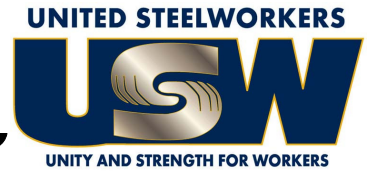




SafeTalk



MARCH 2011 - VOLUME 10, ISSUE 3

Weyerhaeuser Summoned to Court in Steelworkers Private Prosecution for Lyle Hewer Death



Steelworkers council Glen Orris, left, and District 3 Director Steve Hunt explain to reporters the next steps in the private prosecution.

Weyerhaeuser Company Ltd. has been summoned to appear before a provincial court judge in New Westminster on March 28, regarding the United Steelworkers' (USW) private prosecution for the death of sawmill worker Lyle Hewer in November 2004.

Prominent criminal lawyer Glen Orris will appear as prosecutor for the union, which is pursuing charges under the 2004 Westray amendments to the Criminal Code of Canada. Weyerhaeuser has retained criminal lawyer Leonard Doust of the international law firm McCarthy Tétrault.

Judge Therese Alexander issued process on March 2 in the private criminal prosecution case. The union alleges Weyerhaeuser was criminally negligent in Hewer's death at the company's New West Division sawmill.

Hewer died horrifically after being trapped and asphyxiated by debris in a hopper connected to a hog - a machine that converts wood waste to chips. He was rushed to Royal Columbian Hospital where he succumbed to injuries. Hewer died from injuries incurred after following a supervisor's request to work under conditions the employer knew were hazardous.

"We expect that our union will either proceed on its own in the role of a private prosecutor or that the Crown Counsel may step in to prosecute the criminal case," says USW Western Canada Director Stephen Hunt.

Over three days of hearings in October and November 2010, 23 witnesses gave evidence before Judge Alexander in New Westminster Court.

"The testimony and evidence presented at those hearings convinced the judge that this case has merit that warrants a Summons to be issued," says Hunt. "In our view, it would be an injustice if the Crown were to step in and stay the charges at this point in time."

Coming Events

March 26 Earth Hour, Saturday from 8:30-9:30 pm

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

April 28 National Day of Mourning

Steelworkers want unions in all Quebec mines

The United Steelworkers are sounding the alarm about the safety of non-unionized mines after a worker was struck and killed by a piece of machinery last week in the Abitibi region.

There have been seven deaths at non-unionized mines in the province since 2008 and none at unionized mines.

Roughly 3,000 of Quebec's 8,000 mine workers are not unionized.

Recently a 70-year-old subcontract employee died at the Agnico-Eagle gold mine in LaRonde after he was hit by a piece of heavy machinery while installing an air-conditioning system. Jean-Yves Dunn was the sixth person to die at an Agnico-Eagle mine in Quebec since 2004.

USW spokesperson Guy Farrell said if there was a union at the mine, safety standards would be enforced to a greater degree.

"For us, we feel we're entitled to go in with two arms and two legs in the morning and leave with two arms and two legs at night," said Farrell.

"In non-union mines, the company does not respect at all health and safety committees. They do not respect [the] full-time health and safety representative and he has no power."

He said he could not say for sure that unions would have prevented any of the deaths.

Agnico-Eagle spokesperson Dale Coffin said the company's three Quebec mines have the same systems in place as all other mining operations in the province, whether unionized or not.

Company agrees to fines in man's forklift death

An equipment dealer will pay nearly \$100,000 after one of its employees was killed at the Brandon Home Depot in 2008, Winnipeg media is reporting.

USW Local 7386 member Craig Turner was changing the oil on a forklift when it fell on him, pinning him underneath.

Toromont CAT pleaded guilty in court to failing to provide an employee with safe equipment.

Turner was reportedly working without wheel chocks and without the right wrench for the job.

Staff at Home Depot managed to free Turner after the forklift fell on him, and they performed CPR, but he later died at hospital.

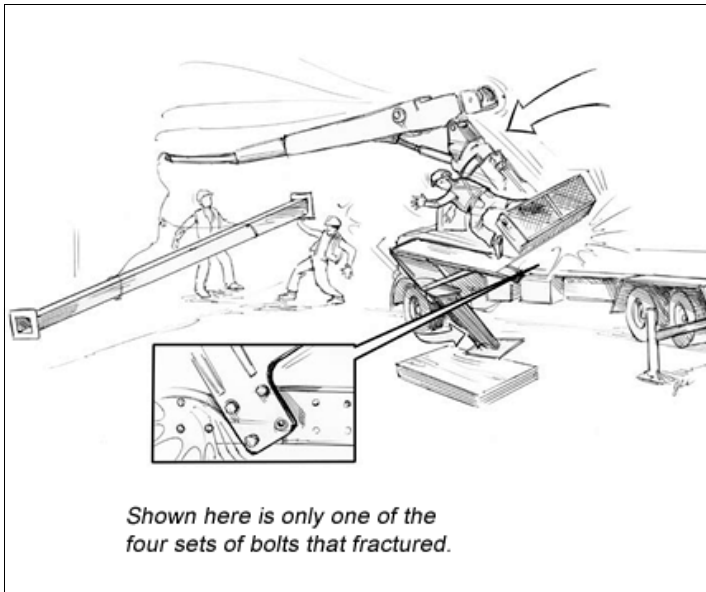
Divorced, he was survived by two children, aged five and three when he was killed.

Toromont will pay \$20,000 in trust for those children, as well as \$75,000 in fines.

This year "Earth Hour", a global initiative for an hour when everyone is encouraged to "turn-off", is scheduled for 8:30-9:30 pm on Saturday, March 26, 2011. www.earthhourcanada.org.

HAZARD ALERT

Worker dies, two others injured, when mobile crane falls off truck



A crane was lifting a 360-kilogram (800-pound) steel I-beam into position for a house under construction. Two workers were waiting to guide the beam onto two steel columns when the crane suddenly came off the truck's chassis. The crane's boom, along with the steel beam, fell onto the floor of the house. The two workers were both knocked over. One died from his injuries, and the other sustained serious injuries. The crane operator was also injured when he fell or jumped from the operator's platform. The bolts that attached the crane to the truck frame had fractured.

Safe work practices:

- Use an appropriate method of inspection and testing to ensure the integrity of the bolts that attach the crane to the truck frame. The bolts could also be replaced on a regular basis.
- Ensure that mobile cranes are thoroughly inspected at least once every 12 months and certified by a professional engineer. These inspections must ensure that cranes meet the manufacturer's specifications and all other applicable design and safety standards. Inspections must also be conducted periodically throughout the 12-month period as necessary and as specified by the manufacturer to ensure that all crane components function as intended.
- Maintain mobile cranes as specified by the manufacturer or a professional engineer. Maintenance and repair must be done by—or under the direct supervision of—a qualified person.
- Ensure that operators inspect mobile cranes—including control and safety devices—before each work shift. Any defects must be reported right away to a supervisor. Crane operators must also keep records of inspections and maintenance.
- Ensure that crane operators have access to the manufacturer's manual or a professional engineer's instructions for the crane.

The Triangle Factory Fire Centennial and Why It Matters Today

One hundred years ago, 146 young immigrant workers -- three-quarters of them female -- died on March 25, 1911 in the Triangle Shirtwaist factory fire. It was the deadliest industrial accident in the history of New York City and one of the worst work disasters since the beginning of the Industrial Revolution.

The value of the past is learning to avoid mistakes of the future. For that reason, we need to listen; we need to remember.

What Happened That Day

Immigrant women, most only 16-23 years of age, worked six days a week making shirtwaists, a type of blouse that was popular in that day. Workers' pay was based on a per piece basis, so they worked quickly and with concentration, scraps of fabric mounting up under the machines as no one could afford to take the time to clean up.

It was almost 5 p.m. on Saturday, March 25, when the fire broke out, probably from a carelessly tossed cigarette.

Notification of the fire primarily came to the workers via smell or flame. A bookkeeper on the eighth floor phoned management on the tenth floor to warn them to evacuate, but the floor workers had no such warning.

Exits from the work floors were limited. There were two sets of stairs, a fire escape (that did not go all the way to the ground) and two freight elevators. The women ran first to the stairways and discovered one already was engulfed in flames; the door to the other staircase was locked. (Factory workers were often locked in during work hours to keep them on the job and to prevent pilfering.)

The freight elevator operators attempted to make several runs up and down to rescue the women, but after a couple of runs, the women were so desperate they pried open the floor gates to the elevator and jumped into the shaft, hoping to ride on the top of the elevator to safety. The elevators could not bear the extra weight and could no longer go up for other victims.

That left the windows. Women crowded at the windows, first for air, and then hoping that they could be rescued. The victims felt they had no other option -- they held hands and jumped. The firemen's nets proved inadequate to catch the jumpers, and most fell through to the sidewalk, dying quickly of their injuries.

Voices Ignored

Garment factory workers in New York City had struck only two years before (1909) for better working conditions and better pay. They made some inroads at the smaller shops but a big factory like the Triangle Company could afford to hold out longer than the workers. As a result, the workers' concerns were never addressed until the fire.

Out of the ashes came modernization of the state's labor laws, better oversight of workplaces by the fire department, and a stronger and more unified International Ladies Garment Workers Union.

And what happened to the factory owners? Because they had been notified of the fire, they went from their tenth floor offices to the roof and escaped to another building where they were able to descend to the street. Later, they were acquitted in the criminal trial against them because prosecutors were unable to prove beyond a doubt that they knew the exit doors were locked; they lost a subsequent civil suit and had to pay about \$75 per deceased victim.