

On March 7, 2007, a van carrying 17 people (16 farmworkers and a driver) was involved in a motor vehicle accident near Abbotsford, B.C. that resulted in the deaths of three workers and injuries to the other 14 occupants.

From December 7 to 11, 2009, the Office of the Chief Coroner held an inquest into the deaths resulting in the jury responding with 18 recommendations affecting various ministries and agencies of the provincial government.

This document provides information about the provincial government's response to the 2009 coroner's recommendations.

Update July 2011

| BC Coroner Jury's Recommendations | Ministry or Agency Responsible | Status | Response |
|---|---|---------------|---|
| <p>Recommendation 1:</p> <p>To educate farm workers of their individual rights, safety and responsibilities with inclusion of farmworker representatives on an enforcement and safety committee.</p> | B.C. Federation of Labour | N/A | This recommendation was not intended for government response. |
| <p>Recommendation 2:</p> <p>To increase enforcement of commercial vehicle speeding and tailgating (more strict adherence to 60 metre minimum space between commercial vehicles).</p> | Minister of Solicitor General and Public Safety | Ongoing | <ul style="list-style-type: none"> • Violation tickets issued for commercial vehicle infractions: • 2007: 4,501 • 2008: 5,333 • 2009: over 4,000 • 2010: over 7,400 violation tickets and an additional 4,900 warnings issued across BC for commercial vehicle infractions |
| <p>Recommendation 3:</p> <p>That the Minister issue a directive to all provincial police Traffic Sections to incorporate random checks targeting loaded</p> | Minister of Solicitor General and Public Safety | Complete | <ul style="list-style-type: none"> • Directive was issued in December 2009 by Ministry of Public Safety and Solicitor General to all police agencies throughout the province advising them of the Coroner's Jury's recommendations and emphasizing the need for continued enforcement of all license, |

| | | | |
|--|-------------------|-----------------|--|
| <p>15 passenger vans to ensure proper operator licensing, seatbelt compliance and vehicle safety.</p> | | | <p>occupant restraint and vehicle safety requirements for 15 passenger vans.</p> <ul style="list-style-type: none"> • Lower Mainland police participate in the interagency roadside inspection program with Commercial Vehicle Safety and Enforcement, WorkSafeBC and the Employment Standards Branch since its creation in May 2007. For more information on the interagency roadside inspection program, see response to recommendation 16. • The Ministry of Transportation and Infrastructure has the lead for CV inspections/enforcement. The RCMP continues to integrate officers with CVSE inspectors. |
| <p>Recommendation 4:</p> <p>To remind business owners/operators of vehicles with 13 or more passengers that a Class 4 license is required and that there will be strict enforcement and severe penalties for failure to comply.</p> | <p>WorkSafeBC</p> | <p>Complete</p> | <ul style="list-style-type: none"> • WorkSafeBC has added a link to a generic inspection checklist which can be used by employers engaged in transporting workers. This inspection checklist will provide guidance with respect to the regulatory, driver qualification, and licensing requirements for the vehicle and operator. • Officers highlight driver qualification and licensing requirements as part of interagency roadside inspections. • The educational/inspectional activities that WorkSafeBC has undertaken, with respect to the inspection check list, the need for vehicle operators to be licensed correctly is as follows. <ul style="list-style-type: none"> ○ The inspection checklist is currently available on line. ○ WorkSafeBC officers assigned to roadside inspectional activity use the checklist while inspecting farm labour contractors. |

| | | | |
|--|-------------------|----------------|---|
| | | | <p>Additionally, the check list is being used as a roadside inspection tool to ensure a consistent regulatory approach to the transporting of workers.</p> <p>Inspectional activity has identified that not all operators of the 15 passenger vehicles are correctly licensed. During inspectional activities when an officer identifies this violation, the operator is removed from operating the vehicle and the vehicle is removed from service until a correctly licensed operator is made available by the employer. Incorrectly licensed operators were identified in 5.7% of vehicles inspected in 2007; the percentage of incorrectly licensed operators declined to 2.0% of the vehicles inspected in 2010. Further enforcement activity will be engaged to eliminate this violation.</p> |
| <p>Recommendation 5:</p> <p>That WorkSafeBC create commercials for English and multi-cultural television and radio stations on the rights and responsibilities of farm workers.</p> | <p>WorkSafeBC</p> | <p>Ongoing</p> | <p>Social Marketing:</p> <ul style="list-style-type: none"> • WorkSafeBC hired an agency that specializes in multicultural marketing and advertising to provide expertise in effectively reaching audiences in B.C.'s ethnic communities. • In fall 2010 WorkSafeBC launched a Punjabi language safety campaign on RedFM and Omni BC Prime Time Punjabi News and on Omni BC Prime Time Mandarin News in the form of 30-second radio spots and 15-second TV spots. Listeners/viewers were directed to the WorkSafeBC website for more information. The campaign targeted immigrants with less than 5 years in Canada and low English skills. The campaign reached approximately 90,000 radio listeners and 60,000 TV viewers. |

| | | | |
|--|--|--|---|
| | | | <ul style="list-style-type: none"> • <i>Summer 2011</i> – WorkSafeBC is launching a Punjabi language radio campaign directed to agricultural workers and employers. The campaign will primarily outline workers’ three basic workplace safety rights and where to find more information on safety in their language at WorkSafeBC.com. • WorkSafeBC representatives also appeared on RED FM’s Harjinder Thind Show – a popular call-in show – 3 times in 2010 to discuss health and safety and outreach efforts in the South Asian community. <p>Safety Officer Interviews</p> <ul style="list-style-type: none"> • Each month on Omni TV’s Punjabi News since early 2010, Prevention Officer Sandeep Mangat is interviewed for approximately five minutes on a safety matter relevant to the time of year. <p>WorkSafeBC Punjabi Web Portal:</p> <ul style="list-style-type: none"> • Since mid-2009, WorkSafeBC has had a Punjabi language web portal that includes information on prevention, claims and assessments. Included in this web portal are more than 40 publications and videos in Punjabi. <p>PICS Resource Room</p> <ul style="list-style-type: none"> • WorkSafeBC is funding a pilot project in partnership with the Progressive Intercultural Community Services Society (PICS) to educate immigrant workers, as well as employers, about safety, rehabilitation and claims related information. <p>Punjabi Language Capability</p> <ul style="list-style-type: none"> • For the past several years, WorkSafeBC’s Prevention Information Line and Teleclaim have |
|--|--|--|---|

| | | | |
|--|------------|---------|---|
| | | | <p>had the capability to deal with customers in approximately 170 languages, including Punjabi. The Punjabi-speaking community use this service regularly.</p> <ul style="list-style-type: none"> • The Prevention department of WorkSafeBC has put in place the following strategies to inform both the English and Punjabi communities with respect to the rights and responsibilities of workers and employers. • Outreach activities have also been undertaken in the Seasonal Foreign Worker Program which bring Mexican workers to selected farming work locations. • In addition, WorkSafeBC funds the Farm and Ranch Safety and Health Association (FARSHA). FARSHA provides safety services and training to agricultural employers, and outreach activities to promote health and safety in the industry. |
| <p>Recommendation 6:</p> <p>That random on-site inspections of all vehicles used by the current 92 labour contractors be conducted.</p> | WorkSafeBC | Ongoing | <ul style="list-style-type: none"> • Random roadside inspections of all recognized worker transport vehicles are continuing in addition to random on-farm inspections where the worker transport vehicle is present. • From 2007 to the present date WorkSafeBC and the Commercial Vehicle Safety Enforcement, RCMP and Employment Standards have inspected what WorkSafeBC believes are all of employers registered with WorkSafeBC and Employment Standards as Farm Labour Contractors. Additional enforcement activities in the form of sanctions and “managers warning letters” have been issued to employers who have a history of repeat non compliance of the |

| | | | |
|---|---|---------------------------------|--|
| | | | <p><i>Workers' Compensation Act</i> and Occupational Health and Safety Regulation. It is expected that there will be additional sanctions and warning letters issued to firms in the future.</p> |
| <p>Recommendation 7:</p> <p>To increase random checks of all commercial vehicles and specifically 15 passenger vans.</p> | <p>Office of the Superintendent of Motor Vehicles (Ministry of Transportation and Infrastructure)</p> | <p>Complete</p> | <ul style="list-style-type: none"> • Following the March 2007 collision government increased safety inspections and spot checks of commercial vehicles operated by Farm Labour Contractors. |
| <p>Recommendation 8:</p> <p>That loaded 15 passenger vans be classified as high-risk vehicles which can be pulled over especially when fully loaded.</p> | <p>Office of the Superintendent of Motor Vehicles (Ministry of Transportation and Infrastructure)</p> | <p>Complete</p> | <ul style="list-style-type: none"> • The intent of this recommendation has been addressed by legislative amendments to the <i>Employment Standards Act</i> and <i>Motor Vehicle Act</i> that improve the safety of passengers of 15 passenger vans, and farm workers in particular. • Changes include: <ul style="list-style-type: none"> ○ Provisions for cancellation or suspension of a Farm Labour Contractor's license for safety reasons ○ the contractor is required to pay for alternative transportation to the workplace when an unsafe Farm Labour Contractor vehicle is taken off the road following a roadside check ○ farm producers may hire only licensed Farm Labour Contractors ○ vehicles must be equipped with one seatbelt for every passenger |
| <p>Recommendation 9:</p> <p>That the Superintendent review</p> | <p>Office of the Superintendent of Motor Vehicles</p> | <p>Alternative action taken</p> | <ul style="list-style-type: none"> • In May 2007 the <i>Motor Vehicle Act</i> Regulation was revised to clarify when mandatory seatbelt use is required. One seatbelt is |

| | | | |
|--|---|--------------------------|--|
| and forward amendments to the legislation related to the current terminology clarifying the term “bus” to ensure that there is no confusion respecting mandatory seatbelt use. | (Ministry of Transportation and Infrastructure) | | required for every person in a vehicle, with fines for carriers, employers, vehicles owners, and drivers if they allow a vehicle to be driven with more passengers than proper seats. |
| Recommendation 10: Ensure inspection sites are separate from repair facilities. | Office of the Superintendent of Motor Vehicles (Ministry of Transportation and Infrastructure) | Alternative action taken | <ul style="list-style-type: none"> The <i>Motor Vehicle Act</i> has been amended to allow the ministry to act swiftly and strongly against those Designated Inspection Facilities that do not perform inspections to standards. The ministry can impose conditions on a DIF up to and including cancellation of the license. The ministry can also cancel the license of an authorized inspector for not inspecting to standards. |
| Recommendation 11: Ensure continuous testing and re-educating of private testing facilities to ensure quality and safety standards are maintained. | Office of the Superintendent of Motor Vehicles (Ministry of Transportation and Infrastructure) | Complete/Ongoing | <ul style="list-style-type: none"> Inspectors must complete trade certified training and maintain performance levels required by their trade qualification standards. MoTI is working with local colleges to strengthen the Authorized Inspection training program in order to standardize course curriculum. |
| Recommendation 12: Study replacing concrete freeway barriers with new, flexible, stranded steel rope barriers (now in use in the United States). | Minister of Transportation and Infrastructure | Complete | <ul style="list-style-type: none"> The ministry has recently tested and added approximately 40 kms of new flexible cable barrier along Highway 1 in the Fraser Valley and Highway 99 in Delta and Surrey. The ministry will continue to look for areas to install this new technology when and where feasible. |

| | | | |
|--|---|---------------------------------|---|
| <p>Recommendation 13:</p> <p>Consider the feasibility of restricting heavy commercial vehicles such as multi-axle tractor trailers to travel in the slow lane in selected portions of highways in British Columbia.</p> | <p>Minister of Transportation and Infrastructure</p> | <p>Complete</p> | <ul style="list-style-type: none"> • The ministry analyzed this recommendation and has installed “Keep Right” signs on selected portions of highways to help ensure slower moving vehicles stay in the slow lane except to pass (enforced by police with fines ranging from \$109 to \$145). Most highways in B.C. are two lanes and don’t have a slow lane. |
| <p>Recommendation 14:</p> <p>Consider a review to increase the minimum tire tread depth from 3.5 mm.</p> | <p>Minister of Transportation and Infrastructure</p> | <p>Complete</p> | <ul style="list-style-type: none"> • The ministry has consulted and will continue to work with other jurisdictions in Canada to determine the appropriate minimum measure of tread depth for tires. B.C., Alberta and Saskatchewan currently have a consistent standard in place, and require a minimum tread depth of 3.5 mm. |
| <p>Recommendation 15:</p> <p>That mandatory annual inspections be conducted by a government employed inspector specifically on all 15 passenger vans.</p> | <p>Minister of Transportation and Infrastructure</p> | <p>Alternative Action Taken</p> | <ul style="list-style-type: none"> • 15-passenger vans which operate as commercial vehicles must be inspected every six months at a government-authorized designated inspection facility. • Roadside inspections and checks by government agencies have increased significantly in 2007 followed by a consistent but smaller number of inspection events in the last three years. Vehicles transporting farm workers were specifically targeted for inspection. |
| <p>Recommendation 16:</p> <p>That the multi-agency roadside checks be continued at the current level (10-12/year)</p> | <p>The Inter-Agency Agricultural Compliance Committee</p> | <p>Complete/Ongoing</p> | <ul style="list-style-type: none"> • In 2007 immediately after the accident, due to the very serious nature of that accident, the integrated compliance team was formed. • In 2007 the number of safety inspections and spot checks of commercial vehicles operated |

| | | | |
|--|---------------------------|-----------------|---|
| <p>and/or increased in number if deemed appropriate in summer months in order to maintain a level of compliance with all applicable regulations by the operators of 15 passenger vans.</p> | | | <p>by farm labour contractors was increased.</p> <ul style="list-style-type: none"> • Since 2008, the Inter-Agency Compliance Committee has consistently inspected 250 vehicles annually through random roadside inspections, as part of its mandate to integrate government’s approach to farm worker safety. These inspections are in addition to annual maintenance inspections that remain mandatory for commercial farm vehicles. • In 2007 Commercial Vehicle Safety and Enforcement conducted 52 inspections. In 2008, 2009 and 2010 CVSE conducted 16, 15 and 14 inspections respectively. It is anticipated that 2011 will see 13 roadside inspections completed. • 2011 saw the elimination of the voluntary non compliance roadside checks. • The inspectional activities of the team are reviewed and published by the Inter-Agency Agricultural Compliance Committee on a quarterly basis for consistent application of the team’s regulation. During the 1st quarter meeting of 2011 the team discussed the possibility that the activities of the inspection team could be expanded to include the interior of the Province specifically the farming region around the Kelowna area. One meeting of the Farm Labour Contractor employers was conducted by Employment Standards in Penticton in late April of this year. The committee will be reviewing whether or not additional information sessions or inspections in the Okanagan should occur. |
| <p>Recommendation 17:</p> | <p>Minister of Labour</p> | <p>Complete</p> | <ul style="list-style-type: none"> • A worker is covered at all times by an employer’s occupational health and safety |

| | | | |
|---|--|--|---|
| <p>That the Minister seek change to the legislation so that business operators contracting the services of seasonal agricultural workers (such as owners of farms, nurseries and greenhouses) be given the responsibility to recognize such workers as employees and:</p> <p>a) Ensure that each new worker that reports for work at their place of business is educated and informed of their rights and responsibilities under the Workers Compensation Act and the Regulation;</p> <p>b) Ensure that the business owners have a system in place to ensure that the labour contractors they are using are providing worker transportation in accordance with the applicable laws; and</p> <p>c) Ensure that employees are supplied with written documentation outlining their rights.</p> <p>Presiding Coroner Comments: The Jury heard that the current legislation excludes farm workers from falling under the</p> | | | <p>program.</p> <ul style="list-style-type: none"> • The Farm Labour Contractor, as an employer of the workers it is transporting, is responsible for ensuring the health and safety of all workers working for that employer, remedying any workplace conditions that are hazardous to the health or safety of the workers, and ensuring that workers are aware of their rights and duties under Part 3 of the Workers' Compensation Act. • Once the farm workers arrive at the land based business that has contracted the Farm Labour Contractor's services, the farm owner must ensure the health and safety of its own workers and any other workers (including the employees of the Farm Labour Contractor) present at its workplace for the duration of the time the workers are present at that workplace. This includes ensuring the health and safety of all workers working for that employer, remedying any workplace conditions that are hazardous to the health or safety of the workers, and ensuring that workers are aware of their rights and duties under the Occupational Health and Safety provisions (Part 3) of the Workers' Compensation Act. • WorkSafeBC has significantly increased information to the South Asian community on workers' rights and employers' responsibilities through their web site, through Punjabi-language media, through English-language media, and through educational presentations from WorkSafeBC prevention officers. • As a result of the presiding Coroner's comments |
|---|--|--|---|

| | | | |
|---|--|--|--|
| <p>responsibility of the land based businesses that are contracting their services and they are therefore not covered under the employer's Health and Safety program.</p> | | | <p>WorkSafeBC has given instructions to all Officers who may have cause to inspect work locations, where there are farm labourers present, to inspect for the following;</p> <ul style="list-style-type: none"> - Pesticide storage and use - Orientation of new and young workers - First aid services supplies - Work procedures specific to the type of work being undertaken - Supervision of those workers - Application of the responsibility of the Prime Contractor or if there is no Prime Contractor, the Owner. <ul style="list-style-type: none"> • The Farm Labour contractor is responsible for the health and safety of the worker when being transported. However, the Prime Contractor/ Owner of the farm would also have a responsibility to provide direction to the Farm Labour Contractor as to such work process that would be present at the Prime Contractor/Owners work site. Officers have been instructed to determine if there is a Prime Contractor/Owner relationship present on the farm and if so does that person responsible for that work location understand his/her responsibility in the matter of providing a healthy and safe workplace. 2011 saw the development of a WorkSafeBC pamphlet titled, "Farm Labour Contractors: Responsibilities and Obligations as an Employer" developed and made available to the Farm Labour Committee. The pamphlet along with WorkSafeBC officer industry knowledge will provide a clear understanding of workplace responsibilities. If deficiencies are identified |
|---|--|--|--|

| | | | |
|---|--------------------------------------|----------|---|
| | | | officers will issue orders to correct the violations. |
| <p>Recommendation 18:</p> <p>That the Attorney General sponsor a study of the practicality of a bonding scheme to ensure payment of fines and other assessments issued against limited companies involved in the transportation of people.</p> | Attorney General of British Columbia | Complete | <ul style="list-style-type: none"> The Risk Management Branch (Ministry of Finance) examined the feasibility of this recommendation and consulted with the Surety Association of Canada. Based on the information in the Coroner's Report, and advice from the Ministry of Agriculture and Lands, the Surety Association of Canada is of the opinion that there is insufficient premium base to proceed. |