



Canadian Labour Congress

Congrès du travail du Canada

Day of Mourning Statement 2008

On April 28, 2008, we mark the 24th anniversary of the National Day of Mourning for workers killed and injured on the job. The National Day of Mourning is an initiative of the Canadian Labour Congress and was started in 1984. It is now celebrated around the world from Azerbaijan to Zambia.

Unfortunately, workplace fatalities continue to grow in Canada. In fact, Canada continues to have one of the highest workplace fatality rates of any OECD country and it is simply unacceptable. In 2006, the Association of Worker's Compensation Boards of Canada (AWCBC) reported 976 workplace fatalities in Canada compared to 805 workplace fatalities in 1996 – an 18% increase in a ten-year period.

Until three years ago, the workplace was a place where, if you were an employer, you could kill or maim someone with virtual impunity. In 2005, a 23-year-old labourer named Steve L'Ecuyer was crushed to death by a machine at work. Unknown to him, a safety device intended to prevent such an accident had been deliberately disabled for more than a year by his employer, Transpavé Inc.

Until three years ago, it all would have ended with a fine for Transpavé Inc. and the fact that the owners and managers had knowingly caused a man's death would have been swept under the carpet as just another workplace accident. But this year, Transpavé was fined \$110,000 for being found criminally negligent in the death of Steve L'Ecuyer. It was the first conviction since the Criminal Code was amended in 2004. It now holds employers responsible for health and safety offences that destroy workers' lives.

The court ruling was the result of a plea bargain arrangement that was cut with the company to secure a guilty plea. The CLC felt the court ruling was not only weak, but that it sent the wrong message to employers that they can still afford to put workers' lives at risk without personal consequences. It is unfortunate that the Transpavé ruling does little justice to the Westray miners in whose names the law was changed. It certainly offers nothing close to justice for the friends and family of Steve L'Ecuyer.

The Canadian Labour Congress and unions (especially the United Steelworkers), in response to the 1992 Westray mine disaster in Nova Scotia where 26 men were killed as a direct result of employer negligence, fought long and hard to win amendments to the Criminal Code. Not a single criminal conviction resulted until the conviction of Transpavé.

Any workplace death or injury is preventable. Every year we keep repeating our call for better enforcement of existing legislation, but we do not see the action needed. Better enforcement may have saved thousands of lives lost to workplace accidents in the last ten years. Lives that were unnecessarily and unjustly taken would still be with their families, friends and colleagues.

This year's slogan "Mourn for the Dead, Fight for the Living - Now more than ever" reminds us of what we must do in the hopes of not only preventing and reducing, but eliminating workplace deaths and injuries.