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## WorkSafeBC Updates

### Bullying and Harassment Regulations Come into Force on November 1, 2013

BCPSEA will be presenting the revised Train-the-Trainer workshop in October 2013. Districts that already have trainers and are using the old PowerPoint presentation may contact Sue Ferguson for an updated version that includes information for employees regarding the WorkSafeBC bullying and harassment provisions and expectations. Please visit our [website](#) for further information regarding the following workshops:

Train-the Trainer: October 7, 2013

Investigator Training: October 8 & 9, 2013

Advanced Investigator Training: October 10 & 11, 2013

In order to register for BCPSEA events, we have requested that each school district designate one user to manage all of the district registrations. If you do not know who your current *school district user* is for the registration system, please contact Donna Verones at [donna@bcpsea.bc.ca](mailto:donna@bcpsea.bc.ca) or 604 730 4501 for assistance. Space will be limited.

Districts that have not already done so should review any current policies/procedures/regulations to ensure they are in compliance with WorkSafeBC. Policy and Regulation D3-115-2, D3-116-1 and D3-117-2 were amended on March 20, 2013. See the new provisions on the [WorkSafeBC website](#).

WorkSafeBC is working on a handbook focused on employers that do not have practice in dealing with harassment and bullying. It should be available soon on the resource page of their website. The handbook will provide a simple outline of how to be in compliance with their expectations.

The number of claims initiated in our sector related to mental disorder has doubled since the introduction of Bill 14. This is typical of other sectors as well. As of April 30, 2013 there were 81 claims from the K-12 public education sector. While many of these are still in review, the Mental Disorder Division of WorkSafeBC is reporting only about 30% of claims have been accepted.

Review decisions have clarified some points relating to the practice of adjudicating claims specific to our sector; for example, review reference #R0147666 — a teacher having issues with another teacher, feeling belittled and put down and unsupported by other teachers or management. The Board decision found that the actions of students were not emotionally shocking and did not result in stressors that were excessive, and the interactions of the worker with co-workers and supervisors were interpersonal conflicts that were not significant stressors. The decision not to

accept the claim was upheld.

## WorkSafeBC Claims and the CMS

Some districts have expressed concerns with respect to receiving a request for a Form 7 on the same day they receive a letter accepting a claim. It is extremely important to get your Form 7 into WorkSafeBC within the seven days. If there is a problem, for example, an investigation is taking more time and there may be issues around the acceptability of the claim, please call WorkSafeBC. Once a claim is accepted it is difficult to get it reversed. They will not just take the information on a Form 7 that is received after the fact.

At present, a claim may be created with the F8 (Doctor's report) as the originating document. It enters gating for an initial eight days. If an F6 (employee's report) is received before eight days, the claim stays in gating until the eighth day has been reached. In other words, if the F6 is received on the fourth day of gating, the claim will continue to gate four more days. Only on the ninth day will gating end and the claim be reviewed for sufficient information to proceed to eligibility. This was designed to accommodate waiting for the F7 report to arrive. A claim can be accepted with only two forms and no report from the employer.

## Communication and FOIPOP Concerns Regarding Violent Incidents and Student Information

WorkSafeBC has published [Bulletin \(2013-05\)](#) specific to the education sector and dealing with student information to prevent injuries related to violence. This has been vetted by their legal department to take into consideration BC laws related to protection of privacy. It may be helpful to individuals unclear on how to balance privacy concerns with employee safety concerns.

## What Can We Expect on Assessment Rates for 2014?

This information is summarized from the initial consultation with WorkSafeBC. Specific information for the K-12 sector will be received in the beginning of September.

- Since 2011, the decrease in the assumed cost rate is generally less than the decrease in the assumed injury rate. This is due to a general increase in the cost of injuries since 2008.
  - The increase is due to:
    - Increased claim costs
    - Softened investment returns.
  - For the 2014 rate, the cost rate increased 8.7%. This is primarily due to high 2012 costs per claim for LTD and HC (health care).
  - The average rate per \$100 of employers' assessable payroll is projected to increase from \$1.63 to \$1.70, a 4.8% rise in nominal terms.
  - The required rate increase for 2014 has been reduced by a contribution of \$319 million from WorkSafeBC reserves and deferrals in order to cap the increase.
  - The impact of 2014 base rate change from the 2013 level:
    - 18% of employers rates will decrease
    - 5% of employers' rates will remain flat
    - 77% of employers' rates will increase.
  - The K-12 sector CU was at 0.55 for 2013. It was going to 0.63 for 2014. With the calculation including the draw against WorkSafeBC reserves, it is forecast to go to 0.60. This does not include the discussion that may result through the consultation process.
  - Similar industries are also experiencing increases: universities (21.7%), library
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(20.8%), private schools 14.3%), colleges (7.7%).

- Individual school districts will also be affected by whatever merit or demerit position they are in based on their specific injury and cost rates over the past three years.

The full consultation package of information from WorkSafeBC can be reviewed on the [website](#).

In our sector the average duration of claims (time loss) was 25 days. The total number of lost work days was 51,290 and claims costs were \$15,496,037 for 2012. Mature worker claims have been rising since 2008.

## Further Regulation Amendments

At their meeting in July 2013, WorkSafeBC's Board of Directors approved the release of two additional [2014 proposed amendments](#) to the Occupational Health and Safety Regulation for consultation. These changes may directly affect maintenance staff in school districts. The consultation phase provides stakeholders with an opportunity to provide feedback on the proposed amendments. All feedback received will be reviewed and changes will be made to the proposed amendments, where appropriate, prior to the proposed amendments being taken to a public hearing in May/June 2014. WorkSafeBC must hold a public hearing pursuant to the *Workers Compensation Act* before a regulation can be made.

- Part 13, Ladders, Scaffold and Temporary Work Platforms – Section 13.5, relating to the safe positioning of ladders
- Part 20, Construction, Excavation and Demolition – Section 20.112, Hazardous Materials (Demolition and Asbestos Abatement Activities)

Please send your feedback to Sue Ferguson by September 30, 2013 or directly to WorkSafeBC by October 31, 2013. I would appreciate receiving any feedback you are providing directly to WorkSafeBC.

## Play it Safe

*Play it Safe*, commissioned jointly by the Vancouver Board of Education and Actsafe, was authored by Janet Sellery, an award-winning health and safety consultant specializing in the performing arts. While the guide was written for a BC audience, many of the resources address common hazards found in many school theatre and studio environments.

The comprehensive safety guide is a seven-part online manual that includes best practice instructional materials, student handouts, hazard and safety assessment forms, an educators' guide, checklists, and resources specific to school theatre environments.

Please click [here](#) to access the manual.

## Questions

If you have questions about the issues raised in this newsletter, or any health, safety or wellness issue, please contact Sue Ferguson at 604.730.4502 or [suef@bcpsea.bc.ca](mailto:suef@bcpsea.bc.ca).