

EXECUTIVE DIRECTOR'S REPORT

We are growing! I am very happy to announce an increase in our staff numbers, with another part time Administrative Assistant, Erin Mark. Erin will start June 1st, and will work Wednesday afternoon, Thursday and Friday. Erin has a great deal of municipal experience, with previous employers the Cities of Pitt Meadows and Maple Ridge.

Our success and demand as a municipal training organization has necessitated expanding our staff to keep up with it all. In addition to helping with training records, Erin will be taking on several duties within the Certificate of Recognition program. Welcome, Erin!

There are a number of initiatives I'm working on at the moment: an Accountability project, identifying the management safety responsibilities that should be engrained in every organization; claims duration reduction initiative, helping municipalities identify gaps in best practices for claims management and return to work; preventing mental health disorders through the implementation of the Road to Mental Readiness and The Working Mind programs, in conjunction with the Mental Health Commission of Canada; and Safer in the Hall, a new training

program being introduced at the BC Fire Chief's Conference in June, aimed at identifying safety issues in firehalls. If you are interested in any of these projects, please get in touch!

Busy? Absolutely. Does the work we do contribute to safer workplaces? We think so – in fact, the injury rate in municipalities has dropped by 28% from 2006 to 2014 (we still don't have the numbers for 2015). We are thrilled to be asked to provide training and programs to our member municipalities, to use in their individual workplaces. It's that work that is making the difference and helping people return home safely at the end of the day.

And finally, the conference steering committee will begin working on the 2017 conference within the next few weeks. Mark your calendars! The eleventh BC Municipal Safety Conference will take place October 15-17 at the Penticton Trade & Convention Center. Come join us for what may be our last municipal conference!

Cathy Cook



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“ Does the work we do contribute to safer workplaces? We think so – in fact, the injury rate in municipalities has dropped by 28% from 2006 to 2014. ”

British Columbia
Municipal Safety
Association

R2MR / TWM

Workplace mental health is becoming one of the main concerns for our members, affecting not only first responders, but general municipal workers as well who are often first on the scene of tragedies.

The Mental Health Commission of Canada has developed two courses, the Road to Mental Readiness (R2MR) and The Working Mind (TWM), to reduce stigma and address and promote mental health and resiliency in the workplace.

Both of these courses are taught using the mental health continuum model, a modern recovery-oriented self-assessment tool which provides practical tools for participants to assess themselves and others for positive, poor, and declining mental health. The program helps employees

and managers create a supportive environment and strengthen the organizations' culture.

The BCMSA is facilitating a one week train-the-trainer session, to train municipal first responders and trainers to deliver the courses in their organizations, September 26 to 30, in Langley. You may also choose to take the courses directly from the Mental Health Commission of Canada.

For more information, contact [Cathy Cook](#).

MENTAL HEALTH CONTINUUM MODEL



MEETINGS

June 10, 2016

Regular General Meeting in Delta

September 16, 2016

Regular General Meeting in Penticton

December 9, 2016

Regular General Meeting in Delta



SAVE THE DATE!

2017 Municipal Occupational Health & Safety Conference

Conference Theme: "Share the Knowledge"

October 15 to 17, 2017

Penticton Trade & Convention Center, Penticton BC

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UNDERSTANDING THE DIFFERENCE BETWEEN WORKSAFEBC “FOR CAUSE” AND “FOR PROSECUTION” INVESTIGATIONS

By Kim Fournier, Manager, Law and Policy - Employers' Advisers Office

WorkSafeBC’s investigative powers and procedures came under government scrutiny following its investigations into the 2012 sawmill explosions at Babine Forest Products Mill and Lakeland Mill. In 2014, a report by John Dyble, Deputy Minister to the Premier, Cabinet Secretary and Head of Public Service, and subsequent recommendations by special advisor Gordon Macatee, resulted in the implementation of a dual-model approach for WorkSafeBC investigations:

- “for cause” investigations when evidence is gathered with the predominant purpose of enforcing compliance with the *Workers Compensation Act (Act)* and safety regulations; and
- “for prosecution” investigations when evidentiary rules for a prosecution in court will be followed, including obtaining warrants for search and seizures and the reading of *Canadian Charter of Rights and Freedoms (Charter)* rights to appropriate parties.

Background

Under the *Act*, WorkSafeBC Officers have extensive investigation powers to ensure compliance. These powers include inspecting materials and equipment, conducting tests, securing a worksite, requiring production of records for inspection, questioning persons under oath, and seizing items without a warrant. Supplementing these powers is a general requirement under the *Act* that persons facilitate and not hinder inspections. In other words, there is a legal obligation to comply with the investigation. If WorkSafeBC determines during the course of its investigation that regulatory or criminal charges should be considered, it will, like other independent agencies, forward a Report to Crown Counsel (RTCC) to the Criminal Justice Branch (CJB), setting out the whole of the evidence it has gathered.

CJB acts independently of government in order to protect the public interest with impartiality. In assessing whether to lay charges, CJB considers the admissibility of the evidence as laid out by the courts. Currently, two 2002 Supreme

Court of Canada (SCC) decisions, *R. v. Ling* and *R. v. Jarvis* govern when Charter issues come into play. The SCC held that an individual is entitled to Charter protections once an adversarial relationship crystallizes between the person under investigation and the investigators. This usually happens when the ingredients of an offence are reasonably thought to have occurred.

In preparing his Report, it came to Mr. Dyble’s attention that at the time of the Babine investigation, there was an unresolved disagreement between WorkSafeBC and CJB regarding the application of the two SCC decisions to WorkSafeBC investigative practices. While Mr. Dyble found that both were acting with the appropriate motivation and in the public interest, the CJB nevertheless had concerns that techniques used by WorkSafeBC during the Babine investigation were insufficient to overcome the Charter protections afforded by the courts. These concerns were one of the reasons CJB decided not to approve regulatory charges. Similar findings were made regarding the evidence in the Lakeland mill investigation.

Major Case Management protocols (instigated in 2012) and the dual-team model approach recommended by Mr. Dyble and Mr. Macatee were implemented by WorkSafeBC in 2014.

Dual-Team Model

The dual-model approach split the Fatal and Serious Injury (FSI) department into two distinct teams, each with its own manager and special constables.

FSI Team A conducts “for cause” investigations with the compulsion powers granted under the *Act*. If, during the course of its investigation, the Team A investigator considers that there may be cause for prosecution of an offence, the investigator will immediately stop the investigation and the Director, Investigations will be notified. Once it has been determined that a line has been crossed (referred to as “the Rubicon” or “bright light” in case law), the “Gatekeeper” is immediately notified. The Gatekeeper is General Legal Counsel at WorkSafeBC.

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UNDERSTANDING THE DIFFERENCE *continued from page 3*

If the Gatekeeper agrees that the bright line has been crossed, Team A is directed to cease its investigation immediately. FSI Team B then initiates a “for prosecution investigation”, following court evidentiary rules.

While the managers of both teams report to the Director, Investigations, there is an ethical wall between them. This means any evidence gathered by compulsion by Team A after the bright line has been crossed will not be shared with Team B.

Impact for Employers

Persons are required to provide all reasonable means to facilitate a WorkSafeBC “for cause” investigation or risk potential enforcement for obstruction. That being said, all evidence gathered for the predominant purpose of enforcing compliance prior to a bright line being crossed is admissible in a subsequent prosecution.

The key question will therefore be at what particular point the mindset of the investigator and the predominate purpose of the investigation changes. This is a complex question which largely depends on the facts of the particular case. As the Supreme Court of Canada notes at paragraph 88 of the *Jarvis* decision:

In essence, officials “cross the Rubicon” when the inquiry in question engages the adversarial relationship between the [person subject to investigation] and the state. There is no clear formula that can answer whether or not this is the case. Rather, to determine whether the

predominant purpose of the inquiry in question is the determination of penal liability, one must look to all factors that bear upon the nature of that inquiry.

Would a potentially incriminating remark or document uncovered in the “for cause” investigation be passed to Team B? Again, there is no clear answer to this question as it would depend on whether that evidence was what reasonably tipped the scale for the investigator and changed the purpose of the investigation. The answer and the admissibility of that evidence in a subsequent prosecution is an issue that will need to be determined by the courts.

An employer would be well-advised to ensure its workers are aware of the dual team model and instructed to confirm, prior to giving any evidence, the purpose of the investigation, particularly in the case of a fatal or serious injury investigation.

In addition, under the *Act*, it is also important to bear in mind that persons who are questioned by a WorkSafeBC officer are entitled to be accompanied during the questioning by one other person of his or her choice who is reasonably available, including legal counsel.

Contact the Employers' Advisers Office:
Toll Free: 1-800-925-2233
labour.gov.bc.ca/eao/

Would you like to participate in a Webinar on this topic?
Contact Cathy Cook, ccook@bcmsa.ca

2015 CITY OF EXCELLENCE AWARD WINNER!

Congratulations to the Capital Regional District Integrated Water Services Department
Gold Standard Award Recipient for the second year in a row!

Recognized for showing exemplary procedures in all aspects of ground disturbance practices.



HAZARDOUS WASTE: LET'S TEST YOUR KNOWLEDGE

To prevent harming human health and the environment, it's essential that hazardous waste is handled, stored, transported, treated and disposed of properly.

Waste that is classified/defined as hazardous waste must be managed according to the rules and standards set out by the *Environmental Management Act* and the Hazardous Waste Regulation.

Wastes may be "hazardous" for many different reasons:

- They are corrosive, ignitable, infectious, reactive and toxic (the "acute" hazard characteristics)
- They have the potential to harm human health or the environment in a subtle manner over long periods of time (the "chronic" hazards)
- They may range from paints, oils and solvents to acids, heavy metal-containing sludges and pesticides

Here are 4 questions that Municipalities are legally required to know regarding hazardous waste. This is just the start!

1. What is your BCG Number specifically for?

- Waste Oil
- Waste Asbestos
- Paint
- All above
- None of the above
- More than above

2. How much Flammable Liquid Waste must you generate to require registration with the Ministry of Environment?

- 100 L
- 500 L
- > 200 L
- any quantity

3. What is the quantity of Oil, waste or product, that when released or spilled, requires you to report the spill?

- 100 L
- 5000 L
- 1L
- Any quantity

4. Who is legally responsible to complete Part A of the Waste Movement Document?

- Consignor
- Consignee
- Carrier
- Waste Contractor

Do you have a Hazardous Waste Operational Plan meeting the BC Hazardous Waste Regulations for your Municipality?

- Yes
- No

(this answer must be "yes"!)

Answers: 1) More than above; 2) 500 L; 3) 100 L; 4) Consignor

Each person and company involved in a dangerous goods shipment has very specific responsibilities.

Everyone involved with dangerous goods must:

- Make sure that the goods are safe and not leaking or damaged
- Understand and recognize the TDG hazards
- Be trained and certified by their employer
- Know what to do if an incident occurs

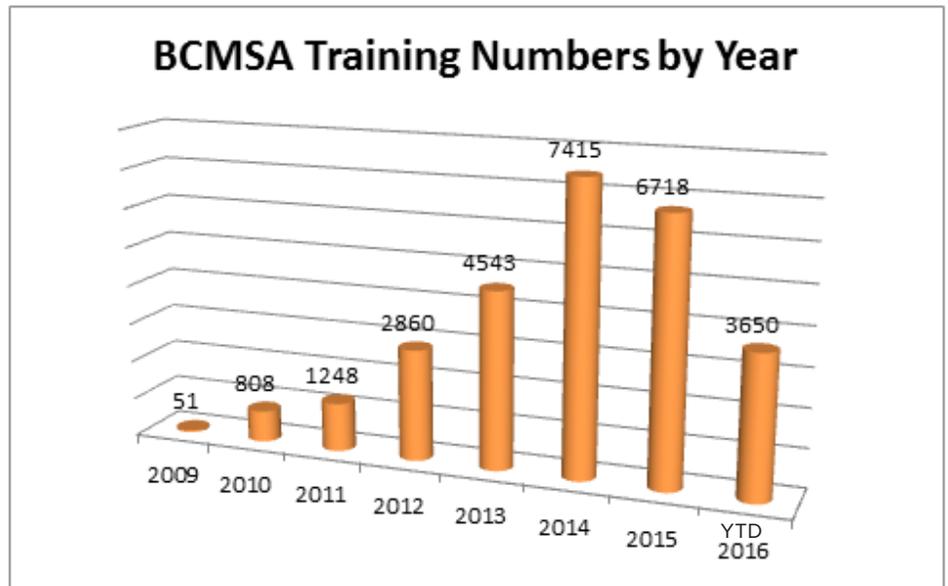
Do you need training? Contact [Mike Roberts](#) to set it up!



LOOK WHAT'S TRENDING IN TRAINING

We offer a wide variety of Health and Safety courses to meet the needs of our local government organizations. Courses include onsite training and online options. Take a look at our [Course Catalogue](#) to see the most up to date listing of our courses. What can we schedule for you?

If you need training or more information, please contact [Mike Roberts](#), Manager of Audit and Training Services.



Numbers don't lie; make the BCMSA your popular choice for training in British Columbia!

IT'S NOT BRAGGING IF OTHER PEOPLE SAY IT, RIGHT?

“ Best Confined Space course in my 15+ years with the City.

My City's Confined Space Program became relevant to me.

Appreciate how the instructor tried to relate to our specific industry. It helps!

I feel like a lot of my bad habits were addressed and clarified.

The instructor was very knowledgeable and did a really great job. Refreshing to have a presentation with as much development of the topics.

”

LOL! WHEN ASKED "WHAT COULD HAVE MADE THIS COURSE BETTER?" STUDENTS NOTED:

“ beer
 free hats!
 in Hawaii?
 chocolate cake
 lunch prepared for us!
 coffee & muffins/donuts/food
 questionnaires with chocolate bar prizes for correct answers
 dogs & ponies at our breaks
 coffee & sandwiches
 dancing girls ”

ABOUT THE COR PROGRAM

The Certificate of Recognition (COR) program rewards employers who have developed and implemented safety management systems audited against industry based standards. It provides an opportunity for employers and safety associations to take a proactive role in promoting health and safety.

Employers can reduce injuries and accidents in the workplace, reducing worker suffering and improving the workplace safety culture.

Achieving and maintaining a valid COR is required for earning an annual incentive payment from WorkSafeBC.

COR PROGRAM UPDATE

Currently, 35 organizations are COR-certified through the BC Municipal Safety Association.

Congratulations to all these organizations and their staff, for recognizing the value of establishing and supporting effective Health and Safety Management and Return to Work Systems. Benefits include reduced injuries, improved morale, improved productivity, and, of course, incentive cheques from WorkSafeBC and often, reduced assessment rates.

If you would like more information on the COR Program, contact [Mike Roberts](#), Manager of Audit and Training Services.

BARIATRIC PATIENT TRANSFERS WORKSHOP

The North American population is becoming larger in general. It is now not uncommon for first responders to treat and transport patients 300 to 600 pounds or larger.

These bariatric patients are prone to a range of medical complications putting them at a higher risk for requiring emergency medical attention.

In the hospital or long term care facility, patients can be moved with the aid of mechanical lifting equipment, such as ceiling lifts or portable lifts and elevators.

The environmental design of these facilities often also includes oversized rooms with wide doorways and hallways able to facilitate patient loading transport on a cot.

First responders care for patients in the pre hospital environment that is not designed for moving patients on a stretcher or cot. Restricted spaces, stairs, bathtubs, narrow doorways and hallways often complicate the loading and transport of these patients. These conditions are further complicated as patients get heavier, taller, and wider.

The combination of these environmental conditions, and complications created with a patient's increased mass and girth will result in an awkward lifting environment. This lifting environment is a leading cause of injuries to emergency medical responders.

The rate of reported injury occurrence is accelerating in the Fire / Rescue and Ambulance services across the country.

In February 2015 a pilot project entitled "Bariatric Patient Transfers" was launched by Prince George Fire Rescue.

This program utilizes existing equipment, techniques and standards found in technical rescue disciplines, adapted for the residential environment. It also addresses the unique patient assessment and care requirements of bariatric patients.

Carleton Rescue Equipment of Vancouver has been contracted to offer a training program, aimed at reducing injuries to emergency medical responders that result from lifting and moving heavy patients, 200 to 800 pounds.

This program is designed for fire / rescue departments that have a mandate to provide emergency medical care, lift assists, high angle and confined space rescue in their community.

Individuals participating in this workshop will be able to provide emergency medical care at a minimum level of First Responder Level 3. They will also have the skill set to be a functional part of a technical rescue team.

This two day workshop covers:

- Patient assessment, care, and treatment for the unique requirements of the bariatric patient
- Hazard or risk awareness
- Pre planning for injury avoidance
- Simple assists with minimal equipment
- Simple solutions for complicated extractions

A four-hour workshop is also available for lifeguards. This program utilizes minimal equipment and simple solutions for treating and moving heavy patients in an aquatic center setting.

For more information, contact Carlton Rescue Equipment: carltonrescue.com/contact-us

NAME THE SAFETY AWARD CONTEST!!

The BC Municipal Safety Association and St. John Ambulance have developed a great partnership and as partnerships grow, new ideas come forward.

The BCMSA and St. John Ambulance are pleased to announce that an award that has been created for BCMSA members.

This award will recognize those individuals who have acted alone or as a team in providing assistance to:

- those in need of medical aid using their knowledge in first aid; or
- those in a situation where their lives may be in danger with or without the application of first aid.

We need a great name to identify this award!

If you have any suggestions for a name, or need additional information on this award, please contact [Mike Roberts](#).

Deadline for submissions: June 30th, 2016

Names for this contest will be reviewed by both the BCMSA and St. John Ambulance; the winner will receive a \$100 gift card to Best Buy!



St. John Ambulance

SAVING LIVES
at work, home and play



CONE ZONE

Be part of the Cone Zone Campaign May 16 – August 31, 2016

Find out more at ConeZoneBC.com





Keep the most important people in your life safe - at work, home and play. Be emergency ready.

All it takes is just 3 simple steps:

1. Know the Risks
2. Make a Plan
3. Get a Kit

St. John Ambulance will help guide you every step of the way. Over the next few weeks, they'll be sharing tips on how you can be emergency ready. So jump in, take a load off, and feel confident in your ability to handle any emergency.

They've got you covered. Read the articles below to get yourself started.

“You have a choice to make. You can either make a plan, or choose to approach a possible emergency by winging it. And it's really in everyone's best interest – especially your own – that you don't treat an emergency like an improv class.”



Being Emergency Ready

[Be emergency ready in three simple steps](#)



The 72-Hour Rule

[Stay safe by putting the 72-Rule into action](#)



The Importance of First Aid Training

[Empower yourself with life-saving skills to handle emergencies with confidence](#)

THE ROAD TO MENTAL READINESS

Promoting mental health and building resilience for first responders in Municipalities.

Developed by the Mental Health Commission of Canada

Training Objectives for Road to Mental Readiness (R2MR) are:

- to examine the effects of mental health problems and mental illnesses in the workplace
- to help managers, supervisors and workers identify indicators of declining and poor mental health in themselves and others
- to raise awareness about the stigma of mental illness and other barriers to treatment
- to introduce the concept of the Mental Health Continuum Model
- to increase resiliency and promote mental wellness
- to provide strategies that staff and managers can use to maintain good mental health for both themselves and those around them

MENTAL HEALTH CONTINUUM MODEL



22 participants are needed to sign up for the Train-the-trainer course (5 days). There will be an additional option for these trainers to take a short course to facilitate “The Working Mind”, a workshop for non-first-responders on the same topic.

Date: Monday, September 26, 2016 to Friday, September 30, 2016

Cost: \$2,250 per person for 5 days’ training, lunch included

Location: Langley, BC

Successful participants will be certified as trainers through the Mental Health Commission of Canada, for a period of two years. At the end of two years, participants will have the option of purchasing a license for an additional two years.

Organizations will be required to report the numbers of individuals they expect to train, and pay a \$10 per person certificate fee, in advance.

**British Columbia
Municipal Safety
Association**

To be added to the waitlist, contact:
Cathy Cook, Executive Director
E: ccook@bcmsa.ca
P: 778-278-3486