



**B.C.  
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OF LABOUR  
(CLC)**

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Jim Sinclair  
President  
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Secretary-Treasurer

April 8, 2010

**TO: ALL AFFILIATES**

Dear Sisters and Brothers

**RE: INTERNATIONAL DAY OF MOURNING FOR WORKERS WHO HAVE BEEN KILLED OR INJURED ON THE JOB OR DIED OF AN OCCUPATIONAL DISEASE**

On April 28, 2010 people in nearly 100 countries around the world will stop and pay tribute to workers who died or were injured on the job.

The Day of Mourning was first declared by the Canadian Labour Congress in 1984, and then passed by the Canadian Parliament in 1991. A year later, the NDP government did the same in British Columbia.

The Day of Mourning is an opportunity for people to honour those workers who have died and recommit to the fight for improved workplace health and safety to prevent further deaths and injuries.

Fatalities in 2009 in BC:

- 121 workers died as a result of a workplace incident
- 19 traumatic motor vehicle fatalities
- 43 traumatic fatalities
- 59 occupational disease
- 6 young workers died

Day of Mourning Theme for 2010: *When Somebody Dies at Work Whole Families are Harmed.*

When workers are killed or seriously injured at work it affects the whole family. Tracy Ford, whose father Dave died of mesothelioma after being exposed to workplace asbestos, describes her loss as “an emptiness that never goes away; a void that can never be filled.”

In 2009, 121 families were left with that emptiness for the rest of their lives. For those families it is not just about the specific day or the immediate loss. The death changes the future of the family.

Tracey Phan, whose father Michael lies in a coma a year and a half after the terrible accident at the mushroom farm in which he tried to rescue his dying co workers, says that every day when she comes home from school she misses her father spending time helping her with her homework. In spite of their unbearable loss, families, their friends and their communities come together to fight for improvements to health and safety legislation and regulation so that no one else dies in similar accidents.

In March 2007, the families of the three women who died in a van crash on their way to work, presented with the B.C. Federation of Labour 29 recommendations to government for improvements to safety. Three years later, the families continue to lobby government to implement the Coroner's

jury recommendations. They do not want to see other families losing their loved ones to accidents that are preventable.

There is little or no justice for families. As the families anxiously wait a year and a half after the mushroom farm accident, the Workers' Compensation Board (WCB) still has not released their investigation report.

In the van crash, the RCMP recommended 33 criminal charges be laid against the driver. The Crown refused to proceed with any of these charges and instead the driver was fined \$2,000 and lost her license for a year.

The "**Westray Amendment**" to the **Federal Criminal Code** makes it legal to charge companies with criminal neglect in workplace deaths. It has only been used four times since it was passed in 2004. This shows that governments have little interest in pursuing criminal charges against employers who are criminally responsible in workplace deaths.

It is time the labour movement went beyond calling for greater enforcement of health and safety laws and regulations. We need to lobby the provincial government to launch criminal charges against employers when charges are recommended by the police. It should not be the responsibility of unions to file private criminal prosecutions, as the United Steel Workers was forced to do on March 25, 2010 against Weyerhaeuser for the death of sawmill worker Lyle Hewer.

Employers must be held accountable for workplace deaths and serious injuries.

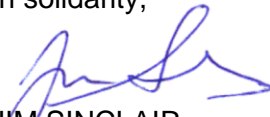
The Federation recommends the government take immediate action.

1. Pursue criminal negligence charges against employers for serious breaches of workplace safety.
2. Direct the WCB to implement a strict enforcement strategy, including vigilant inspections to improve their prevention program.
3. Amend the **Workers' Compensation Act** to restore full compensation benefits for injured workers.
4. Act on the Coroner's jury recommendations, to improve safety and working conditions for all farm workers.
5. Conduct a public inquiry into working conditions in the agricultural industry.

Every year unions and Labour Councils organize activities in their workplaces and their communities to commemorate April 28<sup>th</sup>. Attached is a list of events in communities in BC.

The Federation encourages Sisters and Brothers to attend events in their communities, bring union banners and invite co-workers, friends and family members to attend.

In solidarity,



JIM SINCLAIR  
President

Encl:

JS/mp