

Western Fallers Association (W.F.A.)
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Margaret Eckenfelder, Vice President, Policy and Research
Workers Compensation Board
6951 Westminster Hyw.
Richmond, B.C. V7C 1C6

Dear Margaret,

Re: Division 6, Sections 150-153 of the Workers Compensation Act. The right to refuse unsafe work and discriminatory action and how an Independent faller may or may not have these privileges with W.C.B.

I'd like to start by introducing myself and the organization I represent. My name is Mike McKibbin; I'm the chairman of the Western Fallers Association (W.F.A.) The W.F.A. is registered with the province as a health and safety organization to represent fallers and particularly Independent fallers. Our association is governed by a board of directors spread throughout B.C. We have hundreds of registered members also from all corners of the province.

Most Independent fallers, as we know them today, are nothing more than an employee operating a one man Limited company. We show up on a job site with our own tools and a W.C.B. number. Our ride to and from work is supplied to us as is our gas and chain oil. Our pay is by the hour which industry translates into a fallers day rate, the same method as a company pay roll faller. These types of fallers that I refer to have been around for about 30 years. Over that time span our numbers have continued to rise each year to the point that one colleague from another organization calls us an epidemic. In short, we have been created to give our employers a financial break on their W.C.B. assessments through savings on their experience ratings. We always were a bit of a sore spot with W.C.B. until 1992, when legislation was passed to let us operate these one man companies. This was all fine and dandy until it was realized we had shed every right in the book that a person had as an employee including the sections mentioned earlier in this memo.

A little over a year ago, at our Board meeting, the matter of how our members may or may not fit into this regulation came up. I did some investigating and found that there was indeed quite a grey area. Along the way I discovered that if a faller was operating as a proprietorship company, W.C.B. would give that person backing if they felt there had been discriminatory action taken against them over a safety issue. For those of us operating as a Limited company that option appears to be void from W.C.B.'s end.

Two weeks ago this subject was brought up at the W.F.A. Board meeting. I explained to the Directors where it appeared we sat. I have been instructed by the Western Fallers Board of Directors to actively pursue this matter and get to the bottom of this puzzling issue.

The W.F.A. openly promotes falling in a safe, orderly fashion, which translates into doing what W.C.B. would like to see. Right now, if we bring unsafe work conditions up to a lot of our employers it seems to fall on deaf ears in some cases. Well yes, a person can always quit and go elsewhere, but that doesn't solve the problem. The hazard still exists and chances are the boss will find somebody inexperienced or hungry enough to go in and do the work. That person may or may not get the job done without becoming another statistic.

I'll run you through a scenario that myself and a small group of fallers were involved in very currently to help clarify what

can take place. We reported to a job north of here a few months ago. From the time we arrived there was one infraction after the other taking place on this job site. I approached the foreman with a few suggestions to make this job run a little safer. Where there was a huge room for improvement we thought we would mention just a couple of key points. For the most part I was brushed off by this individual and told to keep falling, that's what I had been hired for. He went on to say if I wasn't happy about how things were going I could leave and proceeded to say "You fallers are a dime a dozen anyway". We finished up the first section of this block and after 10 days went home. My 2 buddies got called back up there but I didn't for an unannounced reason. Now, because of how that job was being run, none of us had any intentions of going back; there were other more reputable places to go by now. What if I had of needed that job to feed my family. I should have been able to phone up an Inspector, state my case and actually received some help to do the right thing. The way things appear now, there would be nothing W.C.B. could do for me because I am operating as a Limited company. Even though it would have been in everyone's interest to either shut that job down or clean it up. We found out later through the 'caulk boot telegraph' that this guy couldn't find any more qualified fallers and in order to keep the job going had sent the buckers out to knock some timber down for the machines. Soon to be another infraction when fallers certification goes through.

The W.F.A. has been involved with the Forest Safety Task Force and is currently involved with the Implementation Team that arose from one of the recommendations. Throughout much of the correspondence that is circulated we keep reading, 'You have the right to refuse unsafe work'. The way things sit right now, all we can honestly say to our members is, 'You have the right to quit because of unsafe work conditions'. For who the W.F.A. are and what we promote, we feel there should be some more substantial backing coming from W.C.B. towards the Independent faller. After all, a lot of us are nothing more than employees. It would be nice, at our next AGM, to be able to tell our members that they too have the legal right to refuse unsafe work, without fear of repercussions.

I hope there is enough information in this letter to outline our concerns. I will make myself available to meet with you in person to discuss this matter further if you so wish. Just let me know.

Respectfully yours,

Michael McKibbin, Chairman
Western Fallers Association

Cc W.F.A. Board
 David Young, Policy Division, W.C.B
 Ian May, Chairman, Employers Forum
 Glenn Hall, Employers Forum
 Ray Bozzer, Director, Employer Advisers