Lakeland and Babine Sawmill Inquests:

Coroner's Verdicts and Implications for the Pellet Sector
"Fatal sawdust blast in B.C. comes after five explosions at similar plants since 2009"
January 20, 2012 – Babine Forest Products Sawmill Explosion

• Two workers killed and 19 others injured

• Criminal Justice Branch announced it wasn't proceeding with criminal charges against the owners because of mistakes made by WorkSafeBC during their investigation

• fine of nearly $1 million imposed by WorkSafeBC – highest fine in BC history of regulator
April 23, 2012 – Lakeland Sawmill Explosion

- Two workers killed and 24 others injured
- Criminal Justice Branch announced it wasn't proceeding with criminal charges against the owners because of mistakes made by WorkSafeBC during their investigation
- Fine of $724k imposed by WorkSafeBC – 2nd highest fine in BC history of regulator
February, 2014:

Deputy Minister to Premier releases report to the investigation into explosion at Babine Mill.

April, 2014:

Minister responsible for Labour delivers letter to Chair of WorkSafeBC outlining six specific priorities to be addressed by appointed Administrator.
April, 2014:

Priorities were aimed at achieving the Minister’s intention that:

- WorkSafeBC investigations be handled correctly in future
- sawmills (includes pellet mills) be safer places to work
- best practices be employed in OH&S organizational structure
- BC establish a world-class inspection and investigation regime
July 15, 2014:

Gordon Macatee, appointed Administrator, releases his recommendations.

1. To ensure future investigations are handled correctly:
   - recommendations included the creation of a formal policy to guide referrals to the Criminal Justice Branch for prosecutions
   - adoption by WorkSafeBC of a major case management protocol and system in its investigations
   - implementation of a new investigation model that preserves the ability to conduct investigations to determine cause and the ability to conduct investigations for prosecution.
2. To ensure sawmills are safer places to work:

- creation of policies to address the combustible dust hazard
- a sustained compliance plan to address this hazard
- ongoing inspections and enforcement
- the creation/expansion of a designated health and safety association for this industry
3. **To ensure best practices in WorkSafeBC OH&S organizational structure:**

   - Recommendations include restructuring Investigation Services to accommodate a dual team model for investigations (one for cause and one for prosecution).
4. To develop a world-class inspection and investigation regime:

• consulting for the development of new enforcement tools (including citations, or tickets, to workers for failure to wear issued personal protective equipment)

• expanding stop work orders; amending the legislation to allow collection of administrative penalties from individual decision-makers of companies

• amending to prohibit an individual from working in a given industry; decreasing times for the issuance of penalties and the review and appeal process

• adopting a risk-based model when assigning inspection or investigation resources; and increasing transparency by publishing additional information regarding employer non-compliance.
Jury Recommendations: In B.C. they are not legally binding although generally acted upon by parties.

• The juries concluded the deaths were accidental, meaning they were the result of unintended or unexpected events.

Babine and Lakeland Jury Recommendations generally encompass three key themes to future prevention:

• Education
• Regulation
• Enforcement
**Education:** A large number of the jury recommendations were aimed at improving education and communication:

- develop training programs with certification to foster active participation in joint health & safety committees

- ensure safety committee minutes and investigations were forwarded and reviewed by all line staff and management and made available to workers

- Ensure that managers were appropriately trained and qualified for their respective roles

- Heavier emphasis on workers’ rights and workers’ rights to refuse work
Education Continued:

- develop visual information to demonstrate to all workers in wood manufacturing the hazards associated with combustible wood dust.

- ensure management discusses all regulatory inspection reports, orders, hazard alerts and investigations at monthly crew meetings

- ensure union communicates health & safety issues with all levels reaching the shop floor for both identified and emerging risks

- Ensure that inspection officers from various regulatory agencies (WorkSafeBC and Fire Commissioner) are informed of workplace incident information/emerging issues and that the agencies cross-share information
Coroners Inquests – Jury Recommendations

Regulation - Recommended amendments:

Worker’s Compensation Act

- ensure that joint health & safety committees review any changes to equipment/machinery or process to assess impacts on workers’ health & safety

- ensure employer immediately notifies WorkSafeBC of any fire or explosion that causes a business interruption

- expand act to give a WorkSafeBC officer the power to address issues that are unresolved at the Joint Health & Safety Committee for an extended period of time
Enforcement:

Fire Code
- Create penalty provisions for non-compliance with the BC Fire Code and orders of the Fire Commissioner

Minister of Justice
- Refer criminal negligence provisions of Criminal Code to Standing Committee on Justice and Human rights to review the onus of proof in cases of criminal negligence involving incidents of bodily harm or death in the workplace
Coroners Inquests – Implications

Regulatory landscape has changed as a result of these tragic events:

- regulatory framework has/is-being revised where companies will be exposed to potential criminal prosecution, increased penalties, fines…

An ounce of prevention is worth a pound of cure…

*Ensure you have an effective wood dust control management program with robust systems to recognize, monitor, and mitigate combustible wood dust hazards.*

- Programs need to include:

  - effective methods to educate and communicate hazards with workers, supervisors and company leadership
  - Leadership commitment to sustain program and address identified deficiencies
Social License/Reputational Risk:

• These tragic events have called into question industry’s social license to operate safely

• Many victims and their families remain unhappy that a public inquiry has not been held into the blasts and continue to pressure government to conduct a public inquiry