



BC Forest Safety

# 2014 BC Forest Safety Ombudsman Review

Safety is **good** business



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## ABOUT THE OMBUDSMAN OFFICE

The office of the Forest Safety Ombudsman enhances safety in the BC forest sector by being a safe, confidential and persuasive agent for the raising and review of safety concerns throughout the sector and facilitating impartial and timely resolution of safety issues.

The Forest Safety Ombudsman is part of the BC Forest Safety Council and has a clear mandate to investigate safety issues and recommend the best means to address them. The Ombudsman uses review, recommendation, mediation and conciliation where necessary and also relies on international experience and leading examples of success to inform the process.

## CONTACT THE OMBUDSMAN

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# A time for reflection — a time to look forward

## Introduction

This is the eighth annual report from the Forest Safety Ombudsman office. There have been a number of changes over the last eight years targeting improving safety outcomes for forest workers and their families. Last year's report considered the processes that the BC Forest Safety Council (BCFSC) and industry embarked upon to reverse a trend of increasing numbers of serious injuries and fatalities from the two previous years. This year's report will look at the changes in the forest sector that drove the decision to establish the Ombudsman Role with some observations for the office going forward.

## Outstanding issues

There are some issues that have continued to remain a challenge. Cycle times is one of those. Our office has always taken the view that negotiating a truck rate is a business decision but the determination of a cycle time is a safety issue. Cycle time challenges are not unique to the forest industry, they are also an issue for the general trucking sector. Over the last year there has been progress made in improving processes and methodologies for the calculation of appropriate cycle times, which have been well received by all parties. Our office appreciates the work that has been done and looks forward to the finalization of those discussions with an outcome that will bring resolution to this issue.

The BC Government's reluctance to expand requirements for SAFE Certification of companies beyond BC Timber Sales, in our opinion, has been an obstacle to improving safety outcomes. In 2015 FLNRO has adopted a policy intended to have the agency certified and expand the application as an eligibility for contract work to forest sector contractors; our office views this as a positive measure and we look forward to seeing continued expansion across the Ministry's operations.

Our office has raised concerns over the relationship between the BCFSC, the certifying agency and WorkSafeBC (WSBC), the regulator. In our view, this has not worked as effectively as it should.

Companies going through the SAFE Certification process continue to perceive some conflict between BCFSC and WSBC in terms of "who" is in charge. Whether real or not, this lack of clarity is a distraction from the smooth execution of the program.

In our 2013 Annual Report we identified Intimidation/abuse in the workplace as a new issue where our office received enquiries. This continues to be a concern for our office. Abuse is a difficult issue to resolve as it is less obvious and in many ways leaves no visible scars; nonetheless, it is a serious work place issue that creates an unsafe environment not only for the individuals involved but also for other workers and the public. The cases our office has been contacted about involve employee to employee and employer to employee relationships, and have occurred in both union and non-union operations. While we do not believe this is a trend that is widespread there have been enough isolated cases, all of which are disturbing, to merit us continuing to raise this as an issue for the sector. Our office believes that every participant in the forest industry has a vested interest, role and responsibility in eliminating occurrences of abuse where they witness such events.

## 2014-2015

The numbers of enquiries to the Ombudsman office in 2014 were consistent with the enquiries we received in 2013. Both of these years have seen a reduction from the number of enquiries our office received per year, in the first six years of operation.

Cycle time, resources roads and WSBC enquiries continue to be of most concern. Two additional areas that have been brought to our attention have been in regard to abuse/intimidation and emergency response (specifically access to emergency transportation from remote areas of the Province).

I commented on abuse/intimidation earlier in this report, as it is an issue carried over from 2013 and one of the cases we have been involved in has been referred to the Human Rights Tribunal for decision.

Emergency response, specifically access to air evacuation, has been raised by a number of groups and sectors. In one situation where everything went “right”, the inability of a worker to access air evacuation resulted in the loss of a limb. This is an issue across the entire province and a number of groups have independently contacted our office to raise concerns. As a result, our office has decided to undertake a review of emergency response in BC, specifically focused on the ability to access air transportation from remote or isolated areas.

Outreach - The Ombudsman office continued in 2014 to participate in a number of forest industry conventions, including Truck Loggers Association, Council of Forest Industries and Western Silviculture Contractors’ Association. As well, our office made a number of community presentations through the Chambers of Commerce in Smithers, Vernon and the South Cariboo.

## 2015 – primary focus

The BC Forest Safety Ombudsman has now been in place for eight years. The rationale for establishing the office initially was, *“as a result of the Council’s review of current safety practices and concerns, it became clear that there was a need for industry to provide the means for safety issues to be raised and discussed in as free and open a manner as possible. It was also clear that at times this was not occurring due to concerns with possible adverse repercussions to those raising the issues. As well, the relative inequality of size and influence of parties within the sector made the raising and discussion of safety issues difficult.”*

From our prospective, the Forest Sector has made significant gains in the last eight years in terms of establishing and putting in place the necessary core elements that will shift this industry from one whose safety performance was grim at best, to an industry where all of the safety indicators are tracking in the right direction. We see the reduction in enquiries to our office over the last eight years as one of those indicators as barriers that contributed to the “code of silence” have started to come down.

With changes now occurring in the workplace it is an appropriate time to review the BC Forest Safety Ombudsman office to ensure that its role, as initially defined, is still relevant and that it continues to act as an agent for positive change in the forest sector.



Roger Harris.

Our office is of the view that there continues to be a need for some vehicle through which people can raise concerns with an assurance of confidentiality as well as some method by which independent reviews, similar to those conducted by this office in the past, can be commissioned. Whether the appropriate agency for this work is the current BCFSC Ombudsman role or some other entity is something the BCFSC should consider.

## Plan for 2015

The BCFS Ombudsman Office will be conducting a review of “Emergency Response” specific to access to air evacuation.

BCFS Ombudsman would support and encourage a review of the Ombudsman office to:

- Review the original mandate of the office in terms of relevancy/priorities in 2015
- Review and/or establish new roles and objectives for the Ombudsman
- Determine the best operating model/position to meet the objectives of the office.

Roger Harris  
BC Forest Safety Ombudsman  
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