

B.C. workplace safety agency doubles number of fines for infractions

Roofing companies and asbestos-removal firm among those targeted by WorkSafeBC

BY GORDON HOEKSTRA, VANCOUVER SUN DECEMBER 7, 2015



The decision to hand out more penalties was a response to one of the recommendations from Gordon Macatee, who was commissioned to report on WorkSafeBC after two mill explosions in northern B.C.

Photograph by: Wayne Leidenfrost, PNG

WorkSafeBC has handed out nearly double the amount of fines for industry safety infractions this year and 2014 over the previous two years, part of a new approach to use penalties as deterrents.

In 2014, 433 penalties were issued totalling \$6 million. As of last week, already 509 penalties have been handed in 2015 out with a total value of \$6.4 million, according to figures provided by WorkSafeBC at the request of The Vancouver Sun.

In the past three years, individual penalties have ranged from \$700 to a high of \$149,871. That highest penalty was issued in November 2014 to WWL Vehicle Services Ltd. for an incident in Delta where a worker fell off a rail car and was seriously injured.

About three quarters of the penalties have been issued in the construction industry with nearly half for roof-related incidents, mostly for not using fall protection properly or not at all. Since 2011, at least four

workers have been killed from falls from roofs and there have been dozens of serious injuries.

There were also more than 120 fines for safety infractions related to asbestos removal, mostly in the demolition of houses.

Two dozen sawmills and pellet plants were also hit with fines, some of those for wood-dust buildup.

In 2013 and 2012, 233 and 260 penalties were issued respectively. The total value of penalties handed out in those two years was less than \$6 million.

The shift to issue more penalties has come, in part, from a recommendation from a report by former civil servant Gordon Macatee, who was commissioned by the B.C. government to find ways to increase workplace safety after two deadly, wood dust-fuelled sawmill explosions in northern B.C. in 2012.

The recommendations led to new laws that give WorkSafeBC more enforcement tools and also a new focus at WorkSafeBC.

“This is around really not a mindshift per se, but really a bit of different way of looking at things — rather than looking at penalties as purely punitive, we wanted to start focusing penalties as being a deterrent,” says Al Johnson, vice-president of prevention services for WorkSafeBC.

To that end, Johnson said WorkSafeBC has created an online database (bit.ly/1TuvtUU) where the public can search for companies that have been handed out penalties since 2013.

The safety agency is also issuing penalties much more quickly. Now, 87 per cent of the time, fines are issued within 90 days. In the past, it had taken up to a year or more to issue penalties.

Processing a backlog of penalty cases has also added to the higher penalty numbers, said Johnson.

The database shows Ryder Roofing was assessed a \$93,559 fine in March after a worker was observed not wearing fall-protection gear on a roof while 4.5 to 5.5 metres above a concrete sidewalk and driveway. The fine — the highest for a roofing incident — is being appealed.

BCS Contractors Ltd. was handed several fines in the past three years for asbestos-related infractions, including a \$60,000 fine issued in April 2015 for improperly removing asbestos-containing drywall from a Burnaby home that was to be demolished.

Independent Contractors and Business Association president Philip Hochstein said there is little doubt that roofing has been identified as a high-risk safety area and it's right that companies who break safety rules should be fined.

Penalties are a direct hit to a company's bottom line, he said.

However, he said the government should also allow workers who break the rules to be fined individually. Macatee had recommended WorkSafeBC consider such a measure but it has not been implemented.

“The government to its discredit frankly, chose not to implement that recommendation,” said Hochstein.

United Steelworkers Western Canada director Steve Hunt said that while fines can help in some cases, they are based on the size of the company’s payroll which means, in real terms, the fines can be “tiny” compared to the seriousness of the violation.

Hunt said, for example, if companies are exposing their workers to asbestos — which can cause deadly diseases years later — they should face criminal charges.

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