

6951 Westminster Highway, Richmond, BC
 Mailing Address: PO Box 5350 Stn Terminal, Vancouver BC, V6B 5L5
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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.

A revised version of the *Workers Compensation Act* took effect on April 6, 2020. The B.C. government's revisions aim to make the Act easier to read and understand, and to reorganize the numbering to make laws easier to find. The revisions make no changes to B.C.'s laws concerning workers' compensation, occupational health and safety, and employers' assessment premiums. Please be aware there may be a transitional period where correspondence from WorkSafeBC may include references to either the previous Act or the revised Act. For more information, visit www.worksafebc.com/WCA2019 or call the Prevention Information Line at 604.276.3100, or toll free within BC at 1.888.621.7233 (SAFE).

Inspection Report #202118282052B

Employer Name	Jobsite Inspected	Scope of Inspection
SIMON FRASER UNIVERSITY	8888 University Drive West Burnaby BC V5A 1S6	Asbestos-Containing Material Incident

Date of Initiating Inspection	Date of This Inspection	Delivery Date of This Report	Delivery Method
Dec 07, 2021	Mar 07, 2022	Mar 08, 2022	Email

THERE ARE ZERO (0) ORDERS OR OTHER ITEMS OUTSTANDING

**ACTION MAY STILL BE NECESSARY TO ENSURE COMPLIANCE
 PLEASE READ FULL REPORT**

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 checked="" type="checkbox"/>	Status: Complied	Cited: WCA24(1)
Order/Item No.2 <input checked="" type="checkbox"/>	Status: Complied	Cited: OHS6.3(1)

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Rescinded	Order has been cancelled - No Further Action Required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

This was a follow-up inspection to authenticate appropriate compliance with the order(s) noted.

On January 14, 2022, the employer representative provided electronic copies of the following documents:

- Notice of Compliance (NOC) report ("2022.01.14NOC for IR202118282052A", January 14, 2022);
- SFU Burnaby Contractor Safety Manual (2021);
- Requirements identified so far for the contractor safety management software solution (not reviewed);
- Quote from a third party contractor for developing a contractor safety management software solution (quote no.:20220001, date: January 6, 2022);
- "Environmental Health & Research Safety Supervisor Health and Safety (January 14, 2022, not current and not reviewed);
- "SFU Project Manager Safety Checklist";
- Sample memo that is to be sent to contractors pertaining to SFU Contractor Safety Orientation;
- "Simon Fraser University Asbestos Exposure Control Plan" (December 2021);
- Proposal from a third party contractor for re-assessment and labeling of asbestos-containing materials (January 10, 2022, not reviewed); and,
- "SFU Asbestos Reassessment Plan".

On March 7, 2022, WorkSafeBC Prevention Officer V. Singh and I met virtually with the employer representatives and a worker representative to discuss the above mentioned documents and the employer's progress towards compliance with the orders issued in Inspection Report ("IR") 202118282052A. This IR documents these discussions and the employer's progress towards compliance with the orders issued in IR202118282052A.

During the meeting on March 7, 2022, I discussed the following items with the representatives (not limited to):

- Ensuring that the existing or proposed systems or processes will allow SFU to track the presence of contractors on site (i.e., which contractors are on site, which work activities are occurring) to assist them in coordinating health and safety activities.
- Reviewing the existing documents to ensure that the responsibilities of SFU Project Managers, SFU EHS Department, contractors, abatement contractors, etc. are clearly outlined and information is consistent.
- Ensuring that documents, such as hazardous materials inspection report and clearance letters, are available at the worksite, as per section 20.112(4) of the *Occupational Health and Safety (OHS) Regulation*.
- With respect to the identification of asbestos-containing materials, I advised the representatives of Guideline section G6.11, which states that identification "must be coupled with effective training and education of all affected workers. The guiding principle should be that the less information that is presented on signs or labels, the more education and training that will be required to communicate the hazards of and precautions for handling and working around asbestos".

Based on the information contained in the NOC report and related documents as well as discussions with the representatives of the employer, orders #1 and #2 have been complied. See order text for details.

CONTACT INFORMATION

If you have any questions or require additional information regarding this report, please contact me via the following:

Ajla Duranovic, M.Sc.A.
Occupational Hygiene Officer
Prevention Field Services
E-mail: ajla.duranovic@worksafebc.com

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worksafebc.com | P 604.232.5965 | F 604.232.5950
Call Centre 1.888.621.7233

To report a serious accident/incident or a major chemical release, please call:

604.276.3100 in the Lower Mainland
1.888.621.7233 within BC (toll-free)

To report after hours health and safety emergencies, please call:

1.866.922.4357 within BC (toll-free)

Additional information regarding health and safety, including the Workers Compensation Act and Occupational Health and Safety Regulation, may be found at the WorkSafeBC website (www.worksafebc.com).

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 DetailsOrder/Item No.1 Status: **Complied**Cited: **WCA24(1)****Progress towards compliance:**

Mar 07, 2022 - On January 14, 2022, the employer representative provided the Notice of Compliance ("NOC") report. In this NOC report, the employer representative outlined that the following actions have been or will be taken (not limited to):

- SFU retained a third party contractor to develop and implement a contractor safety management software solution. This contractor safety management software solution will assist SFU to track all stages of contracted work and associated documentation, including pre-qualification, site specific safety plans, inspections, safety orientations, and ongoing safety performance information. The expected date of implementation is June 2022.
- SFU will provide a list of workers who have completed the SFU Contractor Safety Orientation to each continuing service contractor, who will be requested to review and identify any workers currently working at SFU who have not completed the training. These workers must complete the training before resuming any work activities at SFU. Going forward, the contractor safety management software solution will assist in ensuring that contract workers have completed the SFU Contractor Safety Orientation. During the meeting held on March 7, 2022, an employer representative stated that inspections conducted by SFU Project Managers will also assist in verifying that workers have completed the SFU Contractor Safety Orientation.
- SFU has developed a training module for SFU Project Managers to ensure that they understand their responsibilities with regards to contractor safety management. This training module will include requirements for conducting project specific safety orientations and performing regular inspections of contractor work sites, among other items. During the meeting held on March 7, 2022, an employer representative stated that the training module will be developed and training will be provided to SFU Project Managers by March 11, 2022.
- SFU developed a Project Manager safety checklist that will be used by SFU Project Managers to document completion of necessary tasks and confirmation of receipt of safety documentation prior to project start.

Based on the information provided in the NOC report as well as discussions with representatives of the employer, this order has been complied.

Orders/Items - Full Details**Initiating order:**

Dec 07, 2021 - Simon Fraser University (SFU), the owner of this workplace, retained a third-party contractor (Ainsworth Inc.) to conduct renovation in the service tunnel located on Level 00 between the Lorne Davies Complex and West Mall Centre at 8888 University Drive, Burnaby, BC. This service tunnel as well as the satellite shops and mechanical rooms within the service tunnel are used by workers of SFU as well as workers of other employers.

The employer representative did not provide evidence that another employer entered into a written agreement with SFU to be the prime contractor for this renovation and identified SFU as the prime contractor for this renovation.

I determined that SFU has not ensured that the activities of employers and workers at this workplace are coordinated and done everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with this Part and the regulations, as evidenced by (but not limited to) the following:

- SFU does not have a system to ensure that all workers complete SFU's Contractor Safety Orientation. Workers of Ainsworth Inc. did not complete the orientation, which addresses hazardous materials.
- SFU did not ensure that Ainsworth Inc. developed and implemented an asbestos exposure control plan.
- SFU did hold or participate in a project specific safety orientation with Ainsworth Inc. to communicate all known hazards and ensure coordination of work.
- SFU does not have an effective system to manage and track contractors. On September 17, 2021, a worker from Ainsworth Inc. removed pipe insulation from the district energy main supply (HWTS) and return (HWTR) lines on the north side of the service tunnel. An employer representative stated that SFU was not aware that Ainsworth was present and conducting work at the workplace.
- SFU did not provide evidence that regular inspections were held to ensure compliance with the *Workers' Compensation Act* and *Occupational Health and Safety Regulation*. On September 17, 2021, Ainsworth Inc. removed asbestos-containing pipe insulation (amosite, 5-10%) from the HWTS and HWTR lines on the north side of the service tunnel without appropriate controls for the asbestos hazard, resulting in cross contamination of the area. The improper removal of the asbestos-containing pipe insulation was not discovered until September 22, 2021, by a third-party consultant.

Consequently, a worker from Ainsworth Inc. removed asbestos-containing pipe insulation (amosite, 5-10%) from the district energy main supply (HWTS) and return (HWTR) lines on the north side of the service tunnel without knowing that this material contains asbestos and without implementing appropriate controls to protect themselves and other workers in the area from exposure to asbestos.

This is in contravention of the Workers Compensation Act Section 24 (1).

The prime contractor of a multiple-employer workplace must:

- (a) ensure that the activities of employers, workers and other persons at the workplace relating to occupational health and safety are coordinated, and
- (b) do everything that is reasonably practicable to establish and maintain a system or process that will ensure compliance with the OHS provisions and the regulations in respect of 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 **January 14, 2022**.

Orders/Items - Full DetailsOrder/Item No.2 Status: **Complied**Cited: **OHS6.3(1)****Progress towards compliance:**

Mar 07, 2022 - On January 14, 2022, the employer representative provided the Notice of Compliance ("NOC") report. In this NOC report, the employer representative outlined that the following actions have been or will be taken (not limited to):

- SFU retained a third party contractor to re-assess and identify by labels all friable asbestos-containing materials and pipe insulation. This work is to be completed by mid-March. Where it is not practicable to label the asbestos-containing materials, an identification system will be implemented using detailed keyplans for each building. The marked-up keyplans will be available in each building. During discussions with an employer representative on March 8, 2022, the employer representative clarified that all asbestos-containing materials that are practicable and accessible to label will be labeled.
- SFU developed a formal plan for monitoring the condition of asbestos-containing materials annually.
- During discussions with an employer representative on March 8, 2022, the employer representative stated that SFU Project Managers will conduct regular inspections to monitor authorized project work performed by contracted trades to ensure that their work activities are not disturbing asbestos-containing materials. The frequency of these inspections will be determined with the SFU EHS Department at the project planning stage and will be project dependent.

Based on the information provided in the NOC report as well as discussions with the employer representatives, this order has been complied.

Orders/Items - Full Details**Initiating order:**

Dec 07, 2021 - An employer representative provided an electronic copy of the employer's asbestos exposure control plan ("Simon Fraser University Asbestos Exposure Control Plan", November 2020). I determined that the employer has not fully implemented the asbestos exposure control plan ("AECP"), as evidenced by (but not limited to):

- A formal inspection program to monitor the condition of asbestos-containing materials has not been developed and implemented, as per section 4.1.2.1 and 4.3.2 of the above referenced AECP.
- The employer representative did not provide evidence that Project Managers monitor authorized project work performed by contracted trades to ensure that their work activities are not disturbing asbestos-containing materials, as per section 4.1.2.2. of the above referenced AECP.
- Asbestos-containing materials, which are practicable to identify by labels, have not been labeled (e.g., pipe insulation in the service tunnel on Level 00 between Lorne Davies Complex and West Mall Centre), as per section 4.2 of the above referenced AECP and 6.5 of the *Occupational Health and Safety (OHS) Regulation*.
- An employer representative stated that SFU relies on contractors to inform their workers of the presence of asbestos-containing materials, rather than directly informing all contract workers of the presence, as per section 4.6 of the above referenced AECP.

These factors contributed to a worker from a third-party contractor removing asbestos-containing pipe insulation (amosite, 5-10%) from the district energy main supply (HWTS) and return (HWTR) lines on the north side of the service tunnel without knowing that this material contains asbestos and without implementing appropriate controls to protect themselves and other workers in the area from exposure to asbestos.

This is in contravention of the Occupational Health and Safety Regulation Section 6.3 (1).

If a worker is or may be exposed to potentially harmful levels of asbestos, the employer must develop and implement an exposure control plan meeting the requirements of section 5.54.

Measures to Ensure Compliance:

The employer must review the employer's asbestos exposure control plan (AECP) and revise it, as needed. The employer provide this Officer a copy of the revised AECP and an action plan outlining when any actions will be implemented.

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 **January 14, 2022**.

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Employer #	Mailing Address	Classification Unit #	Operating Location
112786	8888 UNIVERSITY DR BURNABY BC V5A 1S6	765010	001

Lab Samples Taken	Direct Readings	Results Presented	Sampling Inspection(s)	Workers onsite during Inspection	Notice of Project Number
N	N	N		4	

Inspection Report Delivered To	Employer Representative Present During Inspection	Worker Representative Present During Inspection	Labour Organization & Local
Melinda Skura	Melinda Skura	Ed Howeroff	

WorkSafeBC Officer Conducting Inspection
Ajla Duranovic

*Inspection Time	*Travel Time
7.75 hrs	0.00 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.