

# Investigation reveals employer impunity in Canadian workplace deaths

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A recent Canadian Broadcasting Corporation (CBC) investigation has drawn attention to the high number of workplace-related fatalities and the impunity that Canada's employers enjoy when workers die on the job.

Published at the end of November, the investigation highlights that in over 250 cases of worker deaths on the job since 2007, only five jail sentences were handed out with a maximum of 120 days behind bars. The median fine for fatality-related cases was just \$97,500.

Statistics for 2015, the most recent available, show that there were 852 workplace-related deaths in Canada that year, the majority being the result of job-related disease. This represents a decline from previous years, but still represents a death toll of almost four workers per day based on a 230 day work-year.

In an accompanying article titled "The price of death," a CBC reporting team looked in detail at the cases of seven Canadians who were killed on the job. From a 22-year-old killed on her second day at work at a quarry to a 65-year-old killed just 13 days before his retirement, the article puts a human face on the ongoing loss of life that is all too common in the workplace in Canada, the US and around the world.

Referring to the \$120,000 fine levied against a New Brunswick Walmart outlet for the electrocution of his son, Patrick Desjardins stated, "Walmart can earn \$120,000 in 15 seconds. It's trying to put a price tag on my son and you can't do it ... Those fines should be increased, big time."

In a separate article, University of Ottawa criminologist Steve Bittle condemned the hollowness of changes made to the criminal code following the 1992 Westray mine explosion in Nova Scotia in which 26 miners were killed. These changes provide for the prosecution of employers and managers for criminal negligence in workplace accidents. Hailed at its passage in 2004 as a landmark reform to government occupational health and safety

regimes, the "Westray law" has changed nothing. Looking at the record since then, according to Bittle, merely exposes the "woeful state" of "health and safety regulation overall."

After inquiries made to the Department of Justice, the CBC learned that the federal government is planning to spend \$13 million over five years to improve compliance and enforcement of the Westray law by the provincial bodies that are largely responsible for the regulation of occupational health and safety. Not only is this tantamount to an admission that employers have been allowed to escape prosecution and punishment for even fatal health and safety violations. Given the token amount being invested—little more \$2.5 million per year—it effectively ensures that the industrial slaughter will continue.

This is in keeping with the policies of successive federal and provincial governments, which have sought to create the conditions for maximizing corporate profits. Workplace regulations have been systematically eviscerated and the public bodies charged with overseeing them starved of cash, as part of a general ruling-class assault on worker rights and public services. Social inequality has risen to unprecedented levels, with the average earnings of the top 100 CEOs being close to 200 times that of an average worker. Meanwhile, Prime Minister Justin Trudeau never tires of boasting to wealthy corporate audiences about Canada's "stable" business environment.

The CBC investigation compiled its statistics through mining data from individual provinces whose time frames varied. The data shows a wide variation in how penalties for workplace fatalities are handed out across the country. For example, the median penalty in British Columbia—where industries with high accident rates such as lumber, mining, fishing and construction are all major employers—was \$26,563, while in Alberta it was

\$275,000, the highest in the country. Quebec was the only province that could not provide statistics on penalties for workplace deaths. Its laws provide the country's lowest financial penalties for health and safety violations and it is also the only province that does not allow for jail time in such cases.

The wide discrepancies in provincial legislation and enforcement have produced a regulatory patchwork, which has proven virtually worthless for workers in every region. Ontario, BC, Nova Scotia and Alberta are the only provinces where an employer has been sent to jail in relation to workplace fatalities, while Nunavut and the Northwest Territories do not have even a single conviction for workplace fatalities. In all but one case the sentence given out was 60 days behind bars or less and it is noted that even among these, none were criminal convictions for what could be termed an actual "occupational-related" charge.

The CBC notes that while some provinces have recently increased the maximum penalties for violations of occupational health and safety laws, the maximums are almost never levied. Referring to the attitudes of companies involved, Katherine Lippel, the Canada Research Chair on occupational health and safety, said, "It's just the cost of doing business." And for families, she added, "There is no justice being done in the sense that the company is not being hurt the way their son or their daughter or their father has been hurt."

Provincial regulators raise various economic concerns in justifying lax enforcement, all of which only demonstrate the subservience of the capitalist state to the interests of the corporate elite. In economically vulnerable regions such as New Brunswick, officials have raised the fear of bankrupting employers, while authorities in BC claim that basing administrative penalties on an employer's payroll may account for the traditionally lower fines levied in that province.

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The CBC report claimed that trade union officials have for years been vigorously pressing employers and governments to improve occupational health and safety. This is a lie. As part of their transformation into appendages of corporate management and the state, the trade unions have collaborated in the imposition of devastating attacks on wages and working conditions, including in some of the most physically demanding and dangerous industries, such as auto and steel.

Nor does the CBC account address the unions' political

support for pro-big business parties like the Liberals and New Democrats, all of whom have been complicit in the attack on worker rights, including workplace regulations, the slashing of public spending, and maintenance of a low-tax regime for the corporate elite.

The CBC investigation follows a *Globe and Mail* report last month that detailed the woeful lack of available data on workplace fatalities and disease in Canada. The *Globe* noted that unlike the US, Australia, and Britain, "Canada has no national source of information on the rate of on-the-job deaths." The lack of reliable data on workplace casualties hampers the tracking of safety trends and the effectiveness of accident prevention in various industries.

Statistics Canada has not carried out a national analysis in over 20 years and even available data must be purchased by anyone wanting to know the relative dangers of various occupations. The *Globe* reporters were obliged to sift the data to produce their report on the most dangerous industries. They put fisheries and forestry at the top of the list.

The figures produced by CBC are almost certainly an underestimation of the scale of the problem. Its investigation noted that the 232,629 claims the Association of Workers' Compensation Boards of Canada recorded in 2015 for work-related injury or disease only include those that were accepted by the board. They further noted that the various statistics don't show the adverse health impacts suffered by the families and loved ones of injured and killed workers.

Reports like that of the CBC, while valuable in exposing the dangerous state of the workplace in one of the most advanced economies in the world, have themselves become something of a safety valve for popular anger and concern over these issues. The reality is that this slaughter will continue as long as workers' health and safety is subordinated to profit interests and the capitalist governments that serve them.



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