

WORKING TO MAKE A DIFFERENCE

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* |
|---------------|---------------|------------------|----------|----------|----------------------------|-------------------------|-----------------------|
| 2006-06-22 | 2006147280186 | 2 | 547576 | 001 | 714034 | 3.50 | 0.25 |

* 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) |
|-------------------|----------------|-----------------|-------------------|-----------------|-------------------|------------------------|
| 11-50 | | | N | N | N | |

| Head Office | Job Site |
|--|--|
| PARK AVENUE FURNITURE (BC) CORPORATION 5811 - 46TH STREET S E CALGARY AB T2C 4Y5 | PARK AVENUE FURNITURE (BC) CORP 1525 Derwent Way Delta, BC |

| | |
|-------------------|--------------------------------------|
| Portion Inspected | Not Applicable UNKNOWN |
| Violations | REFER TO ORDERS ON FOLLOWING PAGE(S) |

| | |
|----------------------------------|--|
| Employer Representative Name | Accompanied By Employer Representative |
| Shiraz Sunderji | Not Applicable |
| Employer Representative Position | Accompanied By Worker Representative |
| President and Secretary | Not Applicable |
| Phone Number | Organization |
| - | |
| Signature | Officer of the Board / Signature |
| | MOAT, ALAN |

Regulation(s) Referenced in Inspection Text

OHS 3.1.(1)(a), OHS 3.5, OHS 3.16.(1)(a), OHS 4.3.(1)(b)(ii), OHS 10.2, OHS 10.3.(1)(c), OHS 10.4.(1), OHS 12.2.(b), WCA 115.(2).(e)

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|-----------------|
| Inspection Text |
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Issued on: 2006/06/22

Officer Inspection Text

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ORDER FOR ADMINISTRATIVE PENALTY RFS 200500338
Section 196, Workers Compensation Act (the Act)

By letter dated February 28, 2006, Park Avenue Furniture (BC) Corporation (the Firm) was advised that Occupational Safety Officer Alan Moat (the Officer), on behalf of the Workers' Compensation Board (WorkSafeBC), was considering imposing an administrative penalty and claims cost levy for the Firm's failure to comply with sections 3.1(1)(a), 3.5, 3.16, 4.3(1)(b)(ii), 10.2, 10.3(1)(c), 10.4(1) and 12.2 of the Occupational Health and Safety Regulation (the Regulation) and section 115(2)(e) of the Act identified on various inspection reports issued in conjunction with the Officer's inspection of an incident at the Firm's workplace resulting in a serious injury to a worker.

The Firm's response, received by WorkSafeBC on April 5, 2006, 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 the same section of Part 3 of the Act or the Regulation on more than one occasion.
3. 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.
4. The Firm failed to comply with a previous order within a reasonable time.
5. The circumstances warrant an administrative penalty.
6. An administrative penalty is necessary to motivate both the employer receiving the penalty and other employers to comply with the Act and Regulation.
7. 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

| Employer Representative | Officer of the Board |
|-------------------------|----------------------|
| Shiraz Sunderji | MOAT, ALAN |

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penalty of \$32,455.88 for violations of s. 3.1(1)(a), 3.5, 3.16, 4.3(1)(b)(ii), 10.2, 10.3(1)(c), 10.4(1) and 12.2 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
2. the nature of the violation (determined as Category A); and
3. other circumstances supporting a variation of the penalty amount.

The Board has also determined that a claims cost levy will be imposed for the following reasons:

The injury to the worker was due substantially to:

- (a) the gross negligence of the Firm;
- (b) the failure of the Firm to adopt reasonable means for the prevention of injuries, deaths or occupational diseases; and
- (c) the failure of the Firm to comply with the regulations made under Part 3 of the Act.

(any one of which satisfies the prerequisite for a claims cost levy)

Pursuant to s. 73(1) of the Act, the Board is imposing a claims cost levy in the amount of \$46,684.83.

The Employer, a worker, a union, or other person identified under section 96.3 of the Act who is directly affected by these decisions may request a review of the decision by the Review Division of WorkSafeBC.

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

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

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.

Pursuant to Section 196(1) of the Workers Compensation Act, Park Avenue Furniture (BC) Corporation is ordered to pay \$32,455.88 to the Workers' Compensation Board Accident Fund.

| Order Number | Decision | WCB Reference | Action Due Date |
|--------------|----------|---------------|-----------------|
| 2 | F | WCA 73 (1) | |

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

Pursuant to s. 73(1) of the Workers Compensation Act, Park Avenue Furniture (BC) Corporation is ordered to pay a claims cost levy of \$46,684.83 to the Workers' Compensation Board Accident Fund.

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|-------------------------|----------------------|
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