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Releases

Criminal charges against Kiewit construction precedent-setting

The BC Federation of Labour welcomes the filing of criminal charges against Peter Kiewit Sons Co. and two supervisors for criminal negligence in the 2009 death of construction worker Sam Fitzpatrick.

“For the first time ever, a major Canadian corporation is being held criminally responsible for egregious workplace safety violations that led to a senseless workplace death,” says BC Federation of Labour President Laird Cronk.

Peter Kiewit Sons Co., Timothy Rule and Gerald Karjala are named in the indictment, which is the first application in Canada of the so-called Westray Law of 2004.

The BC FED has consistently advocated for criminal charges to be laid against employers who are negligent in protecting the health and safety of their workers, and to facilitate this by:

1. Dedicating a Crown prosecutor to deal with workplace fatality and serious injury cases;
2. Train police services on section 217.1 of the Criminal Code (the Westray Law);
3. Mandatory police investigations in all workplace fatalities and serious injuries.

“Some corporations only pay lip service to worker safety, and too many have gotten away with a slap on the wrist or a ridiculous fine,” says Cronk.

Kiewit's actions were found to be "reckless" by WorkSafe BC, but was only fined $250,000 for Fitzpatrick's death, which was later reduced to less than $100,000 on appeal.

There were 187 workplace fatalities in B.C. in 2018.

Fitzpatrick and the Kiewit worksite in Toba Inlet B.C. were unionized with the Christian Labour Association of Canada (CLAC) at the time. CLAC did not pursue criminal charges. In the labour movement, CLAC is considered an unscrupulous employer-friendly union that does not advocate for its members.

The BC FED and the United Steelworkers were instrumental in supporting Fitzpatrick's family after the event. Sam's father, Brian Fitzpatrick, advocated tirelessly on his son's behalf until his death in 2017. The Steelworkers stepped in to help and pursue the legal proceedings.

The BC labour movement along with the families of the victims of catastrophic workplace incidents have been at the forefront of the campaign for more criminal prosecutions and, ultimately, jail time for negligent employer across Canada.