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## **Counting the Dead**

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Paul Harris,

I move in the world of workers' compensation. Workers get injured on the job, I assist their employers in finding ways to help them return to appropriate work, as early and safely as possible. I work in Canada, where a hodgepodge of provincial legislation from coast to coast to coast (as we say in the Great White North) is designed to protect workers from injury, to look after them when that protection fails, and sometimes to punish their employers for egregious carelessness or neglect for not providing an environment as safe as safe can be.

It is far from a perfect system. And in the various Canadian provinces and territories there are varying degrees of success in the area of prevention, and in how well injured workers are treated. Although it is an allegedly faultless system, employers can still face stiff penalties and jail time for health and safety infractions; and workers are still considered to be, more often than not, the authors of their own injuries. There is certainly a mindset that workers can be very creative about finding ways to hurt themselves.

But almost everyone would agree that it is a rare individual who shows up for work in the morning hoping to be carried out in a body bag at the end of the day. Still, it happens. Far too often.

### **The truth bites**

This is a tale about one such death. It involves Canada and the United States, it involves the different perception of health and safety in the two countries, it involves the most obscene use of statistics to justify carelessness or deny responsibility. It is not meant to suggest that Canada or the United States is either right or wrong in the approach taken to health and safety, it is meant to highlight the flippant approach that both take regarding death in the workplace.

The story is accurate, as told here, but for reasons that will be obvious to you, I have had to disguise the players.

The story begins one cold and blustery evening at the beginning of winter. It is late, there is not much lighting except for nearby street lamps, which aren't having much luck piercing the veil of blowing snow. A lone security guard is patrolling the company's vast property. He's not the only security guard on the job that night, there's a whole phalanx of them. But he's the only one outside braving the cold to make sure no one is stealing company secrets or dismantling one of the outbuildings.

This is a large manufacturer, based in the United States, and with manufacturing facilities and product distribution worldwide. The Canadian location is the second largest worldwide and, by far, the most productive and profitable. So there are three shifts, the plant never sleeps, and it receives deliveries from suppliers round the clock.

And on this cold winter night, a semi-trailer is in the yard with its diesel running. As the security guard makes his rounds, the diesel begins to back up and runs over the guard, killing him instantly. Investigation reveals that the diesel was operating properly, the reverse direction signal did sound repeatedly, the reverse lights did turn on as expected. For whatever reason, the guard did not get out of the way.

We cannot know if the wind made it too difficult for him to hear the reverse signal, or if his hearing was obscured by the bulky winter hat pulled over his ears. We cannot know why he didn't see the reverse taillights. Maybe he was just too close to the back of the trailer to escape when the unit started moving backward.

The diesel driver claimed he did not see the security guard and there is no reason to doubt that. And, in the end, the employer was found partly liable for the accident because the security guard had no reflective badges or stripes on his uniform that might have alerted the driver.

This is a sad story, and one that probably had no need to occur. But there was another victim, although that victim is at least still alive.

The second victim is the health and safety official in charge of the Canadian plant. He accepted that the company might have been able to prevent this death, but he was not prepared for the position taken by the corporation. The accident was duly reported to headquarters in the US where word was sent back that this was to be a 'non-recordable', there was to be no statistical record kept. The corporation chose to argue that no medical attention was sought, so the accident wasn't recordable. They reasoned that since the accident occurred in Canada, outside the gaze of the America's Occupational Safety and Health Administration, no one would notice.

Now, I'm Canadian-based so I am certainly no authority on reporting requirements under OSHA. But I expect that calling a fatal accident a 'non-recordable' is not what they have in mind. The employer argued that a pronouncement of death and the completion of a death certificate didn't constitute 'medical treatment'. If that is what OSHA deems to be appropriate, then OSHA should cease to exist. Immediately.

The Canadian health and safety director could not accept this nonsense. There was a period of mourning, then anger, then frustration, and finally resignation — literally. He could no longer continue to work for a company that considered a dead worker wasn't even a statistic.

### **April 28 is coming**

Canadian soldiers gave their lives in World War II in numbers that were far out of proportion with our population. Despite that, over the past forty years, Canadian workplace deaths are roughly equivalent to the number of fatalities we suffered during that war. On average, three workers die on the job every day in Canada, or approximately 1,000 every year. In the United States, with roughly ten times the population of Canada, annual deaths are in the range of 5,000 or so, five times as many. Imagine what it is like in countries where there is no effort to protect workers on the job.

The Workers Mourning Day Act became effective in Canada in 1991 and since then, slightly more than 11,000 people have died on the job. In fact, just last week in western Canada, four federal police officers were killed in a single event, the worst such even in the 130 year history of the force.

But what is disturbing is that it is only the horrific events, like the killing of the police officers or mine explosions or plane crashes, that generate any interest in the public or in the eyes of the authorities who have responsibility for safe workplaces.

The Workers Mourning Day Act is tokenism. Every day should be a day of mourning until no further workplace deaths occur. Then, we will have reason to rejoice and reason to feel smug. Until then, April 28 is not good enough.

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