

Coroner's Inquest Recommendations to WorkSafeBC	Response to the Coroner June 2012	Status 2013	Status 2014	Status 2015
<p>a) Work with the Farm and Ranch Safety and Health Association (FARSHA) to co-ordinate and enhance education and enforcement activity regarding confined spaces and other hazards in the Agricultural Sector.</p> <p>b) Work with FARSHA to set up a confined space centre of excellence to provide best practice information in relation to the risks involved with confined spaces and procedures for minimizing those risks.</p>	<p>Bruce Johnson, E.D. of FARSHA and Roberta Ellis spoke immediately following the inquest. The first meeting was held on May 29th. Both of these recommendations will be addressed. FARSHA's confined space program for agriculture, developed in conjunction with WorkSafeBC's senior hygienist, is the natural basis for expansion to a centre of excellence on confined spaces.</p> <p>Collaboration is on-going.</p>	<p>WorkSafeBC Agriculture Officers and FARSHA representatives continue to ensure adequate measures are being taken by agricultural employers to control workplace hazards identified during WorkSafeBC workplace inspections.</p> <p>WorkSafeBC and FARSHA have developed two publications:</p> <p><u>Health and Safety For Agriculture</u> identifies the high risk activities that are normally found on farm and worksites in this Sector.</p> <p><u>Confined Space Safety</u> in BC Agriculture identifies safety concerns with work carried out in locations where there may be a lack of oxygen or other hazards.</p> <p>These booklets have been distributed to all employers in the Sector. These and other resources on confined spaces and hazards in agriculture are available on WorkSafeBC's website and/or through FARSHA.</p> <p>WorkSafeBC continues to work with FARSHA and a Project Team on the development of a centre of excellence for confined spaces.</p> <p>Knowledgeable resources are available through WorkSafeBC and FARSHA to respond to questions and concerns on confined spaces.</p> <p>WorkSafeBC implemented a mushroom composting strategy immediately following the tragic confined space accident which increased inspectional and educational presence at the four mushroom composting facilities currently operating in BC (2 Princeton, 1 Cache Creek and 1 Abbotsford). All mushroom composting facilities have been inspected to ensure they are compliant with Exposure Control Plans (ECPs) and related safe work procedures. WorkSafeBC officers worked closely with FARSHA to assist composting facilities through development of ECPs.</p> <p>WorkSafeBC continues to monitor mushroom composting operations. Inspections focus on ensuring continued compliance at the site level. Officers inspect</p>	<p>WorkSafeBC launched the Confined Space Centre of Excellence in Agriculture website on April 15, 2014. The Centre provides information on how to recognize confined spaces in agriculture, identify related hazards, and maintain a safe workplace.</p> <p>Eight employer books were published for the following categories: Berry and Vegetable; Orchards and Vineyards; Mushroom Farming; Dairy; Poultry and Egg; Ranches, Animal Farms, and Feedlots; Grain and Seed; and Greenhouses, Nurseries and Floriculture.</p> <p>A worker handbook and new signage have also been published. Both the worker handbook and the sign were translated into seven languages.</p> <p>Training materials were developed and are available for Employers and Workers from the Centre of Excellence website. WorkSafeBC will assist FARSHA with the roll-out of worker and employer training in the agricultural industry.</p>	<p>FARSHA, utilizing WorkSafeBC's Senior Occupational Hygienist, provided education for workers and employers in the dairy, greenhouse, nursery and floriculture industries in June and September of 2014.</p>

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		<p>to ensure that the ECPs and safe work procedures at each facility continue to be operational and reflect any changes in facility design or work process.</p> <p>The mushroom composting strategy was broadened to include targeted inspections of mushroom growing operations.</p>		
<p>c) Amend the Occupational Health and Safety Regulation (OHSR) to require yearly reporting by all employers confirming compliance with the OHSR and its requirements.</p> <p>d) Amend the OHSR to require yearly reporting by all employers identifying all confined spaces on their premises and the existence of plans and procedures for minimizing the risks associated with those confined spaces.</p> <p>e) Amend the OHSR to require that every new agricultural worker, manager and owner complete a two-day training course on occupational health and safety approved and certified by WorkSafeBC, prior to or within the first month of involvement in the agricultural industry.</p> <p>f) Amend the OHSR to require that every existing agricultural worker, manager and owner complete a two-day course on occupational health and safety approved and certified by WorkSafeBC, within two years of the amendment.</p>	<p>The steps in the <i>Act</i> to make amendments to the Occupational Health and Safety Regulation (OHSR) are: obtain Board of Director (BOD) approval to add the issues to the regulatory work plan; prepare draft proposals; pre consult with worker and employer representatives nominated by the Policy and Practice Consultative Committee (PPCC) consult broadly with agriculture on the proposals; conduct public hearings. At a May 2012 meeting the BOD approved adding items c), d), e), and f) to the Policy and Regulation Division regulatory work plan.</p> <p>Regarding recommendation c), WorkSafeBC will write to all agricultural employers-approximately 5200-now, reminding them of their legal obligations while the process for an OHSR amendment moves ahead.</p> <p>Regarding recommendation d) an amendment to the OHSR proposing a comprehensive risk assessment for all employers is on the existing work plan-this would include identifying the risks and hazards of confined spaces. We will also be considering the reporting aspects of the recommendation.</p> <p>Regarding recommendations e) and f), while WorkSafeBC is reviewing the recommendation, we will also examine whether a policy approach (which is binding in law) is viable.</p>	<p>The BOD approved adding items c), d), e), and f) to the Policy and Regulation Division work plan. The Policy and Practice Consultative Committee (a committee of worker and employer representatives) were briefed in September 2013 and pre-consultation on the proposals has begun. WorkSafeBC staff are also examining with external subject matter experts whether a policy approach is viable in relation to e) and f). Initial thoughts are that a regulation change would be preferred and there is no advantage to having a policy due to the time it will take to develop the training framework. The next regulatory public hearings will be in 2014.</p> <p>Pending regulatory hearings, a letter from the CEO of WorkSafeBC was sent to all 5200 agriculture employers in August 2012, reminding them of their legal obligations regarding occupational health and safety. Two booklets detailing the hazards and risks associated with agriculture and confined space were included in these letters. These booklets are also regularly distributed by FARSHA.</p>	<p>Requiring employers to confirm their compliance annually with the <i>Workers Compensation Act</i> (Act) and the OHSR poses legal, enforcement and implementation challenges. An annual declaration does not mean a workplace will be in ongoing compliance. Workplaces are dynamic, not static. This is additionally problematic in regard to annual declarations regarding confined spaces which regularly come in to being, for example on a construction site, and then change or cease to be.</p> <p>WorkSafeBC continues to work with stakeholders on the spirit and intent of this recommendation. In April 2014, WorkSafeBC launched the Confined Space Centre of Excellence in Agriculture website. WorkSafeBC staff have developed with FARSHA, training curriculum on confined spaces. FARSHA is in the process of establishing employer educational and awareness sessions on the hazards of confined spaces, starting in May.</p> <p>WorkSafeBC hosted a joint educational session on April 25th for WorkSafeBC and FARSHA officers, to introduce the new confined spaces education and resource materials. Further officer training on issues of compliance will take place in May.</p> <p>The issue of mandatory OHS training specifically for new and existing owners, employers and workers in the Agricultural Sector continues to be examined but poses considerable challenges. There are standards that already exist in the Act and the OHSR that set out the obligations of</p>	<p>The Act and OHSR currently contains requirements on inspections, supervision, and training which apply to the agriculture industry:</p> <p>Section 115(2)(e) of the Act requires employers to provide workers with the information, instruction, training, and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace.</p> <p>Section 117 provides the general duties of supervisors and includes a requirement to ensure the health and safety of all workers under the direct supervision of the supervisor.</p> <p>Section 3.5 of the OHSR requires every employer to ensure that regular inspections are made of workplaces at intervals to prevent the development of unsafe working conditions.</p> <p>Section 3.23 requires employers to provide health and safety orientation and training to young or new workers before these workers begin work. The orientation and training must include a number of topics, including the name and contact information for the worker's supervisor, the employer's and worker's rights and responsibilities under the Act and the OHSR, workplace health and safety rules, and hazards to which the worker may be exposed.</p>

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			<p>employers to train and supervise their workers.</p> <p>Additionally, the inquest was held in regard to deaths in a confined space at a mushroom farm and composting facility – there are 50 employers and 1,130 workers in mushroom farming and composting; there are 4,660 employers and 20,680 workers in 'agriculture' which is a highly diverse sector with a high number of smaller operations.</p> <p>WorkSafeBC has no information that suggests that requiring two days of mandatory training for new employers and workers, and two days of mandatory training for existing employers and workers will meet with any support in the agricultural industry; rather it will be highly criticized as unreasonable and unwarranted given that the injury rates in many of these subsectors are considerably lower than other higher risk sectors. The injury rate in agriculture in 2012 was 2.6; manufacturing was 3.5; construction was 4.3; and transportation and warehousing was 4.7.</p> <p>WorkSafeBC does take the spirit and intent of the recommendation extremely seriously and is committed to continuing to work with FARSHA to expand and grow training materials for agriculture. FARSHA's Board is composed of members of the BC Agricultural Council and the Canadian Farm workers Union; they have specialists and consultants throughout the province and multiple training programs.</p>	<p>Part 9 of the OHSR also contains requirements specific to supervision and training for work in confined spaces. Section 9.7 states that the employer must assign responsibility for supervision to a person who is adequately trained to supervise the job before any worker enters a confined space. Section 9.8 requires each person who is assigned duties or responsibilities related to entry into a confined space be adequately instructed and trained in the hazards of the space and the precautions identified in written procedures to properly perform their duties.</p> <p>In addition, per section 9.38, every person assigned to perform confined space rescue duties must be properly and adequately trained to carry out such duties.</p> <p>FARSHA, utilizing WorkSafeBC's Senior Occupational Hygienist, provided education for workers and employers in the dairy, greenhouse, nursery and floriculture industries in June and September of 2014.</p> <p>On May 29, 2014 Agricultural Prevention Officers participated in a confined space compliance training session conducted by a WorkSafeBC BC Senior Occupational Hygienist.</p>
<p>g) During site inspections ask to see employer's Occupational Health and Safety Program with Employee training records.</p>	<p>Officers examine OHS program committee minutes and training records, along with other requirements. A review following the tragedy in 2008 identified 6 areas for follow up-the first 3 of which address this recommendation. 1. Review of Procedures for handling Complaint Calls. 2. Review of Officer Actions. 3. Review of Management Oversight. 4. Systems Changes. 5. Identification of Emerging Issues. 6. Information</p>	<p>Most operations require the program for small operations (OHSR section 3.2-less than 20 workers).</p> <p>Prevention Officers are focusing on ensuring these operations have developed and implemented effective Exposure Control Plans (ECPs) and ensuring key OHS program components, for instance, safe work procedures, training, supervision, and inspections are in place.</p> <p>WorkSafeBC has enhanced its protocol and procedures for agricultural worksite</p>	<p>Employer responsibilities regarding safety programs are set out in the Occupational Health and Safety Regulation. Officers will continue to enforce sections 3.1 to 3.3 of the OHSR.</p> <p>The inspectional component of the 2014 Agriculture Prevention Strategy continues to focus on the employer's responsibility to have either a fully implemented Formal Health and Safety program (20 or more workers) or a Less Formal Health and Safety program (less than 20 workers). Included in</p>	<p>The inspectional component of the 2015 Agriculture Prevention Strategy continues to focus on the employer's responsibility to have either a fully implemented Formal Health and Safety program (20 or more workers) or a Less Formal Health and Safety program (less than 20 workers). Included in this process is a check of the employer's orientation and training records.</p>

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<p>h) Increase the number of WorkSafeBC Agriculture Inspectors.</p> <p>i) Increase the number of Prevention Officers.</p>	<p>WorkSafeBC has the highest ratio of officers to working population in Canada (1/9,100)-we are comparable to WorkCover Victoria (Australia) and we are above recommendations from the ILO (1/10,000). The President has already committed to an examination of prevention services for 2012 including an examination of the number of enforcement officers and the merit of an increase. The adequacy of the number of officers specifically assigned to Agriculture, on a full time basis, and the total officer time allocation to Agriculture, will form an explicit subset of the review.</p>	<p>WorkSafeBC has doubled the number of agricultural safety officers since the Inquest; there are now 12 agricultural safety officers. While WorkSafeBC has more officers than at any time in its history (255 officers in 2013), a review of Prevention capacity is underway.</p>	<p>WorkSafeBC hired six additional agriculture inspectors in 2012, doubling the number of officers focused on this industry. WorkSafeBC's efforts are built on three fundamentals – education, consultation and enforcement. WorkSafeBC enforcement activities have increased over the decade and are focused on high risk industries that are the source of the majority of serious injuries; and, employers with a history of repeated non-compliance with occupational health and safety requirements. Enforcement officers: 180 in 2003 to 272 (budgeted) in 2013 – and officers are increasingly supported by engineers, legal officers and human factors specialists. WorkSafeBC has the highest ratio of officers-to-working-population of any jurisdiction in Canada. Inspection reports: 15,976 (2003) 39,909 (2013) Orders: 23,145 (2003) 68,483 (2013) Penalties: 64 imposed (2003) 233 imposed (2013)</p>	<p>Enforcement Officers: 281 (budgeted) in 2014 Inspection reports: 39,119 in 2014 Orders: 57,190 in 2014 Penalties imposed: 433 in 2014</p> <p>WorkSafeBC's ratio of officers to active working population continues to be above the recommendations from the ILO (1/10,000). Based on recent B.C. statistics (2.22 million workers), the ratio is now one officer for 7,900 active workers.</p>
<p>j) Ensure all confined spaces and hazardous areas are labeled with appropriate signage in various languages, as required.</p>	<p>WorkSafeBC will work with industry groups on translation of signage and promotion of the existing requirement.</p>	<p>Signage is a key component of confined space safety. WorkSafeBC and FARSHA have developed signage in four languages (English, Punjabi, Vietnamese and Spanish) that identify the hazards and locations of confined spaces and hazardous atmospheres. FARSHA has worked with mushroom farming employers and assisted in the placement of the appropriate signs. WorkSafeBC Agriculture Offices have inspected all mushroom composting operations in BC to ensure employers have identified all the confined spaces and hazardous areas specific to toxic gases and signs are in place identifying these hazards. Inspections have also been carried out in the white mushroom growing operations to ensure hazardous atmospheres such as low</p>	<p>Employers are required to identify all confined spaces in their workplaces. Confined spaces must be either secured against entry or identified by a sign or other effective means indicating the nature of the hazard and prohibition of entry and workers are instructed not to enter. WorkSafeBC and FARSHA have developed signage in seven languages (English, French, Simplified and Traditional Chinese, Punjabi, Vietnamese and Spanish) that can be used by employers to identify confined spaces and prohibit entry. WorkSafeBC and FARSHA will continue in 2014 to improve awareness regarding confined spaces and to ensure that confined spaces and other hazardous areas are properly identified and labeled in a language appropriate to the worksite. To compliment</p>	<p>Identifying confined spaces and prohibiting entry into confined spaces were the two top cited orders issued in the agricultural CUs in 2014.</p>

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		oxygen have been identified with signs.	<p>this process, approximately 5,000 confined space packages have been sent in May to agricultural employers. These packages contain tools (including labels in various languages and a stencil) to assist the employer with identifying and properly labeling their confined spaces. Similar packages have been provided to FARSHA field consultants and WorkSafeBC prevention officers to facilitate this process. WorkSafeBC safety officers continue to inspect agricultural operations, including mushroom farms, to verify that confined spaces are identified and secured from entry or have appropriate signage.</p> <p>As part of the 2014 Agricultural Prevention Strategy all mushroom composting sites will be re-inspected by WorkSafeBC to ensure and verify that exposure control plans are current.</p>	
k) Initiate a program of random surprise inspections of employers in high risk sectors.	<p>The majority of inspections are unannounced-and consequently a "surprise". Random activity, even in high risk sectors, has not proven to be successful in reducing injury rates. Targeted activity has been successful, in conjunction with improvements in consultation and education. When an inspector schedules a visit-it may be to meet with the Health and Safety Committee-and s/he would want them present; or to follow up an order-employer indicates that guarding will be in place on a certain date-the officer says "I'll be back on that date". The majority are unannounced-but some cases a planned visit makes sense</p>	Both random unannounced and planned inspections continue in the Agricultural Sector as part of the ongoing prevention strategy.	<p>WorkSafeBC does target a number of high risk industries, and has a focused team conducting inspections in the Agricultural Sector.</p> <p>In 2012, WorkSafeBC conducted 1,019 inspections of agricultural operations. The amount of agricultural inspections in 2013 increased approximately 36% to 1,599. As per normal business practice, these inspections continue to be unannounced.</p> <p>Target workplaces for inspection may be identified through the use of claims and other data, as responses to complaints or information received from the public or other stakeholders, or as 'targets of opportunity' identified by prevention officers themselves in the course of their field work. WorkSafeBC's normal business practice is to conduct inspections that are unannounced, so that inspectors are given an accurate view of the conditions and circumstances at that workplace in the normal course of business.</p>	In 2014, WorkSafeBC conducted 1,506 inspections of agricultural operations. As per normal business practice, these inspections continue to be unannounced.