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Releases

Employers can’t subcontract away their health and safety responsibilities, top court rules

Vancouver - A recent Supreme Court of Canada ruling lays down the law on employer responsibility to keep workplaces safe—and be subject to penalties when safety violations kill or injure workers on the job, says the BC Federation of Labour.

The court was ruling on an appeal from BC-based West Fraser Mills. The company—a subsidiary of West Fraser Timber—asked the SCC to overturn an WCB decision that found West Fraser responsible for the tragic death of a worker in 2010.

The worker, a faller, was employed by a contractor hired by West Fraser to fall trees in a forest license held by WFM. A rotten trap tree fell on the faller, crushing him.

The WCB investigation found West Fraser responsible for unsafe work practices. The company was fined $75,000 in the summer of 2011. West Fraser appealed the initial finding. The original penalty decision was upheld, though the company’s fine was reduced by 30%.

West Fraser then appealed to the BC Supreme Court and the Court of Appeal. The WCB ruling was upheld at each level.

“It’s an important decision from the top court in the land,” says BC Federation of Labour President Irene Lanzinger. “It strikes a blow against employers who think that subcontracting work is a way of

avoiding responsibilities. You can’t subcontract away employers’ legal requirement to follow proper safety procedures, and ensure that workers are protected.

“But the real tragedy in this case remains unaddressed,” says Lanzinger. “A worker was needlessly killed at work and the company at fault was fined only $75,000, then got a 30% discount on the penalty on appeal. It’s a slap on the wrist.”

The WCB and the provincial government must do more to keep workers alive and safe on the job says Lanzinger. “Employers need to pay a price for negligence that kills or seriously injures workers, including jail time,” she says.

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