

6951 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

The *Workers Compensation Act* requires that the employer must post a copy of this report in a conspicuous place at or near the workplace inspected for at least seven days, or until compliance has been achieved, whichever is the longer period. A copy of this report must also be given to the joint committee or worker health and safety representative, as applicable.

Inspection Report #201615624049A		
Employer Name	Jobsite Inspected	Scope of Inspection
SCHOOL DISTRICT #73 KAMLOOPS THOMPSON (South Sahali Elementary)	1585 Summit Drive Kamloops BC	SOUTH SAHALI ELEMENTARY

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Oct 31, 2016	Oct 31, 2016	Nov 02, 2016	Email

THERE ARE TWO (2) ORDERS OR OTHER ITEMS OUTSTANDING

ACTION REQUIRED

Summary of Orders or other Items		
See "Orders/Items - Full Details" section of this Inspection Report for orders/items cited		
Order/Item No.1 <input type="checkbox"/>	Status: Outstanding	Cited: OHS4.28(1)
Notice of Compliance Required.		
Order/Item No.2 <input type="checkbox"/>	Status: Outstanding	Cited: OHS4.29(b)
Notice of Compliance Required.		

ORDER STATUS LEGEND	
Order Status	Description
Outstanding	Order Outstanding - Action Required to Achieve Compliance
Complied	Compliance Achieved - No Further Action Required
Closed	Order is Closed
Rescinded	Order has been cancelled -- No Further Action Required

INSPECTION NOTES

This inspection was initiated as the result of a worker's exercise of their right to refuse unsafe work. The worker reports that they sustained injuries while working with a student. The employer has not established that a violence in the workplace (VITW) risk assessment has been conducted where a risk of injury to workers from violence is present.

The steps for refusal of unsafe work have been followed. When the employer and worker, with the involvement of the worker's trade union, were unable to resolve the matter, the employer's representative contacted WorkSafeBC. The findings of the inspection were that a risk of injury from violence was present in the workplace, and that a risk assessment meeting the requirements of the Regulation had not been conducted, and procedures or work environment arrangements to minimize the risk to workers were not in place.

ORDERS/ITEMS

An employer who fails to comply with Part 3 of the *Workers Compensation Act*, the *Occupational Health & Safety Regulation*, or *WorkSafeBC* orders may be subject to monetary or other sanctions as prescribed by the *Workers Compensation Act*.

Orders/Items - Full DetailsOrder/Item No.1 Status: **Outstanding**Cited: **OHS4.28(1)**

At this school where there is potential for incidents of violence (as defined within the Occupational Health and Safety Regulation), the employer has not conducted an assessment to determine the risk of injury to workers.

This is in contravention of the Occupational Health and Safety Regulation Section 4.28(1).

A risk assessment must be performed in any workplace in which a risk of injury to workers from violence arising out of their employment may be present.

① Measures to Ensure Compliance:

The employer is to conduct a risk assessment that includes consideration of previous experience in the workplace, occupational experience in similar workplaces and the location and circumstances in which the work takes place.

Pursuant to section 194 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 194 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved.

Order/Item No.2 Status: **Outstanding**Cited: **OHS4.29(b)**

Incidents have occurred at this workplace resulting in a worker feeling concern for their safety. The employer has been ordered to initiate a risk assessment related to the risk of violence. Based on the findings of the risk assessment, the employer must establish procedures, policies or work environment arrangements to minimize the risk of injury to workers from violence.

This is in contravention of the Occupational Health and Safety Regulation Section 4.29(b).

If a risk of injury to workers from violence is identified by an assessment performed under section 4.28 the employer must, if elimination of the risk to workers is not possible, establish procedures, policies and work environment arrangements to minimize the risk to workers.

② Measures to Ensure Compliance:

Following the recommendations of the risk assessment, establish policies, procedures or work environment arrangements to eliminate or minimize the risk of injury from violence to workers.

Pursuant to section 194 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 194 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved.



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REFERENCES

In addition to any orders, or other items, and the information provided in the Inspection Notes section in this Inspection Report, the officer may discuss other health and safety issues with the employer arising out of the inspection. The information below sets out the health and safety requirements discussed with the employer, and unless otherwise noted, violations of these requirements were not observed.

Reference	Details Discussed
<p>WCA194(1)</p> <p>This Inspection Report contains one or more orders requiring you to submit a Notice of Compliance report. This report must be prepared in accordance with section 194(2) of the Workers Compensation Act.</p>	<p>Notice of Compliance</p>
<p>WCA194(2)</p> <p>The employer or other person directed by an order under subsection (1) must prepare a compliance report that specifies:</p> <ul style="list-style-type: none"> (a) what has been done to comply with the order, and (b) if compliance has not been achieved at the time of the report, a plan of what will be done to comply and when compliance will be achieved. 	<p>Notice of Compliance</p>
<p>OHS3.12(5)</p> <p>If the investigation under Subsection 3.12(4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer of the Workers Compensation Board, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.</p>	<p>A refusal of unsafe work was initiated in this workplace. The parties involved were unable to satisfactorily resolve the matter and contacted WorkSafeBC. The orders issued in this report address the unsafe condition identified in the inspection.</p>
<p>OHS4.27</p> <p>In sections 4.28 to 4.31</p> <p>"violence" means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.</p>	<p>The OHS Regulation definition of violence has been discussed with the employer and worker representatives.</p>
<p>OHS3.13(1)</p> <p>A worker must not be subject to discriminatory action as defined in section 150 of Part 3 of the Workers Compensation Act because the worker has acted in compliance with section 3.12 or with an order made by an officer.</p>	<p>This regulatory requirement was discussed with the employer</p>



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INSPECTION REPORT
Worker and Employer Services Division
201615624049A

Reference	Details Discussed
OHS3.13(2) Temporary assignment to alternative work at no loss in pay to the worker until the matter in section 3.12 is resolved is deemed not to constitute discriminatory action.	This regulatory requirement was discussed with the employer. The worker is currently assigned to work that does not include the condition that was the basis of the work refusal