

Canadian energy giant Suncor faces multiple charges for death of contractor in frozen tailings pond

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An astounding 28 charges have been laid under the Alberta Occupational Health and Safety Act against two companies in relation to the death of a contract worker in the province's oil sands.

Patrick Poitras, 25, of Saint-André, New Brunswick was drowned in a frozen tailings pond at the Suncor base mine about 30 kilometres north of Fort McMurray, Alberta on January 13, 2021. He had been operating a bulldozer on the frozen pond when the ice beneath gave way and the vehicle fell through.

Christina River Construction is facing nine charges in the fatal incident, while Suncor Energy is facing 19 counts. Both Suncor and the contractor face charges under sections 3 and 195 of the Occupational Health and Safety Act (OHS). These include failing to ensure the health and safety of a worker by permitting the use of a John Deere dozer on ice when it was unsafe to do so, directing a worker to use a dozer on ice that was too thin to support the load, failing to measure ice thickness prior to the start of the job, and failing to use ground penetrating radar to gain a profile of the ice. Suncor was also charged with failing to have the site monitored by an ice engineer and incorrectly calculating the dozer's weight when determining whether it was safe to operate on the ice.

A plea hearing for the charges is scheduled for March 15, 2023 at the Fort McMurray provincial courthouse. It is government policy that any court proceedings resulting from work site fatalities must be completed before investigation reports are published.

While the charges remain to be proven in court, their number and specificity strongly suggest that virtually no precautions were taken to safeguard the life of Patrick Poitras. Given the fact that the dangers of the work environment in the oil sands are so well known, this demonstrates contempt for human life in the pursuit of corporate profit.

Oil sands tailings ponds are engineered dam and dyke systems used to capture a mixture of salts, suspended solids and other dissoluble chemical compounds such as acids, benzene, residual bitumen, fine silts and water. Bitumen extraction from the oil sands produces large volumes of tailings as a byproduct,

generating a highly controversial environmental issue. While many of the hydrocarbons, acids and toxic metals found in the tailings ponds occur naturally in adjacent landscapes, the mining process increases their concentration.

The dozer Poitras was operating was partially submerged in the pond after the incident. The location, the material under the ice and the weakness of the ice itself made the recovery efforts so difficult that it took more than two days to complete. Poitras had worked in the oil sands for six years. He had recently returned home to Saint-André, New Brunswick for Christmas and announced plans to move home for good that spring.

A worker in the Alberta energy sector who spoke on condition of anonymity to the *World Socialist Web Site* about the incident commented: "It's unfathomable to me why they were doing this work to begin with, even if Suncor weren't violating their own rules for this sort of work. The weather alone would raise a red flag; it was unseasonably warm then and temperature will influence how much ice will form. Fort McMurray recorded 0°C the night before and -1°C the day Patrick was killed. For the previous December, temperatures rarely dropped below -15°C, and had seen on Dec 7, 2020 a daytime high of +8. People would hesitate to ice fish in this weather, let alone operate heavy equipment."

Drawing on his own experience, the worker explained the added danger of operating a dozer on ice, stating: "The nature of the work that cats (dozers) do means the cabs are primarily designed to protect Patrick from being hit by debris, not to be quickly escaped from. The glass is much thicker and heavier than what someone would find in their car. He wouldn't have been able to break it from the inside without tools. Some windows are covered by metal cages. Consequently, opening a door to quickly escape before the cat was submerged would have been extremely difficult, and impossible with the full weight of sludge pushing against it.

"I've been in the Alberta energy industry for 20 years now, and I've also had direct experience working with tailings ponds as a technical contractor. I often have to contract out. It's something the clients want. I call it an 'insurance buffer,' and the more policies they can stack between an injured or dead

worker and a claim against their profits, the better it is for the shareholders.”

In comments to CBC News, Patrick’s father, Marcel Poitras, said his son called him the night before he died and told him that he was worried about safety at the site. He said he was scared to go out on the ice: “I said, ‘If you find that it’s dangerous, please stop, because I need you more than you know. I don’t want to lose you.’ And he said, ‘Dad, I’m here to work.’”

It is an outrageous fact that, according to the Association of Workers’ Compensation Boards of Canada, an average of 945 workers have died each year for work-related reasons since 2009. Suncor has been a star contributor to this statistic and is notorious for its abysmal safety record. With at least 12 fatalities at its oil sands facilities in northern Alberta since 2014, Suncor has racked up a greater death toll than all of its industry peers combined. One year after Poitras’ death, in January 2022, one worker was killed and two others injured in a vehicle collision at the Suncor Base Plant.

The high toll of death and injury at Suncor sites in recent years did not stop Mediacorp Canada Inc., a leading publisher of “employment periodicals,” from naming the company one of Canada’s “top employers” in a November 2022 announcement in the *Globe and Mail*.

In an attempt to placate investors’ concerns about systemic management failings at the company and the attention they were receiving, former Suncor CEO Mark Little promised that the company would be adopting mining safety technology for what he said would be the first time in the oil sands. Two months later, on July 7, 2022, a 26-year-old worker died after being struck by equipment. The next day Little stepped down as chief executive and president and resigned from the company’s board of directors.

In a bid to shift blame for the corporation’s horrendous safety record and supposedly reduce the potential for injuries and deaths, Suncor announced at its investor day event in November that it would reduce its contract workforce by 20 percent by mid-2023.

But it is precisely the strategy of contracting out that has contributed to the ability of corporations to reap enormous profits and enrich their executives and shareholders by using the lowest-bid competitors. Such companies often pay less, offer few if any benefits and rarely guarantee full-time work to their employees. The pledge by Suncor to reduce the use of such economically advantageous methods will quickly come up against demands for an improved bottom line.

The contract service provider involved in Poitras’ death was known at the time of the incident as Christina River Construction, a division of Christina River Enterprises. Founded in 1987 as an oilfield services company, the business is owned by Fort McMurray 468 First Nation. Two months after the death of Poitras, the company changed its name to Fort McMurray First Nation Group of Companies (FMFN Group).

In announcing the change, the company stated, “The new name reflects the company’s growth, and commitment to the community it serves. ... The FMFN Group contributes to the overall growth and sustainability of our community by working with local businesses and industry partners.”

In 2019, Fort McMurray 468 First Nation was embroiled in allegations of corruption in the wake of a lawsuit over expenses and bonuses paid to the band chief, the CEO of the band’s business arm, Christina River Enterprises, a corporation controlled by that executive, and a sitting and former band councilor.

The band councilor who initiated the lawsuit was suspended from her duties and was facing an internal disciplinary hearing, but now sits on the Board of Directors of FMFN Group.

The dependence of Fort McMurray 468 First Nation and many others like it on rapacious energy companies to support inadequate social services is the product of the capitalist profit system, which has flung open large parts of resource-rich land for ruthless exploitation by profit-hungry corporations. Successive federal governments, including the current Trudeau Liberals, have systematically and deliberately underfunded First Nations programs, helping perpetuate the conditions of desperate poverty that are rooted in the bloody seizure of Native lands by the Canadian capitalist class during the latter part of the 19th century.

Brad Callihoo, chief executive of the band government, said the government could not build infrastructure and homes in the community without the economic activity of oil sands development. “We can’t do that with government funding,” he said. “That’s done because we do world class work for the industry up here.”

Huge corporations are given a virtually free hand to exploit and pollute vast expanses of land in pursuit of private profit. Occasionally, they face insignificant fines for the workers they kill through negligence. The smaller players who surround this rot get caught up in corruption and cutting corners to compete for the crumbs. And another worker forced to travel across the country to make a living is dead.



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