

6951 Westminster Highway, Richmond, BC
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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 #202416973064A		
Employer Name	Jobsite Inspected	Scope of Inspection
THE UNIVERSITY OF BRITISH COLUMBIA	6804 MARINE DR SW UBC BOTANICAL GARDEN VANCOUVER BC V6T 1Z4	scaffold

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Jul 03, 2024	Jul 03, 2024	Jul 05, 2024	Email

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: WCA21(2)(e)
Notice of Compliance Report Required.		

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Rescinded	Order has been cancelled - No Further Action Required

INSPECTION NOTES

On July 3, 2024, prevention officers L. Gibbins (this officer), J. Truefitt and R. Glancy, went to this workplace for an inspection. The officers met with six employer representatives (the employer) and a worker regarding matters of compliance with the *Workers Compensation Act* and the Occupational Health and Safety Regulation.

The purpose of the inspection was to review the regulatory requirements found in Part 13 of the Regulation that pertain to a scaffold assembled on the south side of the Campbell building at 6804 Marine Dr SW.

The following information was discussed or provides additional regulatory references for the employer:

I. SCAFFOLD and GENERAL DUTIES - Order #1

a) Regulatory Requirements

The following excerpt is from section 13.2(1)(a) of the Regulation:

A ladder, window cleaner's belt or work platform must meet and be used in accordance with (a) the applicable CSA or ANSI standard in effect when the equipment or structure was manufactured,...

The CSA standard that pertains to scaffold is *CSAZ797 Code of Practise for Access Scaffold*. The current CSA standard is *CSAZ797:23*. The ANSI standard that pertains to scaffold is *ANSI A10.8 Scaffold Safety Requirements*.

Sections 13.13 through 13.19 of the Regulation, address the regulatory requirements for the assembly and use of scaffold such as employer responsibilities, scaffold platforms, manufactured components and scaffold stability.

b) Scaffold

The employer reported that the scaffold was assembled by a team of workers of this employer who received training as required in section 13.2(1)(a) of the Regulation. The employer further reported that supervisors, assigned to supervise the assembly and inspection of scaffolds, are qualified as required in section 13.2(1)(a) of the Regulation.

The employer stated that on June 18 or 19, 2024, a *supervisor* and a *subhead*, inspected the scaffold. The supervisor determined that the scaffold did not meet minimal standard as required in Part 13 of the Regulation. The supervisor 'red' tagged the scaffold; thereby, placing it out of service.

The employer reported that daily, weekly and monthly meetings take place with workers to review work tasks that may include tasks related to the assembly of scaffold. The employer reported that a communication issue may have occurred between a worker assigned to perform work on the scaffold, the team of workers who assembled the scaffold and one or more supervisors who supervised the team.

The employer stated that they will ensure that in the future, there is clear communication between all parties to ensure the health and safety of workers. Documentation of the communication and meetings may demonstrate the employer's due diligence in addressing health and safety matters.

This officer notes that in *CSAZ797:23*, section 12 provides information on theoretical and practical instruction that workers shall receive to become qualified to assemble scaffold. Further, Table 5 provides *Worker's Learning Objectives* and Table 6 provides *Supervisor's Learning Objectives*.

c) 'Nest' scaffold

The employer confirmed that a scaffold assembled at the employer's workplace identified as 'the Nest', has compliance issues and that the scaffold is 'red' tagged; thereby, removed from service. This scaffold was assembled by the employer's workers.

d) General Duties

The following is a summary of the General Duties found in sections 21 to 23 of the Act:

- i) The employer is responsible for ensuring the health and safety of all workers working for the employer and for complying with the OHS provisions and the Regulation. One of the employer's general duties is to ensure workers are provided with 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.
- ii) Workers are responsible for taking reasonable care to ensure their own health and safety, and the health and safety of other persons who may be affected by their work. They are not permitted to deviate from or refuse to follow established safe work procedures that are required by the Regulation.
- iii) A supervisor must have knowledge regarding their general duties and how to implement such duties. If a supervisor is not knowledgeable of their legal responsibilities, they may be unable carry out their role as a supervisor in addressing the regulatory requirements found in the Act and Regulation. This lack of knowledge may place a worker at risk of injury.

II. REPORT OF UNSAFE CONDITION

When a worker reports an unsafe act or condition, the person which receives the report, must investigate it and ensure any necessary corrective action is taken without delay, as required in section 3.10 of the Regulation.

III. WORKER PROTECTION IN RELATION TO PROHIBITED ACTIONS

When a worker exercises their right under the Act, the Regulation or any order, the employer must not discriminate against the worker. For example, if a worker reports an unsafe act or condition, the employer or designate must not adversely effect the worker as found in sections 47 and 48 of the Act.

Refer to Regulation Referenced section and order text for additional information.

IV. PLAN

The employer will submit the Notice of Compliance and supporting evidence to this officer on or before August 2, 2024.

Additionally, as discussed, the expectation is that the employer will ensure the assembled scaffold at 'the Nest' meets the minimal standard when placed back into service.

Additional information may be found on the WorkSafeBC website:
<http://www.worksafebc.com>

Please contact this officer if you have any questions.

Laura Gibbins, CRSP, BScN
Occupational Safety Officer
WorkSafeBC - Prevention Field Services
Phone: 604-244-6479
E-mail: laura.gibbins@worksafebc.com

To report a serious accident/incident call 604.276.3100 or 1.888.621.7233 toll-free within B.C. To report after hours health and safety emergencies call 1.866.922.4357.

ORDERS/ITEMS

An employer who fails to comply with Occupational Health and Safety ("OHS") provisions 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: WCA21(2)(e)
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The employer has not provided instruction, training and supervision to workers who assemble the scaffold, located at the south side of the Campbell building at 6804 Marine Dr SW, as evidence of:

- a) workers erected the scaffold inconsistent to the requirements found in section 13.17(2) of the Regulation as wheels were used at the base of the scaffold instead of sills and bearing plates, and
- b) the scaffold was 'red' tagged by a supervisor, indicating the work was not compliant.

The employer stated that the scaffold will remain 'red' tagged until it meets the minimum standard.

This is in contravention of the Workers Compensation Act Section 21 (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:

Pursuant to section 88 (1) of the Workers Compensation Act, the employer must prepare a Notice of Compliance report. In accordance with section 88 (2), this report must detail what has been done to comply with the order, and where compliance has not been achieved by the time the report has been submitted, include a plan of what will be done to comply and when compliance will be achieved. Please submit the report no later than August 2, 2024.

Compliance will include:

- evidence that workers, who are designated to assemble scaffold, receive adequate instruction, training and supervision to ensure the scaffold they assemble, is safe as a work platform,
- evidence that workers, who are designated as supervisors, receive adequate instruction, training and supervision, to ensure they can supervise the workers in scaffold assembly, and
- evidence on steps taken to ensure the above scaffold meets the minimum standard.

REFERENCES

In addition to any orders, or other items, and the information provided in the Inspection Notes section in this Inspection Report, the officer may discuss other health and safety issues with the employer arising out of the inspection. The information below sets out the health and safety requirements discussed with the employer, and unless otherwise noted, violations of these requirements were not observed.

Reference	Details Discussed
WCA88(1) This Inspection Report contains one or more orders requiring you to submit a Notice of Compliance report. This report must be prepared in accordance with section 88(2) of the Workers Compensation Act.	Requirement to submit Notice of Compliance Report set out in applicable order.
WCA88(2) The employer or other person directed by an order under subsection (1) must prepare a compliance report that specifies: (a) what has been done to comply with the order, and (b) if compliance has not been achieved at the time of the report, a plan of what will be done to comply and when compliance will be achieved.	Requirement to submit Notice of Compliance Report set out in applicable order.
OHS13.2(1)(a) A ladder, window cleaner's belt or work platform must meet and be used in accordance with the applicable CSA or ANSI standard in effect when the equipment or structure was manufactured, except as otherwise determined by the Board	CSAZ797:23 is the standard for the Code of Practice for access scaffold.
OHS13.13 The employer must ensure that scaffolds used by workers are in a safe condition and are able to withstand the load, regardless of who erected the scaffold.	Refer to inspection text
OHS13.15 Major components of scaffolds must be used in accordance with technical data provided by the manufacturer, or in writing by a professional engineer, that: (a) shows the rated load, erection procedures and compliance with an applicable standard under section 13.2, and (b) is available at the workplace for reference.	Refer to inspection text
OHS13.17(1) A scaffold must be erected with the vertical members plumb, and with the ledgers and bearers level.	Discussed with employer

Reference	Details Discussed
<p>OHS13.17(2)</p> <p>The base of a scaffold must have bearing plates or sills that rest on a solid surface and are sufficient to support the weight of the scaffold.</p>	Discussed with employer
<p>OHS13.17(4)(a)</p> <p>A scaffold must be effectively guyed or secured to a building or structure if the height of the scaffold exceeds 3 times its minimum base dimension.</p>	Discussed with employer
<p>OHS13.17(4)(b)</p> <p>A scaffold must be effectively guyed or secured to a building or structure in any other circumstances if required for stability.</p>	Discussed with employer
<p>OHS13.17(3)</p> <p>The poles, legs and uprights of a scaffold must be securely and rigidly braced to prevent movement.</p>	Discussed with employer
<p>OHS3.10</p> <p>Whenever a person observes what appears to be an unsafe or harmful condition or act the person must report it as soon as possible to a supervisor or to the employer, and the person receiving the report must investigate the reported unsafe condition or act and must ensure that any necessary corrective action is taken without delay.</p>	A person observing and reporting an unsafe or harmful condition or act is most commonly a worker, and the person who receives the report is most often a supervisor or employer.
<p>OHS3.3(c)</p> <p>The occupational health and safety program must be designed to prevent injuries and occupational diseases, and without limiting the generality of the foregoing, the program must include appropriate written instructions, available for reference by all workers, to supplement this Occupational Health and Safety Regulation.</p>	Refer to inspection text
<p>WCA21(1)(a)</p> <p>Every employer must ensure the health and safety of all workers working for that employer, and any other workers present at a workplace at which that employer's work is being carried out.</p>	Refer to inspection text
<p>WCA21(1)(b)</p> <p>Every employer must comply with the OHS provisions, the regulations and any applicable orders.</p>	Refer to inspection text

Reference	Details Discussed
<p>WCA22(2)(a)</p> <p>A worker must carry out the worker's work in accordance with established safe work procedures as required by the OHS provisions and the regulations.</p>	A worker must follow the safe work procedures.
<p>WCA22(1)(a)</p> <p>Every worker must take reasonable care to protect the worker's health and safety and the health and safety of other persons who may be affected by the worker's acts or omissions at work.</p>	Refer to inspection text
<p>WCA23(1)</p> <p>Every supervisor must:</p> <p>(a) ensure the health and safety of all workers under the direct supervision of the supervisor,</p> <p>(b) be knowledgeable about the OHS provisions and those regulations applicable to the work being supervised, and</p> <p>(c) comply with the OHS provisions, the regulations and any applicable orders.</p>	Refer to inspection text
<p>WCA23(2)(a)(i)</p> <p>A supervisor must ensure that the workers under the supervisor's direct supervision are made aware of all known or reasonably foreseeable health or safety hazards in the area where they work.</p>	Refer to inspection text. Discussed with employer
<p>WCA23(2)(a)(ii)</p> <p>A supervisor must ensure that the workers under his or her direct supervision comply with the OHS provisions, the regulations and any applicable orders.</p>	Discussed with employer
<p>WCA47(2)</p> <p>Without restricting subsection (1), prohibited action includes</p> <p>(a) suspension, layoff or dismissal,</p> <p>(b) demotion or loss of opportunity for promotion,</p> <p>(c) transfer of duties, change of location of workplace, reduction in wages or change in working hours,</p> <p>(d) coercion or intimidation,</p> <p>(e) imposition of any discipline, reprimand or other penalty, and</p> <p>(f) the discontinuation or elimination of the job of the worker.</p>	Discussed with employer

Reference	Details Discussed
WCA47(1) For the purposes of this Division, ""prohibited action"" includes any act or omission by an employer or union, or by a person acting on behalf of an employer or union, that adversely affects a worker with respect to any term or condition of employment, or any term or condition of membership in a union.	Discussed with employer
WCA48(a) An employer or union, or a person acting on behalf of an employer or union, must not take or threaten prohibited action against a worker for exercising any right or carrying out any duty in accordance with the OHS provisions, the regulations or an applicable order.	Discussed with employer

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Employer #	Mailing Address	Classification Unit #	Operating Location
11284	C/O WCB CLAIMS ADMINISTRATOR HUMAN RESOURCES 6TH FLOOR 6190 AGRONOMY RD VANCOUVER BC V6T 1Z3	765010	042

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)	Workers onsite during Inspection	Notice of Project Number
N	N	N		8	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Frank Crudo	Frank Crudo	Colin Gibson	CUPE

WorkSafeBC Officer Conducting Inspection
Laura Gibbins

*Inspection Time	*Travel Time
17.00 hrs	1.00 hrs

*The time recorded above reflects the inspection time and travel time associated with this inspection report and includes time spent on pre and post-inspection activities. Additional time may be added for subsequent activity.

Request a Review

Any employer, worker, owner, supplier, union, or a member of a deceased worker's family directly affected may, within 45 calendar days of the delivery date of this report, in writing, request the Review Division of WorkSafeBC to conduct a review of an order, or the non-issuance of an order, by contacting the Review Division. Employers requiring assistance may contact the Employers' Advisers Office at 1-800-925-2233.

To submit a request online, visit <https://www.worksafebc.com/en/review-appeal/submit-request>

WorkSafeBC values your feedback. To obtain that feedback, an external market research provider may be contacting you to complete a survey.

WorkSafeBC's online services provide employers with tools to view information and to complete a variety of transactions with us in an easy, fast, and secure way. Through an online services account, you can view and download your inspection reports and compliance agreements, submit Employer Incident Investigation Reports, view your Health & Safety Planning Tool Kit, and more. Visit [worksafebc.com](https://www.worksafebc.com) to log in or create an account.