September 1, 2021 |

Releases

Urgent action needed to hold negligent employers to account as Crown stays proceedings against Kiewit: BCFED

(Unceded Squamish, Tsleil-Waututh and Musqueam territories — Vancouver, BC) Yesterday's decision by the BC Prosecution Service represents a profound failure of the criminal justice system for workers and their families everywhere, BCFED President Laird Cronk said today.

"Justice delayed is justice denied, and the unconscionable delays, insufficient resources and organizational breakdowns in investigating Sam Fitzpatrick's death have compounded tragedy upon tragedy," Cronk said. "A system that can't effectively investigate and prosecute negligent employers endangers workers across the province."

The BC Prosecution Service announced yesterday it is staying criminal negligence proceedings against Peter Kiewit Sons Co. in the 2009 death of Sam Fitzpatrick. Cronk said the decision shows just how many barriers workers face in seeking justice for health and safety violations.

Cronk cited the 2004 federal Westray Law, section 217.1 of the *Criminal Code*, which holds employers criminally liable for safety violations that cause a worker's injury or death.

"Without timely investigation and charges, the Westray Law's penalties are meaningless. The message to negligent employers should be 'Kill a worker, go to jail,' not 'Just wait it out.'"

Cronk applauded the work the United Steelworkers District 3 has done in pressing for justice in the case. And he acknowledged there have been important improvements to the process for criminal investigations of workplace fatalities in the 12 years between Sam Fitzpatrick's death and yesterday's decision.

"We're still a long way from where we need to be," he said. "BC has a moral imperative to treat criminal negligence that threatens worker safety with the same urgency and resources as other types of crime involving loss of life." He called on the province to act immediately on three measures the BCFED has advocated for several years:

1. dedicating a Crown prosecutor to deal with workplace fatalities and serious injuries.
2. training police services throughout BC on the Westray Law's provisions, and
3. making police investigations mandatory in all workplace fatalities and serious injuries.

Our system failed Sam Fitzpatrick and his family. But we still have the chance to have some good come out of this," Cronk said. "I hope this spurs our province to take these tangible, real steps to ensure safer workplaces and hold businesses accountable throughout BC."