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Ms. Peggy MacDonald  
Senior Policy Advisor  
Policy, Regulation and Research Division  
Workers' Compensation Board  
P.O. Box 5350, Station Terminal  
Vancouver, British Columbia  
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Dear Ms. MacDonald:

**Re: Partners in Injury & Disability Prevention Program**

The BC Building Trades appreciates the opportunity to respond to the Board's *Partners in Injury & Disability Prevention Program* discussion paper. Our officers and members commonly refer to this program as the Partners Program or COR (i.e., Certificate of Recognition Program).

The BC Building Trades Council represents over 35,000 unionized building and construction workers throughout British Columbia working in myriad trades from ironworking to electrical to sheet metal fabrication. Each of these trades have their own unique workplace hazards. Every moment spent on jobsites from Vancouver to Prince George and beyond is a moment at risk. We know this to be true because not only do our affiliated unions dispatch their members, they also represent them when they are injured on the job. Not surprisingly, the health and safety of our members is critically important to us, and we take great interest in prevention and compensation matters.

According to the Board's recent discussion paper, the Partners Program "is designed to encourage employers in BC to take a proactive role in occupational health and safety". While this may be the Board's stated intention, the BC Building Trades, as well the BC Federation of Labour that speaks for well over 500,000 affiliated members throughout the province, think the existing program does not ensure employers take proactive steps to ensure workers' health and safety. Unfortunately, the Board's recent proposed changes, while certainly a step in the right direction, fail to address the myriad failings of the COR program.

The explosions at Babine Forest Products and Lakeland Mills that killed four workers and injured more than forty is still fresh in our minds. Equally fresh is the knowledge that both mills were COR certified in 2012. This disturbing fact speaks volumes about the lack of integrity of the existing program. Too often employers' impetus to be COR certified is not to improve occupational health and safety or return-to-work regimes,

but to obtain substantial rebates and boasting rights in their discussions with prospective general contractors when bidding on a job. Profit maximization and staying one step ahead of the competition is the *raison d'être* of employers in a capitalist mode of production, and employers in British Columbia are not immune to these economic principles. Consequently, the Board needs to reconfigure the COR program in such a manner to ensure the health and safety of workers gains center stage before issuing a *Certificate of Recognition*. Unfortunately, the proposed changes do not meet this standard because they fail to address many of the most deep-seated shortcomings of the program.

Repairing the existing Partners Program is not an idle question or a tempest in a teapot. An abundance of financial resources are granted to COR certified employers in the form of rebates on a regular basis. According to the Board's accounting, approximately 3,700 COR certified employers are receiving over forty (40) million dollars annually in financial incentive payments. Moreover, the administration costs of the program are about 6.5 million dollars a year. Clearly, these are substantial monies and the Board has a pressing responsibility to ensure such resources are being well spent when prevention and compensation budgets leave many of our members at risk on the jobsite and poverty stricken if they are injured.

Ongoing research by Chris McLeod et. al at the University of British Columbia raises serious questions with respect to the efficacy of the COR program and, by extension, the exorbitant financial resources dedicated to it. In McLeod's *COR Research Brief* of July 19, 2018, he notes that, overall, "certified firms had, on average, a 17% lower short-term disability, long-term disability and fatality (STD, LTD and fatality) injury rate between 2003 and 2014 compared to non-certified firms, and a 19% lower serious injury rate". Looking at the construction sector specifically, the results revealed that certified firms, on average, experienced a 12% lower STD, LTD and fatality rate and 13%, 20% and 20% lower serious injury rates compared to non-certified firms, respectively. As well, the "reduction in the STD, LTD and fatality and serious injury rates between 2009 and 2014 was consistently around 20% for construction firms". These are impressive numbers. But McLeod et. al conclude with a serious caution:

*Our interpretation of these findings is that the COR audit process is effective at identifying firms with lower work injury risk; however, caution should be exercised in inferring that certification itself caused any reduction in injury risk. While the difference-in-difference evaluation design attempts to account for pre-certification differences in injury risk between certified and non-certified firms, we cannot rule out that certification served as a marker for existing OHS practices (or other factors) that drove changes in injury risk once a firm became certified.*

In keeping with the BC Federation of Labour's submission of October 1, 2018, the BC Building Trades' opinion is that while the Board's proposed changes are solid steps in the right direction, they fail to address the most vexing shortcomings of the existing COR program. The major failings needing repair are:

- an Occupational Health and Safety Management System (OHSMS) audit standard that is not embedded in policy;

- a certification audit standard that is far too generic and fails to provide adequate worker participation;
- hazard and risk control measures that are not as broad or specific in prevention practices required by the published International Standards Organization (ISO), International I OHSMS standard, and the Canadian version of this standard;
- exclusion of workers and their representative organizations in program design, certification processes, and implementation;
- support for certification and financial reward for basic compliance in lieu of “best practice” requirements and practice exceeding minimal legal requirements;
- continued COR certification in separate certification units regardless of non-compliance with existing requirements of the *Workers’ Compensation Act* and *Occupational Health and Safety Regulation*;
- certification process and practice requirements that need to address audit criteria, with respect to scoring of audit elements and their weighting, and which retain far too lenient pass/fail requirements; and
- reduction of the criteria affecting financial rebates for organizations in violation of the Act and Regulation.

These shortcomings are fully addressed with recommended changes in the BC Federation of Labour’s October 1, 2018, submission which the BC Building Trades endorse in its entirety.

Thank you for the opportunity to respond to the Board’s discussion paper on the Certificate of Recognition Program.

Sincerely,



Merrill James O'Donnell, M.A., LL. B.  
Workers' Advocate

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MoveUP

Enclosure: Submission on Proposed Policy Amendments and Practice Materials Regarding the Certificate of Recognition Program, BC Federation of Labour, October 1, 2018.