



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 #201615624050A		
Employer Name	Jobsite Inspected	Scope of Inspection
SCHOOL DISTRICT #73 KAMLOOPS THOMPSON	1585 Summit Drive Kamloops BC V2E 1E9	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 08, 2016	In Person

THERE IS ONE (1) ORDER OR OTHER ITEM 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: WCA115(2)(e)

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Rescinded	Order has been cancelled - No Further Action Required



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INSPECTION NOTES

On October 28, 2016, a report of unsafe work under Part 3.12 of the Regulation was brought to WorkSafeBC for investigation. Based on the information provided at the time, it was determined that adequate measures had not been implemented to eliminate or reduce the risk of injury to workers.

The investigation determined that a violence in the workplace risk assessment had not been conducted and the employer was issued a compliance order for that deficiency. During the investigation into the refusal of unsafe work, no mention was made that this situation was the result of the independent action of a properly trained, instructed and supervised worker. Following the issuance of the risk assessment order, it was reported to WorkSafeBC that an alternate worker had been assigned to work in the classroom where the risk was reported. No changes had been made to the work procedures or the arrangement of the classroom. When questioned about "what has changed" since the initial refusal, the response was that an investigation had found that the worker who refused unsafe work had not been following the safety plan.

No evidence has been provided to support that the worker received oversight or supervision adequate to ensure that they were following the conditions of the safety plan. In the employer's "Notes from October 27th", the document indicates that the worker reported challenges in providing for the needs of the student while following the constraints of the safety plan.

If the worker did in fact fail to follow the safety plan, and if the plan was effective, there is still a responsibility on the employer to ensure adequate instruction and supervision to ensure compliance. No evidence has been provided to support that adequate supervision existed prior to the investigation into the refusal of unsafe work. During the initial steps of the work refusal, the issue of the worker not following the safety plan was not brought forward, and was not mentioned during the Board officer's investigation.



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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 Details

Order/Item No.1 <input type="checkbox"/>	Status: Outstanding	Cited: WCA115(2)(e)
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This employer has not provided the workers with adequate information, instruction, training and supervision 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, as evidenced by:

- a student with behavioural responses that have resulted in injury to a worker has regularly attended classes at this school, and a behaviour plan was not developed
- a safety plan, intended as a measure to ensure worker safety, was developed and revised twice, based partially on a report of injury by a worker. There was not adequate supervision and monitoring of the revised safety plan to ensure that it was effective, or that the worker(s) involved were complying with the plan.
- following a report of refusal of unsafe work, the employer representative failed to communicate that the failure to comply with the safety plan resulted in an unsafe act or condition

This is in contravention of the Workers Compensation Act Section 115 (2)(e).

An employer must provide to the employer's workers 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.

Measures to Ensure Compliance:

The employer is ordered to provide a response that outlines how the responsibilities of supervisors are communicated to supervisors and how the compliance with these responsibilities is monitored and assessed.