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### WorkSafeBC Imposes Major Penalty

The largest penalty for occupational health and safety has been imposed by WorkSafeBC.

The news release from WorkSafeBC is quoted below in its entirety.

Without entering in to the merits of the case, COCA believes that the basic message here is the need for Due Diligence – proper training, supervision and documentation. I recommend that anyone with a crane operator ensure that the operator is qualified. This would include asking the operator for his/her qualifications; employment history; and a demonstration of the appropriate skills on the crane under actual worksite conditions.

In addition, contractors are encouraged to learn about the requirements of training, supervision and Due Diligence by enrolling in courses from the Construction Safety Association of BC (CSABC).

The WorkSafeBC news release follows.

### **WorkSafeBC imposes two penalties as a result of Canada Line crane operator fatality**

**Richmond, B.C., July 28, 2009** —WorkSafeBC has imposed administrative penalties totaling \$315,343.71 against two firms involved in construction of

the Canada Line rapid transit route. The penalties are associated with the death of a crane operator who was killed while working on the North Arm Bridge connecting the Vancouver and Richmond sections of the line.

The penalties are as follows:

\$233,535.58 imposed on the employer of the deceased worker, SNC-Lavalin Constructors (Pacific) Inc. & Rizzani de Eccher Inc., a joint venture doing business as RSL Joint Venture

\$81,808.13 imposed on the prime contractor of the Canada Line project, SNC-Lavalin Constructors (Pacific) Inc.

“No penalties are adequate when a life is lost, but we hope they can serve to motivate these employers and others to comply with the Occupational Health and Safety Regulation, particularly as it applies to training and supervision,” said Roberta Ellis, vice-president of the Investigation Division of WorkSafeBC.

The penalties are two of the highest ever imposed by WorkSafeBC, reflecting the seriousness of the violations and the resulting fatality. The criteria for a discretionary penalty — a fatality arising from a high-risk violation committed willfully or with reckless disregard — were met in this case, allowing for the larger penalty amount.

### **WorkSafeBC’s investigation**

On January 21, 2008 a crane operator was using a small carry-deck crane as part of the ironworker crew installing bike path components onto the Vancouver side of the North Arm Bridge. When he attempted to move a load of hardware from the front deck of the crane to the bike path below by swinging it over the bridge guide-way, the crane tipped over on its driver side. The crane operator tried to exit the rear of the crane, but was pinched between the crane and the guide-way’s parapet wall and was killed instantly.

The WorkSafeBC investigation, released in 2008 concluded that the following were underlying factors in this incident:

Insufficient supervision of the work

Load weights were not clearly presented

No effective system to measure operating radius

Insufficient training and experience of the operator

## **Administrative penalties**

WorkSafeBC penalizes where there has been a lack of due diligence by the employer that has resulted in a serious injury or fatality; where there has been a serious and/or repeated violation of occupational health and safety laws and regulations; where a sanction is required to motivate the specific employer to comply with the law; and where the sanction can act as a deterrent for others.

The amount of an administrative penalty is based on the size of an employer's payroll (those with higher payrolls are assessed higher penalties) and the seriousness of the violations. The maximum penalty amount is adjusted yearly. It is currently \$519,000.

Penalties imposed may be appealed to the Review Division of WorkSafeBC and employers can appeal Review Division decisions to an external and independent appeal body — the Workers' Compensation Appeal Tribunal. Approximately 90 percent of penalties are upheld on appeal.

WorkSafeBC is an independent provincial statutory agency governed by a Board of Directors that serves about two million workers and more than 200,000 employers. WorkSafeBC was born from the historic compromise between B.C.'s workers and employers in 1917 where workers gave up the right to sue their employers and fellow workers for injuries on the job in return for a no-fault insurance program fully paid for by employers. WorkSafeBC is committed to safe and healthy workplaces and to providing return-to-work rehabilitation and legislated compensation benefits.

## **Additional resources**

RSL Joint Venture Inspection Report (PDF 220kb)

SNC-Lavalin Constructors (Pacific) Inc. Inspection Report (PDF 181kb)  
(on web site and can be clicked on to bring up the report)

## **Web site address for more information:**

[http://www.worksafebc.com/news\\_room/news\\_releases/2009/new\\_09\\_07\\_28.asp](http://www.worksafebc.com/news_room/news_releases/2009/new_09_07_28.asp)

**To establish and manage an effective e safety program, contact the CSABC and start to earn your own company COR and your rebate of 15% of the base rate on WorkSafeBC assessments.**

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