

An employer who fails to comply with the Occupational Health & Safety Regulation or Board orders or directions is subject to sanctions as prescribed in the Workers Compensation Act.

The Occupational Health & Safety Regulation requires that one copy of this report remain posted in a conspicuous place at or near the operation inspected for at least seven days, or until compliance has been achieved, whichever is the longer period.

An affected employer, worker, owner, supplier, union or member of a deceased worker's family may, within 90 calendar days of this report, in writing, request the Review Division of the WCB to conduct a review of an order, or the non-issuance of an order, in this report by contacting the Review Division at the Board's Richmond Office. The time limit may be extended in certain circumstances. Employers requiring assistance can contact the Employers' Advisers at 1-800-925-2233 --workers can contact the Workers' Advisers at 1-800-663-4261.

Date of Issue	Number	Number of Orders	Employer	Location	Classification Unit Number	Activity Time Recorded*	Travel Time Recorded*
2006-01-03	2006128680023	1	1065	006	753004	2.00	0.50

\* 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)
2-10			N	N	N	

Head Office	Job Site
CITY OF NELSON CITY MANAGER SUITE 101 - 310 WARD STREET NELSON BC V1L 5S4	City of Nelson Public Works Yard 80 Lakeside Drive Nelson BC

Portion Inspected	Not applicable PARTIAL
Violations	REFER TO ORDERS ON FOLLOWING PAGE(S)

Employer Representative Name	Accompanied By Employer Representative
Peter Hartridge	Not applicable
Employer Representative Position	Accompanied By Worker Representative
Director	Not applicable
Phone Number	Organization
250 352-8243	CUPE 339
Signature	Officer of the Board / Signature
	ORR, PAUL

Regulation(s) Referenced in Inspection Text
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OHS 4.3.(1)(a), WCA 115.(2).(e)

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Inspection Text
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**Comments added on issuance:**

**ORDER FOR ADMINISTRATIVE PENALTY RFS 200500210**  
Section 196, Workers Compensation Act (the "Act")

By letter dated October 17, 2005, City of Nelson (the "Firm") was advised that Occupational Safety Officer Paul Orr (the "Officer"), on behalf of the Workers' Compensation Board ("WorkSafeBC"), was considering imposing an administrative penalty for the Firm's failure to comply with section(s) 4.31(a) of the Occupational Health and Safety Regulation (the Regulation) and section 115(2)(e) of the Act identified on Inspection Report 2005128680003 and 2005128680013 issued on January 27, 2005 and May 27, 2005.

The Firm's response, received by WorkSafeBC on December 13, 2005, raised several points the Firm wished WorkSafeBC to consider. WorkSafeBC's response is contained in the letter to the Firm enclosing this inspection report. A party eligible to review the decision may request a copy of the penalty materials from the Compliance Section of the Investigations Division.

Upon consideration of all available evidence, WorkSafeBC has determined that an Administrative Penalty will be imposed for the following reasons:

1. The Firm was found to have committed a violation that resulted in a high risk of serious injury or death.
2. The Firm violated different sections of Part 3 of the Act or the Regulation on more than one occasion where the number of violations indicated a general lack of commitment to compliance.
3. The Firm's violation of Part 3 of the Act and Regulation was knowing or with reckless disregard.
4. The circumstances warrant an administrative penalty.
5. An administrative penalty is necessary to motivate both the employer receiving the penalty and other employers to comply with the Act and Regulation.
6. The Firm failed to exercise due diligence to prevent the violations to which the penalty relates.

Pursuant to s. 196(1) of the Act, WorkSafeBC is imposing an administrative penalty of \$68,791.96 for violations of s. 4.3(1)(a) of the Regulation and s. 115(2)(e) of the Act.

The amount of the penalty was determined in accordance with Prevention Policy D12-196-6 based on the following:

1. the Employer's payroll; and

Employer Representative	Officer of the Board
Peter Hartridge	ORR, PAUL

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2. the nature of the violation (determined as Category "A").

The Employer, a worker, a union, or other person identified under section 96.3 of the Act who is directly affected by this decision may request a review of the decision by the Review Division of the Workers' Compensation Board.

If you wish to request a review you must notify the Review Division in writing within 90 days of this decision. A Request for Review does not act as a stay or suspend the operation of this Order. Further information about the Review Division and a Request for Review Form can be found online at:

[www.worksafebc.com/review\\_and\\_appeals/review\\_division/default.asp](http://www.worksafebc.com/review_and_appeals/review_division/default.asp)

or by calling the Review Division at 604-214-5411 or 1-888-922-8804.

A copy of the Review Division's decision, with reasons, will be provided to all parties who participate in the appeal.

**NOTE:** The Employers' Advisers Office of the Ministry of Skills Development and Labour is available to provide advice or assistance to employers. Their telephone number is toll free at 1-800-925-2233.

The Workers' Advisers Office of the Ministry of Skills Development and Labour is available to provide advice or assistance to workers. Their telephone number is toll free at 1-800-663-4261.

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2006-01-03	2006128680023	2.00	0.50	CITY OF NELSON

Order Number	Decision	WCB Reference	Action Due Date
1	F	WCA 196 (1)	

Pursuant to Section 196(1) of the Workers Compensation Act, the City of Nelson is ordered to pay \$ 68,791.96 to the Workers' Compensation Board Accident Fund.

A copy of this inspection report must be posted in the workplace, in a conspicuous location for 30 days or until the penalty is paid, whichever is later.

Employer Representative	Officer of the Board
Peter Hartridge	ORR, PAUL