

“A culmination of 25 years of bad safety and corporate greed”

Mother of conductor killed in 2019 Canadian Pacific train derailment speaks out

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The WSWW encourages rail workers, relatives, and safety experts with information to share to contact the CP Workers Rank-and-File Committee at cpworkersrfc@gmail.com.

Canada’s Transportation Safety Board (TSB) is scheduled to release today its long-awaited investigatory report into the fatal train derailment in Field, British Columbia, in February 2019. The derailment of Canadian Pacific (CP) Railway Train 301 killed three rail workers: conductor Dylan Paradis, engineer Andrew Dockrell, and conductor trainee Daniel Waldenberger-Bulmer.

The derailment occurred while the train was in emergency. Previous findings released by the TSB confirmed that it was not “tied down,” which is when the handbrakes are applied for an additional layer of safety. By the time the replacement crew boarded the train, which was parked on a steep slope in extremely cold weather, the air pressure in the air brakes had dropped to such an extent that they were unable to control the train when it began to move.

The families and friends of the deceased rail workers have been waiting for over three years for answers about what precisely happened near Field in the early hours of February 4, 2019. Pam Fraser, Dylan’s mother, spoke to the *World Socialist Web Site* recently about her family’s struggle to find out the truth about her son’s death.

“Our whole family was devastated by Dylan’s death. We are all plagued by questions that remain unanswered,” she said. “My dad was a railroader too, but he can’t reconcile the different facts about the derailment. I have PTSD now stemming from how Dylan was killed, the state of his body and the manner of his death.

“Three wonderful, proud, sincere and dedicated human beings were killed needlessly that day, due to the greed of their employer. What happened to my son and his crewmates never should have happened.”

Pam recalled the ordeal of the derailment’s immediate aftermath, commenting, “I first learned the manner of Dylan’s death from Keith Creel [Canadian Pacific’s CEO]. He came to Dylan’s home at the memorial and he said he had been to the crash site. There’s that bond and pride in the railroader family, so when he shows up after such a horrific and tragic event, our first thought was how much he must care. We deferred to him, but he gave us incorrect information that the coroner clarified with me later that night. He was angry that Creel gave us false information. It was not right, and we should never have gotten it.

“CBC reported that Dylan was crushed to death. On another occasion, I learned that the train ran off the mountain, turned over and landed nose down. CP Rail said one thing, then Transportation Canada said something else. So there are discrepancies among the various

reporting agencies.

“Part of my devastation is learning of four different ways that Dylan may have died. But how can there not be absolute confidence in what happened to my son? That’s an incredible problem. To this day, we still don’t know what really happened.”

Pam likened the subsequent investigation to a cover-up and addressed an incident that filled her with rage towards Canadian Pacific Railway, Canada’s second-largest railroad. “A month after the accident, Keith Creel was interviewed in Bloomberg,” she recalled. “Up until then I was still in deep grief and bewilderment. So he’s talking about how well the company is doing and how they are working with the employees. Then he says something like, ‘I’ve gotta say, we didn’t get it all right, we may have broken a few eggs’ and I immediately saw my son’s crushed head. This was the first time I felt really angry.

“As the CEO, Creel is personally in charge of repealing the handbrakes rules that led to the accident. I think about the callousness and arrogance coming from that guy, floating around a crime scene he should have never have been at, and showing up at my son’s house and misinforming us. The inhumanity in it.”

Pam detailed how CP Rail has persistently stonewalled efforts to investigate the derailment. “It’s easy to see the blatant callousness of CP Rail,” she said. “Even after the accident, when Transport Canada recommended handbrakes be used, CP rail appealed the order immediately.”

The TSB is a formally independent federal agency reporting to Parliament through the President of the Queen’s Privy Council for Canada. However, the agency’s behaviour since the Field derailment has raised serious questions about its role. In late 2019, Don Crawford, the original TSB investigator on the case, said he suspected negligence and requested that the RCMP, Canada’s federal police, take over the investigation.

While an RCMP investigation could result in criminal prosecutions, the TSB has no power to file any civil or criminal charges. As its website notes, “(I)t is not the function of the Board to assign fault or determine civil or criminal liability.” Additionally, “(f)indings of the Board are not binding on the parties to any legal, disciplinary, or other proceedings.”

CP Rail responded to Crawford’s call for the RCMP to intervene by threatening the TSB with a lawsuit. The “independent” federal agency reacted to this threat by removing Crawford from the inquiry, rejecting its own findings, and issuing a private apology to CP Rail, which was delivered by TSB chair Kathy Fox in January 2020.

Canadian Pacific also succeeded in removing Mark Tataryn, a lead investigator for the Canadian Pacific Police Service (CPPS), after he demanded to see critical evidence related to the derailment. The CPPS is a company police force tasked with enforcing the law across CP's rail network in Canada and the United States.

Pam commented, "The investigation feels like a conspiracy to cover up the truth. Just a week after the accident, the facts we were given kept changing. When the train was put into emergency; when the crew was called out; when the train ran away; when the crew died. All these times are not cohesive or synchronistic. Several different organizations have different time records for the same events."

She continued, "The only entity that can investigate the Train 301 derailment, which is classified as a class 2 event, is the TSB. So it has a lot of power and autonomy. But it has been found that TSB bowed to pressure from CP Rail.

"How is it possible that CP has any influence over the TSB, who, by their own mandate, clearly and loudly state that they are only answerable to the Privy Council of Canada? It's like these people are operating above the law, and unanswerable to the people who pay them.

"We are very anxious to see the final TSB report into the Train 301 derailment, especially given their previous history with following CP's instructions."

Pam discussed at length how she and her relatives have fought, largely alone, to get to the bottom of what happened. "Before my mother died, she wrote to Prime Minister Justin Trudeau, begging him to please help make changes," she stated. "She said, 'I don't have a lot of time left on this earth but before I go I would do Dylan a disservice if I didn't do something to evoke change.'

"If my son's legacy could be the change of the very things that led to his killing then I can live with that. I can put this to rest and finish grieving. I can look at photo albums again. I would just like to see my boy in the picture on his altar and look at that fondly with love. I could give the accident some meaning. Dylan's death should be the impetus for change. Something for the greater good."

With the help of a legal team, she sought to pressure CN Rail, Canada's largest railroad, to improve its health and safety record. She chose CN because she is a shareholder.

"I made a shareholder proposal to CN: Get rid of private rail police, and protect whistleblowers who speak out against the railways," she said. "My lawyer had to push against their legal counsel because they tried to deny my presentation of the proposal. In its circular, the company voted that my proposals be voted down. Because I had legal representation, I was able to present and my proposal received about 2 percent of the vote. We showed in our petition that we had remedies, policies that better served the company, but they refused to listen.

"I think if the management/corporate bonuses were tied to injury and death, it could lead to a motivation for safer practices. There needs to be some way of reminding corporations that the workers are human beings.

"NDP MP Nicki Ashton sponsored our two petitions with the same demands to the government which was hopeful and promising. We gathered the minimum 5,000 signatures needed to present it before government, and we followed the steps down to the letter and by the law. But when it came time to go to the floor, the government did not acknowledge it and it was never brought to the House of Commons. It sat for 10 days before it was meant to be heard. Then an election was called and it went up in smoke.

"The lawsuits we have filed are not about the money. How else is

there any other way to hold these elites accountable? We cannot have these railway barons policing themselves. We just cannot ignore it any longer. These crews' horrible and gruesome deaths should not be for nothing. There needs to be a reckoning."

The trade unions have been just as disinterested in improving safety conditions as the corporate and political establishment. "We thought that the Teamsters union would be a supportive partner in our initiatives to effect change but they went by the wayside," Pam noted.

"Unions don't seem to have any power anymore. Workers cannot even strike. In the early days, the unions had teeth and the railroaders negotiated contracts and worked to rule. You cannot do that anymore. Hunter Harrison changed everything with his fancy term 'Precision Railroadings.' Keith Creel was his prodigy. So the workers cannot work-to-rule anymore because they have found questionable ways of getting rid of them instead. Everyone is in fear of losing their job because it is abundantly clear the company does not value them personally as human beings, as valued members of society.

"The young ones are coming in green to the culture of precision railroading. The old guys had years of experience before the Hunter Harrison years. But CP wants an entire workforce that doesn't know what the previous conditions were like, because the work was much better then."

Pam emphasized that uncovering the truth about how Dylan and his two colleagues died is not only an urgent concern for their relatives, but a critical issue for working people everywhere.

"If only workers knew they were not alone," she said. "If they knew that thousands and thousands of workers like them feel the same way. Thousands are afraid for their livelihoods, a roof over their heads, and gainful employment. Unfortunately, they only know the crews they work with, and there is no great gatherings or public forums where they can speak out safely.

"There is a small army that believes as earnestly as I do that these changes are imperative. We are the little ants that make this country run, but our government and extremely powerful corporations walk all over us. But we count. We, the employees, the railroaders, count.

"The public needs to know that if the railroad runs through your town, your family and community are always at risk. It's not a benign entity. We get complacent in railroad towns. We get used to it. But with Lac-Mégantic, Quebec, at one end and Field, British Columbia, on the other, there are constant derailments, spills and mishaps, injuries and fatalities that the public knows little about. Train 301 was not an isolated event. It was a culmination of 25 years of bad safety and corporate greed."



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