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Institute for Work & Health

British Columbia

Description of the organization of the occupational health and safety system and the delivery of prevention services

Report to the
Expert Advisory Panel
Occupational Health and Safety Prevention
and Enforcement System

Ontario Ministry of Labour

British Columbia

There are approximately 2.4 million economically active adults in British Columbia.

Dating from legislation establishing a workers' compensation scheme in British Columbia in 1917, the BC workers' compensation board, WorkSafeBC, has consolidated responsibility for establishing OHS regulatory standards, operating a labour inspection service to ensure compliance with standards and the provision of wage replacement benefits and health care services for workers injured or disabled by a work-related injury or illness.

As in all Canadian provinces, the federal government has jurisdiction over occupation health and safety regulatory standards and OHS inspection and enforcement services for industries regulated by the federal government.

1.0 Organization and Structure of OHS Prevention Services

1.1 Key Elements of Legislative Authority

The *Workers Compensation Act* ([RSBC 1996] CHAPTER 492) is the primary authority for WorkSafeBC's occupational health and safety responsibility. Part 3 of the Act was introduced in 1999 following the recommendation of the *First Report of the Royal Commission on Workers' Compensation in British Columbia*. This part consolidates pre-existing legislative authority for occupational health and safety assigned to WorkSafeBC within the WCA. Section 107 provides the purpose of the legislation:

The purpose of this Part is to benefit all citizens of British Columbia by promoting occupational health and safety and protecting workers and other persons present at workplaces from work related risks to their health and safety.

(2) Without limiting subsection (1), the specific purposes of this Part are

- (a) to promote a culture of commitment on the part of employers and workers to a high standard of occupational health and safety,*
- (b) to prevent work related accidents, injuries and illnesses,*
- (c) to encourage the education of employers, workers and others regarding occupational health and safety,*
- (d) to ensure an occupational environment that provides for the health and safety of workers and others,*
- (e) to ensure that employers, workers and others who are in a position to affect the occupational health and safety of workers share that responsibility to the extent of each party's authority and ability to do so,*
- (f) to foster cooperative and consultative relationships between employers, workers and others regarding occupational health and safety, and to promote worker participation in occupational health and safety programs and occupational health and safety processes, and*
- (g) to minimize the social and economic costs of work related accidents, injuries and illnesses, in order to enhance the quality of life for British Columbians and the competitiveness of British Columbia in the Canadian and world economies.*

The legislation provides the Board with the authority to make regulations. This regulation-making authority is unique among workers' compensation systems in Canada (although the compensation boards in Quebec and Prince Edward Island have similar if more constrained authority). The Lieutenant Governor in Council may also make regulation.

1.2 Responsibility for Prevention Services

The Worker and Employer Services Division of WorkSafeBC provides information about health and safety to industry, establishes standards and guidelines for occupational health and safety, provides educational presentations on occupational health and safety matters or concerns, educates and consults with employers and workers about regulations, undertakes worksite inspections, enforces regulations through warning letters, orders, the assessing of administrative penalties, and prosecutions or closure orders. WorkSafeBC cooperates with other provincial and federal agencies with responsibilities for standard setting.

The Investigations Division provides specialized investigative, engineering and legal services in support of OHS prevention and enforcement goals. The Division is organized into specific professional service departments. Investigators within the Fatal and Serious Injury Investigations department conduct detailed root cause analysis investigations of workplace fatalities and serious injury incidents. Legal Officers within the Compliance department provide legal advice and services on OHS investigations and enforcement matters including administrative penalties and prosecutions. The Engineering department provides advice on incident investigations, workplace inspections and OHS technical standards. The Incident Response Programs department operates the Lessons Learned program to educate stakeholders and promote prevention initiatives; The Critical Incident & Family Support program provides services to families and colleagues of injured or deceased workers and provides Human Factors specialists to assist in incident investigations and study behavioural factors in OHS matters. The Investigations Division maintains MOU's with federal and provincial agencies such as Transport Canada, BC Coroners Service and BC police agencies through the BC Association of Chiefs of Police.

1.3 Source of Funding and Expenditures on Prevention Services

Prevention services provided by WorkSafeBC are funded by employer insurance premium contributions. In 2007, total expenditures by WorkSafeBC on prevention services were \$64,486,000, representing 5.7% of total premium revenues of \$1,140 million. Expenditures on labour inspection, enforcement and compliance services is estimated to represent \$39.9 million (including \$8.2 million on Investigations Division services), expenditures on education, training and workplace consulting services was \$10.6 million and expenditures on employer injury reduction initiatives represented \$13.9 million. Prevention services expenditures represent \$30.80 per worker.

1.4 Prevention Service Activities

WorkSafeBC prevention staff recorded 188,000 hours of inspection and enforcement activity in 2007, conducting 29,800 field visits and issuing 51,700 orders or citations. An additional 37,000 hours of prevention staff effort provided workplace consultation services.

In British Columbia, prevention services are organized regionally. Within each geographic region, there are labour inspectors with specialized sectoral expertise.

1.5 *Expenditures on Research*

WorkSafeBC invested \$1,196,722 in 2007 on research projects related to the prevention of work-related injury and illness. Research investments represented 1.6% of total prevention services expenditures.

2.0 **OHS Prevention Model**

2.1 *OHS Standards*

Over the past 10 years, WorkSafeBC has developed and maintained a balance of prescriptive and performance-based standards. The OHS Regulation is divided into 32 Parts: Parts 1 - 4: Core Requirements apply to all workplaces, Parts 5-19: General Hazard Requirements deal with general hazards found in a number of workplaces and Parts 20-32: Industry/Activity Specific Requirements deal with requirements for specific industries.

Many parts of the OHS Regulation have associated guidelines, which are used to help interpret and apply the OHS Regulation. The OHS Guidelines are a dynamic group of documents, with updates and additions happening regularly. The Regulatory Practices Department, Worker and Employer Services Division develops guideline content and consults with representatives of directly affected parties. An advisory body, the Policy and Practice Consultative Committee, made up of representatives of workers, employers and the Board reviews and comments on guideline development. Guidelines are issued on the authority of the Vice-President, Worker and Employer Services.

2.2 *Regulatory Amendment Process*

There is no legislated requirement that OHS legislation or regulatory standards be reviewed at mandated intervals. However, the WCA requires that the Board undertake an ongoing review of and consultation on its regulations to ensure consistency with current workplace practices, technological advances and other changes affecting OHS and the occupational environment.

Regulatory amendments are approved by the WorkSafeBC Board of Directors. The process is scheduled annually, commencing with a release of proposed regulatory amendments. The consultation phase provides stakeholders with an opportunity to provide feedback on the proposed amendments. Following a period of consultation, proposed amendments are taken to a public hearing. WorkSafeBC must hold a public hearing under the *Workers Compensation Act* before a regulation can be made.

In British Columbia, WorkSafeBC has a standing consultation forum to inform regulatory and policy development, named the Policy and Practice Consultative Committee. The membership of the Policy and Practice Consultative Committee consists of: two Co-chairs (Senior Vice-President, Corporate Affairs, Policy and Research Division and Senior Vice-President Operations), and members comprising, the Executive Director, Employers' Advisers Office, Ministry of Labour, the Executive

Director, Workers' Advisers Office, Ministry of Labour, four representatives from the worker community, plus two alternates and four representatives from the employer community, plus two alternates. The worker and employer representatives are nominated by their respective communities, and are appointed by the co-chairs. The Committee members will provide input and advice to WorkSafeBC regarding stakeholder consultation processes and stakeholder perspectives on priority issues. Committee meetings are typically held monthly.

2.3 *Regulatory Requirement for Worker Participation*

Section 125 of the WCA requires an employer to establish and maintain a joint health and safety committee in each workplace where 20 or more workers of the employer are regularly employed, and in any other workplace for which a joint committee is required by order. Section 139 requires a worker health and safety representative in each workplace where there are more than 9 but fewer than 20 workers of the employer regularly employed, and in any other workplace for which a worker health and safety representative is required by order of the Board.

In addition to the General Duty requirement common to most occupational safety and health regulations, Section 3.23 of the Regulation was recently introduced. It imposes a regulatory obligation concerning the orientation and training of new or young workers:

3.23 *Young or new worker orientation and training*

(1) An employer must ensure that before a young or new worker begins work in a workplace, the young or new worker is given health and safety orientation and training specific to that young or new worker's workplace. (Enacted by B.C. Reg. 105/2007, effective July 26, 2007)

Beyond the provisions of 3.23, certain occupations require certification. These include the operation of cranes, blasting, and first aid.

2.4 *Economic Incentives*

WorkSafeBC makes extensive use of experience rating in establishing insurance premiums to be paid by individual employers. Experience-rated adjustments to insurance premiums are established prospectively. The gross value of rebates and surcharges estimated for 2010 is \$223 million.

WorkSafeBC's voluntary *Partners in Injury and Disability Prevention Program* offers incentives to employers who implement health and safety management systems aimed at improving workplace safety, and helping injured workers return to work in a safe and timely way. Participating employers work with a Certifying Partner, often a health and safety association, to meet the program's standards. After passing an audit and successfully meeting other program requirements, employers are eligible to receive a Certificate of Recognition (COR) and a rebate on their WorkSafeBC premiums. Rebates are not granted to firms under a closure order, subject to a penalty or having experienced a fatality.

A COR earned for a Health and Safety Management System provides a 10% premium rebate, and a COR earned for Injury Management/ RTW System provides a 5% premium rebate. In 2006, the WorkSafeBC Board of Directors formally approved

expanding the Partners Program from its pilot phase to a program available to all industries in B.C. Since the program began, the number of certifying partners has grown to 10, most of which are also health and safety associations. To date, there have been over 4,000 COR certifications issued to employers.

3.0 OHS Strategy Framework

3.1 *Description of Elements of OHS Strategy*

WorkSafeBC has adopted a Prevention Injury Reduction Strategy based on the following principles:

1. Transparency and collaboration lead to sustainable implementation
2. A balance of enforcement, education, & consultation is critical for success
3. Inspections & enforcement are catalysts for change
4. How Response Activity, Inspections, and Enforcement are conducted affect public confidence in the system
5. Partnership creates sustainability

WorkSafeBC's Prevention Injury Reduction Strategy focuses on the following activities:

- **Targeting prevention services to high risk classification units:**
WorkSafeBC's High Risk Strategy focuses on industries that have a greater risk of injuries and fatalities than other industry sectors. Currently, WorkSafeBC has targeted four primary high-risk industries: Manufacturing, Construction, Health Care, and Forestry ; and four regionally localized industries (Oil & Gas, Agriculture, Fishing,Trucking) in secondary strategies. As part of the strategy, WorkSafeBC looks at all factors of the industry — individual Classification Units (CUs), sub-sectors, employers, workers, and injury types — to direct its inspectional and educational efforts where it will be most effective. HSAs and WorkSafeBC's extensive website provide safety information and services to industries not targeted in the High Risk Strategy. In 2007, WorkSafeBC focused on 132 classification units in seven high-risk industries
- **Voice of the Customer and Quality Management**
WorkSafeBC has initiated a VOC program focused on its inspectional and order activities to ensure those activities are conducted in a way which increases workplace engagement in safety and injury prevention. Quarterly surveys of both employer and worker participants in inspections are conducted and survey feedback is provided to inspectional officers. Annual regional action plans are developed in response to survey results to improve performance.
- **Partnerships with health and safety associations (HSAs)**
As organizations dedicated to providing OHS services, HSAs offer employers access to resources on safety and training specific to their industry. This results in employers and industries having an increased awareness about health and safety, which manifests itself in lower injury rates and premium rates.

WorkSafeBC's partnerships with HSAs provide an opportunity for employers and industry to take a proactive role in promoting health and safety in the workplaces. In 2007, WorkSafeBC provided funding to 10 industry safety associations in 2007 (13 as of 2010). HSAs must demonstrate industry support for an additional levy on assessments to support their operations.

Funds for the operating budgets of HSAs are generated by adding a levy to the assessment premiums of employers within specific classification units. The boards of directors for each of the HSAs comprise representatives from that industry, and review and approve the workplan and budget, which translate into the annual levy amount.

- **Partners in Injury and Disability Prevention**

This voluntary program offers incentives to employers who implement health and safety and return-to-work programs in their workplaces beyond the legal requirements. After passing an audit and successfully meeting other program requirements, employers are eligible to receive a Certificate of Recognition (COR) and a rebate on their WorkSafeBC premiums (see 2.4).

- **Account management**

The Account Management Program involves a focused approach with large Lower Mainland companies who consistently have a high number of long-duration claims. Through regular consultations, Account Managers help these companies implement best practices in safety and disability management in order to improve their safety performance. Account Managers act as consultants to companies to increase their understanding of the value of workplace safety, and improve performance outcomes.

WorkSafeBC sets multi-year targets for reduction in the rate of accepted claims receiving wage-replacement benefits per 100 person-years of employment. The 2007 target was 3.06 and the 2010 target was 3.00. On an annual basis, the target objective represents a reduction of approximately 1% per year in the rate of accepted claims.

3.2 *Participation of employer and worker representatives*

Within the framework of the Prevention Injury Reduction Strategy, WorkSafeBC makes extensive use of consultations within industrial sectors to frame solutions to recurring health and safety challenges. In these consultations, WorkSafeBC is understood by the stakeholder parties to have the authority, as the OHS regulator, to impose regulatory obligations if necessary. Under the direction of WorkSafeBC industry consultants, stakeholder parties are invited to identify solutions (which may include regulatory action) to address recurring challenges.

3.3 *Targeting Resources to Greatest Risks*

As outlined in 3.1, WorkSafeBC has a number of prevention programs that target resources to greatest risk. The identification of high risk sectors, high hazard work exposures and highest risk workplaces is informed by the use of compensation claim information. WorkSafeBC has a high quality information technology platform and a Business Intelligence unit that is an essential foundation of the Prevention Injury Reduction strategy. Data analysis is used by the High Risk Strategy teams to

identify high risk conditions and sectors, develop tactical plans to meet targets, and monitor ongoing progress.

4.0 Operational Co-ordination

4.1 Priorities in Operational Coordination

The Worker and Employer Services Division coordinates and plans enforcement and consultation priorities within economic sectors. Responsibility for the implementation of regional prevention priorities is held by 4 Regional Directors and the Director of Industry and Labour Services. Overall operation co-ordination responsibility is held by the Vice President, Prevention Services, Workers and Employer Services Division.

The High Risk Strategy (3.1 bullet 1) includes a structure that ensures cross-functional collaboration in developing strategies to meet operational targets. Team structure focuses inspectional activity, education/information product development, practice development, and industry consultation are focused on the targeted industries and issues. Performance and outcomes are monitored and identified as a team accountability.

4.2 Monitoring the Effectiveness of Prevention Services

Management staff and executive leadership of WorkSafeBC regularly review performance measures and high risk strategy team activities and performance. WorkSafeBC annually reports on prevention system performance through performance indicators.

References

- (1) British Columbia. Comparative analysis of workers' compensation systems in select jurisdictions. Report to the Royal Commission on Workers' Compensation in British Columbia. Perrin, Thorau & Associates. January 1998.
- (2) Annual Report 2007, WorkSafeBC.

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		Ontario		British Columbia	
Reference Year		2007		2007	
A Labour Force Statistics					
A.1	Population aged 15-64	9,068,500	f	3,006,400	f
A.2	Labour force participants	6,590,000	h	2,266,300	h
A.3	Labour force participants covered by the OHS legislation of your authority	5,840,000	a	2,091,400	
A.4	Labour force participants excluded, exempt or covered under a separate authority	531,347	p	145,161	p
Inspection, Enforcement and Compliance Services					
B					
B.1	Count of the number of staff in your authority's labour inspection service	450		218	q
B.2	Total number of inspection/investigation hours	NA		188,054	g
B.3	Total number of field visits conducted by staff in your authority's labour inspection service	101,275	a	31,649	g
B.4	Total number of orders or citations issued by staff in your authority's labour inspection service	176,600	a	55,438	g
B.5	Total number of convictions arising from the prosecution of OHS violations or penalties imposed	1,191	a	221	o
B.6	Total value of fines levied for convictions arising from the prosecution of OHS violations.	\$12,000,000	a	\$4,256,516	g
B.7	Count of the number of labour inspection staff under the authority of other agencies that provide inspection services in your jurisdiction	30	p	10	p
B.8	Total number of field visits conducted by labour inspection staff under the authority of other agencies that provide inspection services in your jurisdiction	951	p	345	p
B.9	Total number of orders or citations issued by labour inspection staff under the authority of other agencies that provide inspection services in your jurisdiction	32	p	9	p
B.10	Total number of convictions arising from the prosecution of OHS violations under the authority of other agencies in your jurisdiction	2	p	0	p
B.11	Total value of fines levied for convictions arising from the prosecution of OHS violations under the authority of other agencies in your jurisdiction.	\$290,000	p	\$0	p
C Training and Workplace Consultation Services					
C.1	Count of number of staff funded by or employed by your authority providing training services or workplace consultation services	350	b	252	n
C.2	Total number of participant-days of training provided	282,380	a	NA	
C.3	Total number hours of workplace consultation services	163,057	a	36,835	m
D Expenditures					
D.1	Expenditures on labour inspection, enforcement and compliance services	\$90,000,000	a	\$39,978,000	k
D.2	Expenditures on education, training, workplace consulting, social marketing and prevention communications	\$103,600,000	a	\$10,600,000	k
D.3	Expenditures on research related to the prevention of work-related injury and illness	\$5,600,000	a	\$1,196,722	l
D.4	Economic incentives: gross value of rebates and surcharges assessed on employer insurance premiums	\$523,000,000	c	\$223,000,000	o
D.5	Economic incentives: value of rebates or awards to employers for OHS performance	\$32,600,000	e	\$13,908,000	k
D.6	Number of employers participating in OHS performance programs	3,200	d	4,000	

		Ontario		British Columbia	
Reference Year		2007		2007	
E	Insurance for work-related disability				
E.1	Labour force participants insured by workers' compensation / work disability funds in your jurisdiction	4,786,088	h	2,110,800	h
E.2	Labour force participants excluded, exempt or insured by a separate workers' compensation/ work disability fund	1,803,900		155,500	
E.3	Total premium revenue	\$3,313,000,000	i	\$1,140,000,000	k
E.4	Expenditures on wage replacement benefits STD	\$2,372,000,000	j	\$258,500,000	k
E.5	Expenditures on pension, permanent disability awards			\$419,300,000	k
E.6	Expenditures on health care services and vocational rehabilitation services			\$294,000,000	k

NA: Not applicable

DNA: Does not apply

- a) Expenditures reported in \$ CDN. System performance measurement report 2007. Note that 'Expenditures on education, training, workplace consulting, social marketing and prevention communications' excludes \$30,600,000 in revenues generated from service fees. Occupational Health and Safety Council of Ontario. January 30, 2009.
<http://www.iwh.on.ca/ohsco-system-performance-measurement-report-2007>
- b) RPO. Occupational Health and Safety Council of Ontario. Roles review and realignment, June 2008
- c) Recommendations for experience rating. Report to the WSIB. Morneau Sebaco, October 2008.
- d) WSIB. Safety Groups Program Member Update 2006/2007. <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/SafetyGroupsProgram>
- e) WSIB. 2008 Safety Groups Program Rebate. <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/SafetyGroupsYearlyRebate>
- f) Population estimates and projections, 2009, Statistics Canada. <http://www40.statcan.gc.ca/101/cst01/demo31a-eng.htm>
- g) Statistics 2007, WorkSafeBC. For British Columbia, Inspection reports (p67) are recorded as 'Total number of field visits', Penalties recommended (p67) are recorded as 'Total number of convictions', Penalties imposed (p67) are recorded as 'Total value of fines levied for convictions..', Education hours and Consultation hours (p67) are reported as 'Total number of hours of workplace consultation services'.
- h) <http://www.iwh.on.ca/compensation-fact-sheets>
- i) Annual Report 2007, Workplace Safety and Insurance Board. Total premium revenue is reported as premium revenue for the current year (\$2,499 million) plus income from investments (\$812 million). Additional premium revenue of \$1,024, allocated to the unfunded liability in Ontario, are not recorded in entry E.3..
- j) <http://www.iwh.on.ca/compensation-fact-sheets>. Expenditures on short-term wage replacement benefits (E.4) and pension awards (E.5) are consolidated in Ontario. Expenditures on health care services and vocational rehabilitation services (E.6) include expenditures for the WSIB Labour Market Re-entry program.
- k) Annual Report 2007, WorkSafeBC. For British Columbia, expenditures on labour inspection, enforcement and compliance services are consolidated with expenditures on education, training and workplace consultation (Note 13: Operating costs, p85: total prevention expenditures of \$56,362,000. This expenditure amount concurs with the value listed for the AWCBC KSM 9). IWH has allocated the amount of \$13,908,000, listed under the heading 'Injury-reduction initiatives' to category D.5: awards to employers for OHS performance. After subtracting \$13,908,000 from total prevention expenditures, the remainder (\$42,452,000) has been allocated to the portion attributed to inspection and investigation (75%, p66) and a portion attributed to education, training and workplace consultation (25%). In addition to the FTE complement of 218 labour inspectors, WorkSafeBC employs 90 FTEs in the Investigation Division, representing an expenditure of \$8,178,000 in 2007. Personal communication, Terry Bogyo, Director Corporate Planning and Development, WorkSafeBC.
- l) Estimates obtained from summary of research projects funded in 2007 that were related to the prevention of work-related injury and illness. http://www.worksafebc.com/contact_us/research/funding_decisions/default.asp
- m) In C.3, the consultation services estimate for Ontario reports the activities of staff of Health and Safety Associations. The estimate for British Columbia reports activities of staff of WorkSafeBC. British Columbia estimates do not include consultation activity hours delivered by the 10 industry safety associations active in 2007.
- n) this total includes officers in B1.
- o) Personal communication, Terry Bogyo, Director Corporate Planning and Development, estimate for 2010 based on 2008 payroll.
- p) OHS Compliance and Operations Unit, Labour Program, HRSDC. Custom tabulation, April 20, 2010.
- q) In addition to the FTE complement of 218 labour inspectors, WorkSafeBC employs 90 FTEs in the Investigation Division, representing an expenditure of \$8,178,000 in 2007. Personal communication, Terry Bogyo, Director Corporate Planning and Development, WorkSafeBC.



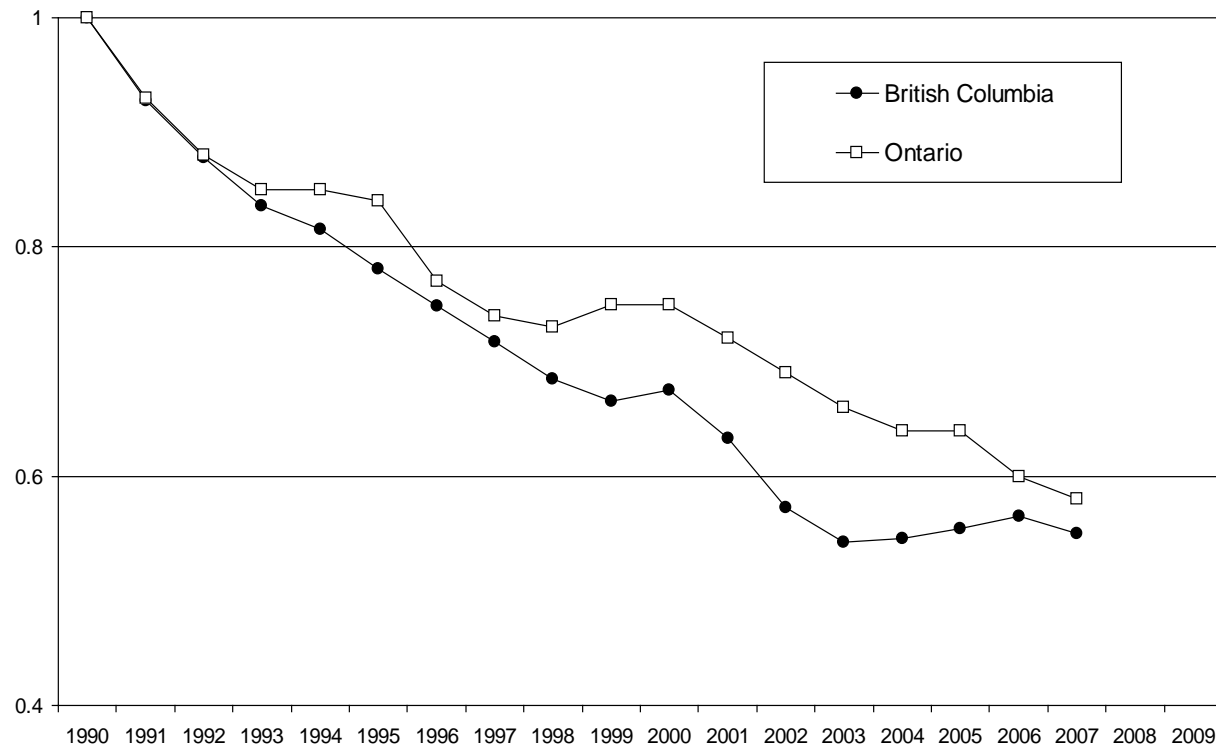
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Trends in compensation claim rates, 1990-2007

British Columbia and Ontario

(1991 = 100, reported compensation claims) (Source: AWCBC)



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