and independent contractors) accountable to the extent that each party can influence workplace health and safety
- contains a full and complete briefing on the applicability of Bill C-45 and the interface between WorkSafeBC officers and police forces related to organizational violations of health and safety laws and the Criminal Code

- provides for significant monetary or other incentives or disincentives for all workplace parties to ensure health and safety at the workplace

For more information about this action item, refer to the Board of Directors' Resolution attached as Appendix B.

- While most employers in B.C. register their businesses with WorkSafeBC, some fail to do so — either because they don't know it's a legal requirement or because they don't want to pay the premiums. WorkSafeBC has increased its assessment collection efforts against these companies, thanks to a new agreement with the Canada Revenue Agency (CRA). Simply put, the agreement allows both parties to exchange information, such as contact details and payroll figures, about B.C. businesses. This way, WorkSafeBC can identify firms that are registered with the CRA but not with WorkSafeBC, and — through a broad-based registration campaign — inform these firms of their legal requirement to register. These efforts will result in a greater level of equity for all employers.

APPENDIX A

WorkSafeBC's 2006 Budget

WorkSafeBC's 2006 budget includes:

- Three new prevention officers/industry specialists to focus on the construction sector
- Ten new prevention officers/managers to focus on the primary resources sector
- Two full-time equivalents (FTEs) to conduct worksite inspections and provide on-site consultation and education services; two student intern FTEs consisting of four to six positions in the spring, summer, and fall
- Four new staff members to conduct investigations
- Five new staff members to process penalties
- Four new staff members to respond to stakeholder requests
- Four new staff members to refine the Focus Firm Strategy
- Four new staff members to administer and develop the Certificate of Recognition Program and other partner programs
- Two new technical staff (one to focus on radio-frequency and one to manage equipment)
- Two new staff to focus on certification (one for blasting and one for diving)

APPENDIX B

Board of Directors' Resolution Regarding Serious Injuries and Fatalities

2005/10/06-01

The Workers' Compensation Board of British Columbia Resolution of the Board of Directors

Re: Direction to the Administration with Regard to a Comprehensive Strategy to Address Serious Injuries and Fatalities

WHEREAS:

Pursuant to section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto (the "Act"), the Board of Directors ("the BOD") must set and revise as necessary the policies of the BOD, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

AND WHEREAS:

In many industry sectors in British Columbia, the nature of working relationships and traditional roles of owner, employer, and worker have changed;

AND WHEREAS:

The number of serious injuries and fatalities in many of British Columbia industries — including forestry and construction — are unacceptable and may result, in part, from the changing nature of working relationships in British Columbia and the loss of the distinction which underpins accountability for health and safety;

AND WHEREAS:

Current policy may not in all instances provide appropriate incentives and disincentives to workplace parties to ensure workplace health and safety;

THE BOARD OF DIRECTORS RESOLVES THAT:

- I. The Administration will present to the BOD no later than its January 27, 2006 meeting, a comprehensive strategy and policy amendment package that:

- A) Reflects the changing nature of working relationships in forestry, construction, and other industries in British Columbia and holds each workplace party (including but not limited to owners and independent contractors) accountable to the extent that each party can influence health and safety at the workplace. A first draft of this part of the policy package will be reviewed at the November 17, 2005 BOD meeting. This package will also contain a full and complete briefing on the applicability of Bill C-45 and the interface between WorkSafeBC officers and police forces related to organizational violations of health and safety laws and the Criminal Code.
- B) Provides for significant monetary or other incentives or disincentives for all workplace parties to ensure health and safety at the workplace.
- C) Integrates relevant compensation, assessment, and prevention policy into a streamlined package to counteract workplace injuries and disease through coordinated accountability measures.
- D) Considers matters arising from the Board of Directors' Health and Safety Symposium to be held on October 13 and 14, 2005.

DATED at Richmond, British Columbia, October 6, 2005

BY the Workers' Compensation Board



DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

**Your expertise and commitment are
essential as we work together to
improve worker health and safety and
build a better system for the future.**

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