

WHSCC News



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CREDIT CARD ASSESSMENT PAYMENTS A HIT WITH SMALL BUSINESS

In mid-winter and early spring of each year, the Workplace Health, Safety and Compensation Commission (WHSCC) Assessment Services Department is busy handling the assessment process, from gathering the information provided by employers on *Form 100*, to creating *Notices of Assessment* and collecting payments.

The WHSCC collects assessment payments from approximately 13,500 employers every year. Almost 40% of them have payrolls amounting to less than \$100,000 per year.

"Small and medium-sized businesses are a very large portion of our employer base, and they've been telling us they want to pay their assessments using a credit card," explains Claude Savoie, Manager of Assessment Services. "Last year, we were very pleased to introduce this service through Service New Brunswick,



and we expect many employers to take advantage of it for the 2005 billing period."

The Commission partnered with Service New Brunswick (SNB) in 2004, which led to the addition of the *WHSCC Employer Assessment Payment* function on their website. This function allows New Brunswick's assessed

The WHSCC collects assessment payments from approximately 13,500 employers every year.

employers to remit payments to the WHSCC using a credit card either on-line, in person at one of SNB's 36 Service Centres around the province, or using SNB's teleservices.

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AGREEMENT NO. 40064251

NEW BRUNSWICK MINE WINS IMPORTANT SAFETY AWARD

PCS Potash New Brunswick, a potash production mine located just east of the town of Sussex, was a 2004 recipient of Canadian mining's prestigious safety honour, the John T. Ryan Award.

The award was granted at the Canadian Institute of Mining, Metallurgy and Petroleum (CIM) awards gala in Edmonton on May 10, 2004. Presented annually since 1941, the award is sponsored by Mine Safety Appliances Canada Ltd. It is named as a memorial in honour of John T. Ryan, founder of the company.

PCS Potash New Brunswick attended the award ceremony shortly after celebrating another milestone on March 17th: 2 million hours without a lost-time injury.

General Manager Mike Hogan credits employee dedication as the reason for the

facility's safety achievements.

"It comes down to individual employees and their commitment to safety awareness," says Hogan. "Everyone looks out for one another, and that is the number one reason why we have such a commendable safety record."

The John T. Ryan Canada trophies are awarded by the CIM to the Canadian metalliferous mine, select mine and coal mine which in the previous year experienced the lowest reportable injury frequency per 200,000 hours worked. PCS Potash New Brunswick won their award in the select mine category.

"The 2005 winners of the Ryan Awards will again be announced at our annual awards banquet, which, this year, is in Toronto on April 25th," says Heather Ednie, Director of Media &

[Continued on page 2]

ACCIDENT REPORT INFORMATION NOW AVAILABLE

The WHSCC is pleased to announce that it will begin to publish non-specific details relating to a small sample of the serious accidents happening around the province.

"We're taking this step because we believe one of the key elements of successful accident prevention is the timely delivery of information relating to hazards and risks in the workplace," says Dave Greason, Vice-President of the Commission's WorkSafe Services Division. "We want employers and workers to know what kinds of accidents are happening in their industry as they occur, so they can quickly implement changes at their worksite that are in everyone's best interest."

Content for the Accident Reports is drawn from the WHSCC's *Preliminary Accident Notification* documents, which are created when the Commission is notified that a workplace accident has taken place.

"No specific details, such as the names of employers or injured workers, will be made public," Greason explains. "We're focussing directly on the accident – because that's what we want to be able to prevent in the future."

Accident Reports will be published on an ongoing basis in WHSCC E-News – the Commission's monthly e-mail newsletter, and on the Commission website, at www.whsc.nb.ca.

NBCSA CELEBRATES

On the first of January the New Brunswick Construction Safety Association (NBCSA) celebrated its third anniversary.

“We are very pleased with the support we have received from the construction industry over the past three years,” says Roy Silliker, General Manager for the NBCSA.

The association recently released training program statistics since its inception:

2002

Total Number of Certificates: 3,646
Total Safety Passport (New Students) 1,859

2003

Total Number of Certificates: 9,510
Total Safety Passport (New Students) 3,496

2004

Total Number of Certificates: 11,092
Total Safety Passport (New Students) 3,598

Total for the last 3 years

Total Number of Certificates: 24,248
Total Safety Passport (New Students) 8,953

In 2002 the NBCSA began awarding an annual health and safety training award with three categories: member employer, member employee group and associate member group. The Award is given to the company or group that was issued the



highest number of Training Certificates in the previous year from each category.

“Our health and safety training awards were presented at our 4th Annual General Meeting on March 24,” says Silliker. “It was a great event, and we were really pleased with the turnout.”

Award recipients for the 2004 training year are:

Member Employer with the highest number of Training Certificates issued by NBCSA in 2004 training year:

OSCO Construction Group

Member Employee Group with the highest number of Training Certificates issued by NBCSA in 2004 training year:

JATC / NB Pipe Trades Association

Associate Member Group with the highest number of Training Certificates issued by NBCSA in 2004 training year:

Irving Paper Ltd.

THANK YOU!

Our thanks go to all those who completed our recent “Help Us Serve You Better” survey. We received thousands of responses, and we appreciate the time it took to send them in!

If you didn’t receive the survey, and want to participate, don’t worry – we’re still on the lookout for the names and e-mail addresses of the health and safety representatives at your place of work.

We’re collecting this information to ensure the right people in your organization receive our health and safety information, hazard alerts, legislation updates and other important news.

Keeping your health and safety representatives in the loop with the WHSCC just makes sense.

If you’d like to add your contact information to our database, please send us your name, address and e-mail address by faxing 506 632-2830, or by e-mailing us at: communications@whscc.nb.ca.
Thanks again!

[continued from page 1]

MINE *from page 1*

Communications for the CIM. “Maybe this year another New Brunswick mine will win.”

A press release announcing the 2005 winners of the John T. Ryan awards will be issued by the CIM after their awards banquet. To see who won, please go to:

www.cim.org/media/releases.cfm.

Other Canadian Industrial Safety Awards Include:

The Canadian Construction Association (CCA)’s National Safety Award – the Gordon M. Vipond Memorial Trophy.

Awarded since 2000 at the CCA’s annual conference.

More information: www.cca-acc.com/overview/awards/vipond/vipondform.pdf.

The Canadian Marine Advisory Council’s Marine Safety Award.

Awarded annually. More information:

www.cmac-ccmc.gc.ca/en/msa.htm.

The Canadian Petroleum Safety Council’s Safety Awards – for Leadership, Significant Contribution, and Special Merit.

Awarded annually. More information:

www.psc.ca/safety_info/safety_awards.htm.

PAYMENT *from page 1*

“I love the service...it eliminates a lot of steps, and for a small business owner, that’s a big deal.”

—Faith McMillan, President of Pleasant Valley Realty 2000 Ltd., Sussex.

“It makes sense that small and medium-sized businesses want to pay their annual assessments with a credit card,” Savoie says. “This isn’t an option for larger businesses, who pay larger assessment amounts, and typically want to remit them using a business cheque.”

“I love the service,” says Faith McMillan, President of Pleasant Valley Realty 2000 Ltd. in Sussex. “It eliminates a lot of steps, and for a small business owner, that’s a big deal. I don’t have to write the cheque, put it in an envelope, and take it to the post office. Instead, I can use my computer to pay my assessment in the middle of the night!”

To access the WHSCC’s Employer Assessment Payment option, go to www.snb.ca.

BOARD MEMBER PROFILE: CHANTAL LAFLEUR, WORKERS' REPRESENTATIVE

Chantal Lafleur is a multi-tasker. When she was nominated to be a workers' representative on the WHSCC Board of Directors, she was just about to complete a five-year term as vice-president of the New Brunswick Nurses Union (NBNU). She's in the process of finishing a Bachelor of Nursing at the Université de Moncton, while working full-time at the Edmundston Regional Hospital's ICU department as a nurse manager. And she's got a husband and three children.

"I was proud to be nominated – but I've got big shoes to fill," Lafleur says, referring to Donna McNeill and Darlene Cogswell, fellow

NBNU members and alumni of the WHSCC Board of Directors.

Lafleur began her term with the Board on February 5, 2004, bringing her background in healthcare to the table. She knows her experience is a valuable asset to the Board, but she approaches her role with a balanced perspective. "It's not just about paying benefits to injured workers," she says. "There is more to consider."

"Before becoming nurse manager, I was an emergency room nurse for more than ten years. During that time, I saw many patients requiring treatment due to work-related accidents," Lafleur explains. "It's just not cost-effective to wait until workers require medical care. We must see farther than the end of our

Educating workers and educating employers go hand in hand. It's a cooperative process with big benefits.

noses, and keep investing in teaching New Brunswickers how to care for themselves and their co-workers before an accident happens."

And Lafleur knows about the benefits of education. As part of her job at the hospital, she teaches nurses about critical care.

"That moment – when you can see understanding in their eyes, and you know that they get it," she says with a smile. "It's rewarding."

It's not just the results that are rewarding, Lafleur says, it's the process.

"Educating workers and

educating employers go hand-in-hand," she says. "It's a cooperative process with big benefits. A worker's family, social life, financial security, and future are on the line."

That emphasis on prevention is part of what the Board does well, says Lafleur, and it's something she's proud to be a part of.

"This is a working board," Lafleur says. "They make influential decisions, and the responsibility for them is heavy. But they do it by generating consensus and working together, which is challenging – but worth it in the end."

Chantal Lafleur lives in Edmundston. She has been



married to her husband Robert for 25 years, and together they have three children: Julie, 23; Martin, 22; and Isabelle, 18.

OCTOBER 23–25

LES 23, 24 et 25 OCTOBRE

Saint John Trade and Convention Centre



Mark the date

Celebrating 25 years as one of Eastern Canada's top health and safety conferences!

- 18 workshops and one exciting plenary
- English and French sessions
- New CSA Lock-out standard, JHSC legislation, new developments in WHMIS, violence in healthcare, and more
- Trade show
- Return of "Lucien"

For more information about the conference, how to register, or about exhibiting in our trade show, call:

1 800 222-9775 ext. 5660

or write to:
WHSCC Health and Safety Conference
1 Portland Street, PO Box 160
Saint John NB E2L 3X9

For more information, visit our website:

www.whscc.nb.ca

**Workshop space is limited.
REGISTER EARLY!**



WHSCC HEALTH AND SAFETY CONFERENCE

CONFÉRENCE EN MATIÈRE DE SANTÉ ET DE SÉCURITÉ DE LA CSSIAT



2005

FRAUD COSTS EVERYONE

An individual in Moncton has been charged with fraud against the WHSCC in relation to more than \$50,000 in loss of earnings benefits.

“By law, the Commission must ensure its financial resources are used appropriately in order to provide benefits and services to the workers and employers of New Brunswick,” says Richard Tingley, Q.C., General Counsel for the WHSCC. “Incidents of fraud like this one put a strain on the system that impairs our ability to do business in a cost-effective way. Detecting and preventing fraud is a priority for the Commission, and investigating fraud once it has occurred is top-priority for the WHSCC’s senior investigator, who is a former RCMP officer.”

There is the potential for fraud in all the Commission’s business relationships: employers might avoid paying assessment premiums, or they might knowingly fail to register for compensation coverage; workers might return to work without

informing the Commission and draw both compensation benefits and wages, prolong recovery, or fabricate an injury; and service providers might overcharge for services, inflate costs, or in some extreme cases, bill for services never rendered.

“It’s a growing problem,” says Tingley. “In 2002, 100 new benefit claims were referred for investigation based on a system of warning flags we use internally. Approximately 26% of those claims were rejected, based on the findings of the investigations conducted. Compare that to 2004, when 98 claims were referred, and 44% of them were rejected, and it becomes readily apparent that the Commission is not immune to fraud.”

To defend against fraud, the WHSCC is taking an aggressive approach that involves both detection and prevention initiatives.

In 2004, the WHSCC estimates that internal fraud and abuse investigations resulted in the termination of benefits that would have totaled close to \$1 million.

“To help us detect fraud, we’re focusing on educating our staff,” says Tingley. “Our senior investigator has developed an inventory of red flags that can be used to identify suspicious activity. We’re also implementing audits to examine our business processes and determine if we’re getting what we’ve paid for.”

The WHSCC is also developing information-sharing partnerships with stakeholder groups such as Revenue Canada, the Department of Family Services, the Department of Natural Resources, and the Maine Workers’ Compensation Board. These partnerships will allow the Commission to implement “checks” in the system, to verify the information provided by clients.

Once fraud is suspected, the Commission’s senior investigator gathers evidence using a variety of techniques.

“If fraudulent activity is confirmed, the Commission takes steps to rectify the situation – steps that can include

filing a criminal complaint against the individual or business,” Tingley says. “If a complaint is filed, we turn over all the information gathered, and the police conduct their own investigation to determine whether charges will be laid.”

In 2004, the WHSCC estimates that internal fraud and abuse investigations resulted in the termination of benefits that would have totaled close to \$1 million.

The best way to defend against fraud, however, is to prevent it from happening in the first place.

“Rejecting fraudulent claims before they’re in the system is crucial,” says Tingley. “It’s one of the key elements of our prevention strategy. Making our stakeholders aware of what we’re doing to combat the overall problem, and explaining the importance of their role in

our fight against fraud is another.”

To report fraudulent activity to the WHSCC, please call: 1 800 222-9775 and request that the Senior Investigator be notified. You can report fraud anonymously, or you can provide the WHSCC with your name and telephone number with the understanding that your personal information will remain strictly confidential.

[appointment]

The WHSCC Board of Directors is pleased to welcome **BRAD BRINSTON** as a **Workers’ Representative**.

Mr. Brinston was nominated by the New Brunswick Building and Construction Trades Council. He is a journeyman plumber and pipe fitter, and for the past 12 years has been the business manager of the United Association of Plumbers and Pipefitters Local 694, and the secretary/treasurer of the NB Pipe Trades Association. Mr. Brinston lives in Riverview.

EARLY REPORTING OF ACCIDENTS PAYS OFF

When it comes to reporting accidents to the WHSCC, employers should be aware that they must do so according to specific timeframes required by the *Workers’ Compensation (WC) Act*, and the *Occupational Health and Safety (OHS) Act*.

Immediate Notification

The *OHS Act* requires immediate reporting of serious injuries (death, loss of limb, injuries requiring hospitalization.) Employers must also report explosions or exposures to chemical, biological or physical agents within 24 hours. This may be done by calling the WHSCC at 1 888 442-9776.

Within Three Days

In addition, the *WC Act* requires that employers file a Form 67 *Report of Accident* with the WHSCC within three days of the accident that may entitle the worker or his dependents to

compensation or medical aid. These forms should be faxed to the Commission at 1 888 629-4722. Form 67’s are available at any WHSCC office or on our website, at www.whscc.nb.ca.

This year, the Commission will be focusing on identifying and contacting employers who do not comply with these reporting requirements.

Early reporting of accidents results in a win-win situation for both the employer and the injured worker. It allows the WHSCC to make a timely decision on the claim – and if accepted, work in conjunction with both parties to achieve an early and safe return to work. Late reporting means delays in benefits payments to injured workers.

For more information, please see our website, at www.whscc.nb.ca.

IT'S ALL ABOUT ATTITUDE FOR ERMA WUHR

When Erma Wuhr opened her eyes after falling down a set of stairs at work, she found she couldn't straighten her left arm.

"I don't remember the accident," Wuhr says, "But I remember how painful it was!"

Wuhr injured herself on March 4, 2004, while working as a labourer, wrapping bundles of lumber at J.D. Irving, Limited's Grand Lake Timber facility in Chipman, NB.

The next morning she went to the hospital, where she was diagnosed with a hairline fracture to the top of one of the bones in her forearm, at her elbow.

"I wore a sling for three days, and started physiotherapy in Minto less than two weeks later," Wuhr explains.

But it didn't go well.

On April 6th, Wuhr went to see an orthopaedic surgeon, who conducted a variety of tests, and then diagnosed her with Reflex Sympathetic

Dystrophy (RSD), a painful nervous system disorder that can be caused by an injury.

The surgeon recommended a more intensive physiotherapy program, and as a result, on May 10th Wuhr was admitted to the WHSCC's Workers' Rehabilitation Centre (WRC).

Although Wuhr describes her time at the WRC as painful, she is very positive about the WRC staff who helped her along the road to recovery.

"There were a lot of tears, but there was also a lot of progress," she says. "We started with baby steps, working towards controlling the pain, and then strengthening the arm. It took me six weeks to be able to play with playdough!"

Wuhr was released from the WRC on September 2nd.

Shortly afterward, she began her return-to-work process.

"That was another painful experience," she says, "but it

was controlled, because I knew how to apply what I'd learned at the WRC, and I knew I had the support of my employer."

J.D. Irving, Limited has a comprehensive Disability Management Program, which was formalized in 1999.

"The goal of the program is to return the injured worker back to their pre-accident position in a safe and timely manner," explains Pam

Caissie, Disability Management Coordinator at Grand Lake Timber. "When the WRC indicated Ms. Wuhr was able to return to work, we met with her and members of her care team to determine an appropriate timeline."

Wuhr returned to work in September, to full duties but restricted hours. At first she worked two hours per shift. Over a number of weeks, however, she gradually increased her hours until she could complete an eight-hour shift.

"At all times during Ms. Wuhr's return-to-work process, there was an employee available to take over for her, if she needed to



stop," says Caissie.

Wuhr made a few changes to how she did her job, and although she started slowly, she pushed herself.

"Ms. Wuhr's return to work was expected to last 12 weeks," Caissie says. "But she did it safely in eight weeks. She is a very motivated and determined person - and that makes all the difference."

Wuhr is thoughtful about her experience: "I couldn't use my dominant hand for six months," she says. "But it wasn't just about managing the physical pain, it was about dealing with the inconvenience and frustration of having to learn how to write, how to

peel a potato, and how to do hobbies like crocheting using my right hand."

Even now, a full year later, Wuhr knows she's still got to work at maintaining the gains she's made.

"I don't want to lose the capabilities I worked so hard for," she says. "I know what my body is saying now, and I'm listening."

NB WORKER BURIED ALIVE

An employee was placing drainpipe at the bottom of a trench that was 1.8 metres deep and 2 metres wide when a cave-in occurred, with fatal results. The trench was dug in ground made up of topsoil, grey silt and imported dirt.

On the day of the accident, there were three cave-ins at the site, with no injuries. Each time, the owner of the company used an excavator to re-dig the trench so work could continue.

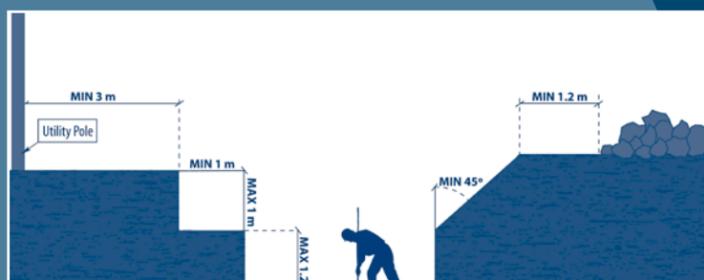
Concerned for the employee in the trench, bystanders advised him to get out of the trench as they felt it was unsafe. A fourth cave-in occurred, burying the victim up to his shoulders.

One of the bystanders and the owner of the company who was supervising the job attempted to rescue the victim. They had partially dug him out and were trying to pull him away from the wall when another section of the wall caved in on the victim and the owner.

This fifth cave-in completely re-buried the victim, and the owner was buried up to his shoulders. The bystander was able to free the owner up to his belt by the time rescue personnel arrived.

The owner was rescued and taken to the hospital, where he was admitted to the Intensive Care Unit.

Rescue personnel later found the victim buried under approximately 2 feet of dirt. The employee was transported to the hospital where he was pronounced dead on arrival. The autopsy report revealed that the victim died as a result of severe crushing injuries to the chest from the fourth cave-in.



[hazard alert]

RECOMMENDED PREVENTIVE ACTION

- 1) Never enter a trench that is not safely sloped, braced or caged! If there is a cave-in, even a small one, GET OUT OF THE TRENCH AND STAY OUT OF IT until the trench has been made safe!
- 2) Excavated material must be kept at least 1.2 metres away from the edge of an excavation or trench.

- 3) Loose material that may fall into the excavation or trench must be removed.
- 4) When heavy equipment is used next to an excavation or trench, shoring, bracing or caging must be adequate to support the added pressure and weight of the equipment.

See sections 180 to 188 of *General Regulation 91-191*, under the *Occupational Health and Safety Act*, for more information about excavations and trenches.

[hot off the press]

- *WHSCC Annual Report 2004*
- *When an Accident Happens* – Poster, revamped version
- *Tag & Lockout* – Sticker
- *First Aid* – Pamphlet
- *Employer Quick Reference Handbook*
- *When an Accident Happens* – Card
- *Right to Refuse* – Pamphlet (revamped)
- *Trenching Safety Talks* (3)

Risk Alerts

- Confined Spaces: Recognizing the danger

Hazard Alerts

- New Brunswick Worker Buried Alive
- Skidder accidents injure and kill woodworkers
- Tandem lift weight limits cannot be ignored

SUBSCRIBE TO



The WHSCC is pleased to announce the launch of a new publication. WHSCC E-News, launched in February, is a monthly e-mail newsletter designed to give subscribers up-to-the-minute news and information on health and safety, workplace hazards, new legislation, events, publications and more. It will bridge the gap between our website and this print-edition newsletter, which is published twice a year.

We'd like to encourage you to add your name, and become part of our subscriber community! Simply go to our website (www.whsc.nb.ca) and click the SUBSCRIBE icon. Once you've completed the short subscription form, E-News will soon arrive in your inbox, free of charge.

WHSCC E-news already has more than 2,000 subscribers, and the list is growing with every issue.

E-News is a great way to get timely access to the kind of health and safety news you need to protect your workers, your co-workers and yourself.

So sign up now!

[upcoming events]

Day of Mourning April 28, 2005

Canada's National Day of Mourning is a day to remember workers killed, disabled, injured, or afflicted with an occupational disease in the workplace. Please call your local District Labour Council for the times and locations of events planned in your community.

North American Occupational Safety and Health (NAOSH) Week May 1-7, 2005

NAOSH Week focuses the attention of employers, employees, the general public and all partners in occupational health and safety on the importance of preventing injury and illness in the workplace and at home. This year's theme is "Equip. Educate. Empower." For NAOSH Week schedules and event details, please visit the WHSCC website at www.whsc.nb.ca.

Building a Healthy Workplace Culture – New Brunswick Workplace Wellness Conference May 18, 2005

The Heart and Stroke Foundation of NB is bringing a variety of speakers to Moncton's Crystal Palace to discuss workplace wellness success stories from around the province. Keynote speakers Geri McKeown and Bruce Craig will speak on building and sustaining a healthy work culture. To register, please call 1 800 663-3600, and ask for Janis. The registration fee is \$130.

Disability Awareness Week 2005 May 29 – June 4, 2005

The Premier's Council on the Status of Disabled Persons is pleased to announce the theme for this year's Disability Awareness Week (DAW) is: "Put our abilities to work for you." During the run-up for DAW 2005, the provincial committee will be planning a variety of new and exciting activities related to the theme. Local committees will also organize community projects across the province. Regular updates on DAW events will be posted on the Council's website. For more information, please visit the website at: www.gnb.ca/0048.

Workers' Rehabilitation Centre (WRC) Open House June 3, 2005

In recognition of Disability Awareness Week, the WHSCC will host its 4th annual Open House event at the Workers' Rehabilitation Centre on June 3rd. This event will give all invited guests an overview of the services provided by the WRC for injured workers. It will also provide a forum for stakeholders to discuss the importance of recognizing the needs of the disabled in our community.

3-day WHSCC Joint Health and Safety Committee Core Training

May 3-5, May 10-12, June 7-9, and June 14-16

Various locations

This new program has been designed to provide your company's JHSC members with the training necessary for them to function effectively as a JHSC. This workshop covers a variety of topics including: current NB health and safety legislation, establishing and maintaining an effective JHSC, hazard identification, workplace inspections, accident investigation/causation and prevention. Please call 1 800 222-9775 to register.

Half-day WHSCC Self- Directed 5*22 Workshop May 25, 26, 27

Various locations

5*22 is a health and safety framework that provides useful information and tools to workplaces that will help them develop action plans and implement safe work practices. This material can be used by any workplace having a staff as small as 10 or as large as 500. This workshop will show you how easy it is to improve health and safety in your workplace. Please call 1 800 222-9775 to register.