

Health Safety Wellness

ISSUES

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WorkSafeBC Updates

2015 Experience Rate Preliminary Information

WorkSafeBC has posted the preliminary 2015 experience rate information to their website. As expected, the base rate has gone up slightly. Pre-consultation estimates indicate the rate will increase by 6.7% to \$0.64 per hundred dollars of eligible payroll. Independent schools are increasing by 19.6% and universities are increasing by 16%.

WorkSafeBC attributes the rate being lower than originally thought to better than average returns on investment funds and historically significant fewer accidents.

You can read the full story about the 2015 rates on WSBC website at worksafebc.com.

New Web Book for Custodians

Safe Work Practices for Custodians is a new interactive web book, including a review quiz and new videos, that can be opened in the browser of any computer or mobile device. This web book is based on the 2006 infolip publication, *A Clean Sweep*. (PDF 3.6MB)

Macatee Report

Mr. Macatee was appointed after the Crown decided it could not proceed with charges arising from the Babine Forest Products and Lakeland Mills explosions in northern BC. His report is 192 pages with 43 recommendations. The following information can be accessed online:

- [Macatee Report](#) (PDF 2.3MB)
- [Government news release](#)
- [WorkSafeBC news release](#).



Government has committed to adopt all the recommendations. Some will be implemented quickly, others will require significant work and consultation.

School districts should be aware that there may be increased scrutiny of wood shops operating in

districts. This would include both maintenance departments and classroom shops.

Asbestos

Asbestos continues to be an area of focus for WorkSafeBC. Districts should be careful to update and maintain their asbestos programs and to ensure that any third party construction contractors also are made aware of and are in compliance with asbestos regulations. Additional information can be accessed [here](#).

Failure to adhere to proper policy and regulation around asbestos removal can lead to heavy fines and penalties.

WorkSafeBC Policy Discussion on Assessing "Retirement Age"

With the changes that occurred with the elimination of mandatory retirement, WorkSafeBC has been dealing with an increase of workers claiming that they did not intend to retire at age 65 and therefore their access to benefits should be extended. WorkSafe has approved policy changes on the definition of retirement. The complete policy can be accessed [here](#).

Excerpts from the appendix are referenced below:

When determining whether a worker would retire after age 65, the circumstances under consideration are those of the individual worker as they existed at the time of injury.

The standard of proof under the Act is on a balance of probabilities as described in policy item #97.00, Evidence. However, as age 65 is considered to be the standard established retirement age under the Act, the Board requires evidence that is verified by an independent source to confirm the worker's subjective statement regarding his or her intent to would work past age 65.



Evidence is also required so that the Board can establish the worker's new retirement date for the purposes of concluding permanent disability award payments. If the worker's statement is not independently verifiable, the Board will make a determination based on the evidence available, including information provided by the worker.

Examples of the kinds of independent verifiable evidence that may support a worker's statement that he or she intended to would have worked past age 65, and to establish the date of retirement, include the following:

- names of the employer or employers the worker intended to work for after age 65, a description of the type of employment the worker was going to perform, and the expected duration of employment, and information from the identified employer or employers to confirm that he or she intended to employ the worker after the worker reached age 65 and that employment was available;
- a statement from a bank or financial institution outlining a financial plan and post age 65 retirement date, established prior to the date of the injury; and
- an accountant's statement verifying a long-term business plan (for self-employed workers) established prior to the date of the injury, indicating continuation of work beyond age 65.

Where the above type of evidence is available, this would be positive evidence in support of a determination that a worker would have worked until after age 65. The following are examples of other kinds of independent verifiable evidence that alone may not be determinative of whether a worker would retire after reaching 65 years of age:

- information provided from the worker's pre-injury employer, union or professional association to confirm regarding the normal retirement age for workers in the same pre-injury occupation and whether there are incentive plans for workers working beyond age 65;
- information from the pre-injury employer about whether the worker was covered under a pension plan provided by the employer, and the terms of that plan;
- information regarding whether the worker would have the physical capacity to perform the work;
- financial obligations of the worker, such as a mortgage or other debts;
- family commitments of the worker; and
- an outstanding lease on a commercial vehicle (for self-employed workers).

In some circumstances, the decision as to a worker's retirement date may be made prior to the determination of a worker's entitlement to a permanent disability award.

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.



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