

**WORKERS' COMPENSATION BOARD** OF BRITISH COLUMBIA6951 Westminster Highway, Richmond, BC
Mailing Address: PO Box 5350, Vancouver BC, V6B 5L5
Telephone 604 276-3100 Toll Free 1-888-621-7233 Fax 604 276-3247**INSPECTION REPORT**WORKER AND EMPLOYER
SERVICES DIVISION

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
2009/07/24	2009128680137	2

Employer	Location	Classification Unit Number	Activity Time Recorded*	Travel Time Recorded*
743049	001	722001	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)
11 - 50			N	N	N	

Head Office	Job Site
SNC-LAVALIN CONSTRUCTORS (PACIFIC) INC & RIZZANI DE ECCHER I ATTN: ERIN MCCUTCHEON 1075 WEST GEORGIA ST UNIT 13 VANCOUVER BC V6E3C9	Canada Line Canada Line (North Arm Bridge) Richmond BC

Portion Inspected	N/A
Violations	REFER TO ORDERS ON FOLLOWING PAGE(S)

Employer Representative Name	Accompanied by Employer Representative
Dave Weatherby	N/A
Employer Representative Position	Accompanied by Worker Representative
Project Manager	N/A
Phone Number	Organization
(604) 247-3400	
Signature	Officer of the Board / Signature Orr, Paul

For Internal Use Only

Delivery Method: Mailed

Regulation(s) Referenced in Inspection Text

OHS3.5, WCA115.(1).(a)(i)



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Inspection Text

ORDER FOR ADMINISTRATIVE PENALTY RFS 200800424
 Section 196, Workers Compensation Act (the "Act")

On January 21, 2008, Occupational Safety Officer Paul Orr (the "Officer") inspected a workplace at the North Arm Bridge of the Canada Line Project, Richmond, B.C. and observed violations of the Workers Compensation Act (the "Act") and the Occupational Health and Safety Regulation (the "Regulation"). The Officer issued Inspection Report 2008128680083 to the employer, SNC-Lavalin Constructors (Pacific) Inc. & Rizzani de Eccher Inc. (the "Employer") which described these violations.

On September 23, 2008, the Workers' Compensation Board ("WorkSafeBC"), advised the Employer that an administrative penalty was being considered as a result of the circumstances described in that Inspection Report.

The Employer responded to WorkSafeBC's letter on November 28, 2008 and raised several points the Employer wished WorkSafeBC to consider. These points were considered as explained in the letter to the Employer enclosing this inspection report.
 to do so.

Upon consideration of all available evidence, and in accordance with section 196 of the Act and applicable Prevention policy, WorkSafeBC is imposing an administrative penalty because the Employer:

1. failed to take sufficient precautions for the prevention of work related injuries or illnesses;
2. failed to comply with section 3.5 of the Regulation or section 115(1) (a) (i) of the Act;
3. failed to maintain a safe workplace or safe working conditions; and
4. did not exercise due diligence to prevent these circumstances.

The amount of the penalty is \$225,000.00 and was determined in accordance with Prevention Policy D12-196-6 based on the following:

1. the Employer committed high risk violations knowingly, or in reckless disregard of its statutory health and safety obligations;
2. the violations resulted in the death of a worker; and

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Dave Weatherby	Orr, Paul



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3. the President authorized the penalty amount.

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

1. The death of the worker was due substantially to:

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

Pursuant to s. 73(1) of the Act, WorkSafeBC is imposing a claims cost levy in the amount of \$8,535.58.

The Employer, a worker, a union, or other person identified under section 96.3 of the Act who is directly affected by these decision 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 the date on this report. 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:

http://www.worksafebc.com/claims/review_and_appeals/health_and_safety_enforcement/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 review.

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.

(OHS3.5) Every employer must ensure that regular inspections are made of

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all workplaces, including buildings, structures, grounds, excavations, tools, equipment, machinery and work methods and practices, at intervals that will prevent the development of unsafe working conditions.

(WCA115.(1).(a)(i)) Every employer must ensure the health and safety of all workers working for that employer.

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2009/07/24	2009128680137	2.00	0.50	SNC-LAVALIN CONSTRUCTORS (PACIFIC) INC & RIZZANI DE ECCHER

Order No.	1	Decision	F	WCB Reference	WCA196.(1)
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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, SNC-Lavalin Constructors (Pacific) Inc. & Rizzani de Eccher Inc. is ordered to pay \$ 225,000.00 to the Workers' Compensation Board Accident Fund.

Order No.	2	Decision	F	WCB Reference	WCA73.(1)
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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, SNC-Lavalin Constructors (Pacific) Inc. & Rizzani de Eccher Inc. is ordered to pay a claims cost levy of \$8,535.58 to the Workers' Compensation Board Accident Fund.

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