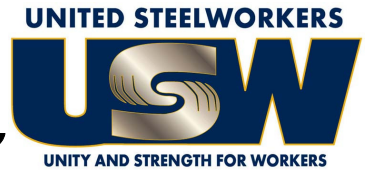




SafeTalk



STEELWORKERS, LOS MINEROS STAND TOGETHER FOR JUSTICE IN MEXICO



Approximately 150 people recently braved the cold in Vancouver BC to demonstrate in support of trade union rights in Mexico. Seen above left to right; Jorge Castillo, Deputy General Secretary of the Telephone Workers Union, Napoleon Gomez, President Los Mineros miners' union, Martin Esparza, General Secretary of the Electrical Workers Union, interpreter, Ariel Rodrigues, Steve Hunt, District 3 Director and Amber Hockin, CLC representative.

Coming Events

Feb. 28 International RSI Awareness Day

March 8 International Women's Day,

April 17-20 USW National HS&E Conference, Vancouver BC

Juan Linares Free

On February 23rd Juan Linares, a prominent leader of Los Mineros, was liberated from the Reclusorio de Norte prison in Mexico City. Linares was held as a political prisoner of the Mexican state since December 3, 2008 when he returned to Mexico from attending the BC Federation of Labour Convention in Vancouver.



Greeting Linares were about 50 Los Mineros members who have taken Linares to a secure location in that nation's capital.

Linares is soon to be reunited with his family.

Linares is a key member of Los Mineros' national executive – led by secretary general Napoleon Gomez, who has lived in Canada for more than four years, following death threats to himself and family members.

Steelworkers were front-and-centre last week at demonstrations in major Canadian cities during Global Days of Action for trade union rights in Mexico. Hundreds of Steelworkers joined other human rights and trade union activists for demonstrations in Toronto, Montreal, Ottawa and Vancouver.

Steelworkers in North America joined simultaneous events outside Mexican embassies and consulates in 30 countries, demanding an end to the violent repression of labour and human rights in Mexico. Steelworkers and other activists met Mexican embassy and consular representatives in several countries to urge Mexico to comply with its own laws and international standards on human and trade union rights.

Napoleon Gomez, exiled leader of Mexico's Los Mineros miners' union, spoke in Vancouver to remember the fifth anniversary of the explosion at Grupo Mexico's Pasta de Conchos coal mine, where 65 workers died. The government must recover the bodies of 63 miners still buried, provide adequate compensation for surviving families and hold accountable those responsible, Gomez said. Gomez has been in exile in Canada since 2006 because he called the mine explosion "industrial homicide" and criticized Grupo Mexico and the Mexican government. In retaliation, rather than prosecuting those responsible, the Mexican government targeted Gomez, heightening its violent campaign against his union. Facing death threats to himself and his family, as well as trumped-up charges, Gomez came to Canada, supported by USW. Since then, he has been democratically re-elected by Los Mineros and continues to lead the union.



Participants remembered Pasta de Conchos widows.

“It is recognized that Mexico has become a dangerous country for Canadian tourists. It is a brutal country for independent trade unionists,” said Steelworkers Western Canada Director Stephen Hunt. “The violence and repression of workers and human rights is spiraling out of control.”



District Director Steve Hunt and other BC Labour leaders meet with the Mexican Consul General to deliver a message for Mexican President Felipe Calderon, calling for an immediate cessation of labour and human rights violations in Mexico..

HAZARD ALERT

Injury Type : Injury to head, fractures
Core Activity : Log processing
 While operating an edger saw, a young worker was struck and injured by a piece of wood ejected from the edger. The worker fell, struck his head, and lost consciousness.

Injury Type : Spinal injury, upper body fractures (1 worker); cracked ribs (1 worker); neck and shoulder strains, contusion, laceration (1 worker)
Core Activity : Worker transport
 A van transporting farm workers left the highway and rolled over. Seven workers were in the van; three workers were injured.

Injury Type : Fatal
Core Activity : Highway hauling of wood chips
 A loaded chip truck crashed on a highway. The driver sustained fatal injuries.

Injury Type : Serious hand injuries
Core Activity : Shake and shingle mill
 A shingle sawyer was running a "checked" (cracked in the vertical plane) cedar block through the circular shingle saw. Due to the check in the block, two pieces of shingle - one narrower than the other were created with each cut of the shingle saw. The worker then attempted to trim a 4- to 5-inch-wide shingle, gripped in his hand, on the adjacent circular clipper saw. The worker's hand contacted the running clipper saw.

Injury Type : Crush injuries to hand
Core Activity : Drilling
 A worker was assisting the operator of a drilling rig and was using a wrench to break the drill steel. The worker's hand became caught between the head of the drill and the table.

Injury Type : Fatal
Core Activity : Parcel delivery
 A worker (delivery driver) delivering parcels parked on the side of the road in front of a residence. The worker was crushed when the delivery truck unexpectedly rolled forward and pinned him against a pickup truck parked in front of the delivery truck. He later died of his injuries.

Injury Type : Crush injuries to hand, amputated fingertips
Core Activity : Forklift operation
 While a forklift was operating, its mast became jammed in the elevated position. When the operator attempted to release the mast, it suddenly became free and dropped onto the worker's hand.

Injury Type : Crush injury, fractures, internal injuries
Core Activity : Travelling to/from worksite
 A young worker driving home from a worksite lost control of his pickup truck when crossing a wood-decked bridge. The worker was ejected from the vehicle when it rolled over into a ditch.

Independent contractors are employees Ontario Court of Appeal rules

In July 2004, a truck driver who worked for United Independent Operators Limited, a load broker, was crushed between his truck and that of another United Independent truck driver and suffered a broken pelvis and two broken legs. The accident occurred at the worksite of a United customer and resulted in an investigation by the Ministry of Labour. The Ministry determined that United's failure to establish and maintain a joint health and safety committee (JHSC) contravened s.9(2)(a) of the Ontario *Occupational Health and Safety Act* and issued an order requiring it to do so. Section 9(2)(a) of the Act requires a JHSC to be established "at a workplace at which 20 or more workers are regularly employed."

United disputed this obligation, arguing that it had only 11 full-time employees, rather than the 20 required by the Act and, further, that the truck drivers were independent contractors, and thus not "regularly employed" by it. The drivers had been held to be independent contractors by the Workplace Safety and Insurance Board, Revenue Canada, and the Employment Standards Branch of the Ministry of Labour. Nonetheless, United complied with the order and established a JHSC. Despite this compliance, the Ministry laid charges against it for failing to have a JHSC at the time of the accident.

In a unanimous decision of a three-member panel of the Ontario Court of Appeal, released on January 18, 2011, Justice Eileen Gillese ruled that the truck drivers were "regularly employed" by United and should be counted in determining whether the company had an obligation under s.9(2)(a) of the Act to establish and maintain a JHSC.

Worker Death Leads to the Second C-45 Conviction

For just the second time in Canada an employer has been convicted of criminal negligence stemming from a workplace incident leading to the death of a worker.

Pasquale Scrocca, owner of a Quebec landscape company, was operating a backhoe on June 12, 2006 when it rolled down a slope pinning his employee against a wall. The worker, Aniello Boccanfuso suffered fatal injuries.

The front brakes and the emergency brake on the backhoe were found to be completely non-functional. It also came to light that the backhoe, bought in 1976, had not undergone any regular maintenance. Consequently, the court found there was a breach of the "legal duty to take reasonable steps to prevent bodily harm to a person" imposed on an employer by section 217.1 of the *Criminal Code of Canada*. Scrocca will serve a conditional sentence of imprisonment of two years less a day. The sentence will be served in the community with conditions, including a curfew.

The legal duty mentioned above was added to the Criminal Code with the enactment of Bill C-45 on March 31, 2004. This Bill, also commonly referred to as the Westray Bill, was the result of a dedicated lobbying campaign by the United Steelworkers Union and supported by the New Democratic Party and wider labour movement in response to the Westray mine explosion on May 9, 1992 where 26 men were killed. Prior to this case, just one company has been convicted under section 217.1 of the *Criminal Code*. Montreal-based Transpave plead guilty in December, 2007 to criminal negligence charges as a result of the workplace death of 23 year old Steve L'Ecuyer.