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Orders to Workers Show Increase

Orders to Workers are on the rise after a new Guideline that recognizes the importance of a shared responsibility for safety in the workplace. The Guideline was under development during most of 2009 and the issue of workplace responsibility has taken on a higher profile.

COCA Partner associations are encouraged to distribute this statistical information to their members about the early results for writing Orders to Workers.

The Directors of COCA have long been requesting that there be a recognition of the responsibility that workers have to follow WorkSafeBC Regulations.

In 2008, there were 276 Order to Worker (OTW) Reports. In 2009, there were 414. These numbers are very small, but they seem to indicate that OTWs are starting to be used as a tool for enhancing safety.

The following data from WorkSafeBC shows the top 10 Classification Units (CUs, used for grouping industries) that show a significant increase in OTWs from 2008 to 2009.

CU #	Industry Description	Counts of Initiating Orders in Order-to-Worker Reports		
		2008	2009	Change – 2009 vs 2008 (Counts)
721051	Steep Slope Roofing	54	129	+75
703013	Manual Tree Falling and Bucking	17	29	+12
753004	Local Government and Related Operations	5	15	+10
721024	Framing or Residential Forming	8	16	+8

<b>721043</b>	<b>Plumb,Heat,Vent,Res AC,Cnt Vac Inst,Rpr</b>	1	8	+7
<b>721019</b>	<b>Electrical Work</b>	1	7	+6
<b>721020</b>	<b>Pre-engineered Steel Bldg Construction</b>	2	8	+6
<b>721027</b>	<b>House or Other Wood Frame General Contracting</b>	13	18	+5
<b>723006</b>	<b>Road Construction nes</b>	1	6	+5
<b>723004</b>	<b>Paving Services or Asphalt Manufacture</b>	0	5	+5

Most of the increases in OTWs issued in 2009 come from the Construction Industry.

WorkSafeBC divides the Province into regions. The top 5 Prevention Regions that showed a significant increase in initiating OTW reports are:

<b>Prevention Admin Region</b>	<b>2008</b>	<b>2009</b>	<b>Change - 2009 vs. 2008 (counts)</b>
<b>70 VICTORIA</b>	29	59	+30
<b>85 KAMLOOPS</b>	29	53	+24
<b>31 ABBOTSFORD</b>	13	35	+22
<b>84 COQUITLAM</b>	11	26	+15
<b>20 BURNABY/NEW WESTMINSTER</b>	5	18	+13

The top 5 Regulations cited on OTW reports in 2009 as compared to 2008 are:

<b>OHS Regulations Cited</b>	<b>2008</b>	<b>2009</b>	<b>Change - 2009 vs. 2008 counts</b>	<b>Comments</b>
WCA 116.(1) - WCA 116 2(b): General duties of workers	83	156	+73	Majority come from Construction
WCA 117.(1) - WCA 117 2(c): General duties of supervisors	51	73	+22	Majority come from Construction
OHS 11.2(1)a - OHS 11.6(2): Fall Protection	62	79	+17	Majority come from Steep slope roofing
OHS 13.33(1): Fall Protection	5	13	+8	Majority come from Construction
OHS 16.33(1): Mobile Equipment - Seatbelts Use	5	8	+3	Mixed Industries

These numbers indicate a recognition of the importance of a shared responsibility for workplace safety. However, there is still a long way to go.

Contractors and their supervisory staff are encouraged to inform workers about the shared safety responsibility in the workplace.

The Guideline explains what the WorkSafeBC Officer needs to consider when the worker has been properly trained and supervised and still violates a WorkSafeBC health & safety regulation.

The Guideline is available at:

[http://www.worksafebc.com/regulation\\_and\\_policy/policy\\_practice\\_consultative\\_committee/meeting\\_calendar/sept09/assets/G\\_D3\\_116.pdf](http://www.worksafebc.com/regulation_and_policy/policy_practice_consultative_committee/meeting_calendar/sept09/assets/G_D3_116.pdf)

### Summary of Guideline

The Guideline describes the factors that will be used to determine under what circumstances Orders to Workers (OtW) should be issued.

The new Guideline recognizes this need for a fair and balanced approach to workplace responsibility.

Under the Workers' Compensation Act, the responsibilities of workers include:

- 1990 • Taking reasonable care to protect his or her health and safety and the health and safety of others
  - 1991 • Following safe work procedures
  - 1992 • Using appropriate personal protective equipment (ppe)
  - 1993 • Not engaging in horseplay or other hazardous conduct
  - 1994 • Ensuring that their ability to work is not impaired by alcohol, drugs, or other causes
  - 1995 • Reporting to his or her supervisor or employer unsafe conditions and contraventions of the *Act* or *Regulation*
  - 1996 • Co-operating with prevention officers
- (Section 116)

Under the Workers' Compensation Act, specific responsibilities are also assigned to employers and supervisors.

The Guideline provides the following situations of when an Order to Worker may be appropriate:

- • “Worker fails to use ppe in accordance with requirements (section [8.9](#) of the *Regulation*)
- • Supervisor does not ensure appropriate ppe is available, properly worn, and maintained (section [8.8](#) of the *Regulation*)
- • Blaster fails to follow safe blasting procedures (section [21.66](#) of the *Regulation*)
- • Worker fails to comply with lockout procedures (section [10.7](#) of the *Regulation*)
- • Worker engages in improper activity or behaviour at the workplace (section [4.25](#) of the *Regulation*)
- • Crane operator does not follow proper procedures (section [14.38\(2\)](#) of the *Regulation*)
- • Worker remains at workplace while being impaired (section [4.20\(1\)](#) of the *Regulation*)
- • While spraying isocyanate-containing paint, the worker does not wear the airline respirator that was properly selected and provided for the worker's use by the employer. The worker was aware of the lung sensitization hazard associated with exposure to isocyanate.
- • Worker enters a live sewer well (confined space) without conducting pre-entry atmospheric testing and without ventilating the space. The worker was aware that the well was a confined space that could contain a hazardous atmosphere. Worker was also provided with adequate instruction and training regarding pre-entry requirements and other safe work procedures for confined space entry work.”

In all cases, the worker must have been properly trained, provided with the appropriate Personal Protective Equipment (PPE) and supervised so that they understand the risks, know how to safeguard themselves and that they have been observed demonstrating their competence in safely performing the work.

If you believe that an OTW should be written on a worker, you are entitled to request the WorkSafeBC Officer to consider this action.