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Releases

BC Insulators Union, BC Federation of Labour and Hazardous Materials Association of BC shocked after BC Supreme Court rejects WorkSafeBC contempt of court application against asbestos removal contractors despite testimony they breached safety laws

Call on WorkSafeBC to appeal ruling and province to introduce mandatory licensing for all asbestos removal and testing firms in British Columbia to allow faster action on violations

VANCOUVER – The BC Insulators Union, the BC Federation of Labour and the Hazardous Materials Association of BC are shocked and dismayed after a BC Supreme Court justice rejected a WorkSafeBC contempt of court application against two asbestos removal contractors and their firm despite testimony that they breached safety laws and regulations after being told to follow a court order.

Justice George Macintosh today dismissed the WorkSafeBC contempt application against Mike and Shawn Singh and their firm Seattle Environmental, saying that safety laws and regulations were “voluminous and complex” and that “to most observers it would be like looking through the Income Tax Act.”

Lee Loftus, Business Manager of the BC Insulators Union, who also suffers from asbestos exposure, was stunned. Loftus wants WorkSafeBC to appeal the decision immediately.

“We are totally shocked and dismayed. We waited years for the court to send a powerful warning to any asbestos contractor that if they fail to follow the laws and regulations set up for the safety of their workers and themselves – they would be severely punished – even sent to jail,” Loftus said outside court.

“Today we heard that despite 237 orders by WorkSafe BC to follow the asbestos safety regulations between 2007 and 2012, that despite 37 counts documented by WorkSafeBC since 2013 – all that doesn’t matter because it’s too ‘complex’ to deal with,” Loftus said.

“What’s complex is trying to protect the safety of asbestos removal workers when the courts refuse to take action in even the most outrageous cases of repeated violations regarding a substance that kills more workers in BC than any other,” Loftus says. “Ask the families of the 60 workers who died in 2015 in BC from illness caused by asbestos exposure if the laws and regulations are too complex.”

“The BC Supreme Court has sent the wrong message. It has told workers they don’t have the protection of laws and regulations that were established to ensure they weren’t exposed to a deadly, cancer causing substance that kills more workers in BC than anything else – and that’s appalling,” Loftus said.

BC Federation of Labour President Irene Lanzinger says today’s court decision throws the entire system of worker health and safety laws and regulations into jeopardy – and is calling on WorkSafeBC to appeal and for the provincial government to take immediate action to protect all workers’ lives.

“This is an absolute shock to all workers – despite evidence of multiple violations of WorkSafeBC laws and regulations and after a clear warning from the BC Supreme Court to obey those laws, today the court has refused to enforce that order and impose appropriate penalties,” Lanzinger said outside court.

“So we now have a crisis in worker health and safety. If asbsestos removal workers are in jeopardy due to laws and regulations not being enforced, so is every other worker in BC. Employers who put their workers in harm’s way must be held accountable,” says Lanzinger.

“We need WorkSafeBC to immediately appeal this decision in order to protect every worker in every occupation in this province,” Lanzinger said.

Don Whyte, Executive Director of the Hazardous Materials Association of BC, says responsible contractors that strive to comply with the regulations, are bound to lose faith in the system, and will now begin to question the entire regulatory regime. “Why bother complying, if there are no consequences for non-compliance?” Whyte asked. “You don’t have to follow the orders, you don’t have to pay the penalty sanctions.”

“I represent a group of professional abatement contractors that spend a great deal of time, and money on education, training, and the hiring of highly qualified people to ensure that that their companies are familiar with the regulations, and that their work procedures comply with those regulations,” Whyte said.

“I always believed that it is a basic principle of law, ‘that ignorance of the law is no excuse’. Now, however, we have a decision ‘that seems to say that you don’t need to follow the law if it is too complicated.’ If the courts won’t enforce the law when WorkSafeBC evidence indicates that the laws were repeatedly violated, then where does that leave us?” Whyte asked.

“Companies that are unwilling, or unable, to comply with the regulations for the safe handling of asbestos materials are not only threatening the lives of their employees, they are unfairly competing with conscientious firms that endeavor to do it the proper way”, Whyte added. “Are the legitimate contractors now going to start circumventing the regulations in order to remain competitive? Does this decision mean that we don’t need to comply with the Workers’ Compensation Act, or Occupational Health and Safety Regulation?”

BACKGROUND

WorkSafeBC laws and regulations – which protect workers and nearby residents from exposure to the deadly substance when removed from buildings in demolition or renovation – were violated despite an earlier BC Supreme Court order in 2013, Justice Macintosh was told by WorkSafeBC lawyers in a hearing Feb 19-24.

WorkSafeBC court filings said that since a 2013 BC Supreme Court decision in which the company and the Singhs were fined $15,000, Seattle Environmental and Mike Singh have been in breach of laws and regulations at seven residences in Vancouver, Richmond, Burnaby and West Vancouver and that Shawn Singh was in breach 12 times in properties located in Vancouver, Richmond, Burnaby, Surrey and Coquitlam.

Between 2007 and 2012, WorkSafeBC issued 237 orders to a company the Singhs were previously involved in called Skylite Building Maintenance.

Asbestos contractor Arthur Moore was sentenced to 60 days in jail in 2012 in a similar case of contempt of a court order for not complying with asbestos safety rules.