
City Council

Notice of Motion

MM50.22	ACTION			Ward:All
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Working to Ensure Enforcement of the Westray Amendments - by Councillor Mike Layton, seconded by Councillor Paula Fletcher

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Mike Layton, seconded by Councillor Paula Fletcher, recommends that:

1. City Council urge Ontario's Attorney General and Minister of Labour to introduce measures to ensure that:
 - a. Crown attorneys, police and all other relevant personnel are educated and trained in the content and application of sections 22.1, 22.2 and 217.1 of the Criminal Code of Canada, which deal with responsibility for workplace health and safety and penalties for failure to meet those responsibilities;
 - b. dedicated prosecutors are given responsibility to handle prosecutions based on the aforementioned sections of the Criminal Code in cases involving fatalities; and
 - c. there is increased coordination among provincial ministries to facilitate the notification of police where there is a basis for possible criminal charges under the Criminal Code.
2. City Council direct that a copy of this Motion be forwarded to the appropriate officials of the governments of all Canadian provinces and territories, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

Summary

Each year, over 1,000 Canadians die at work. It is one of the worst records in the developed world. In March 2004, to great acclaim and with the support of a unanimous House of Commons and Senate, the Governor General signed into law amendments to the Criminal Code of Canada. Widely known as the Westray Bill, these amendments were so named after the killing of 26 workers in the explosion of the Westray coal mine on May 9, 1992.

The legislation was intended to hold employers criminally responsible for workplace deaths in cases of negligence. Unfortunately and tragically, over 9 years later, approximately 9,000 Canadians have been killed on the job, yet not one corporate executive or individual has faced a single day in jail when found to be negligent.

Too many Canadians continue to die at work, and too many families continue to lose loved ones. Governments can take concrete steps to better enforce the Westray amendments in order to hold corporations liable for their criminally negligent actions. The solution is to have a system, where all parties are trained to investigate and prosecute serious industrial accidents with clear lines of investigative authority. The Ministry of Justice and Ministry of Labour should be working together.

These actions are doable, and will contribute, significantly, to ensuring that when Canadians leave for work, they come home safely.

(Submitted to City Council on April 1 and 2, 2014, as MM50.22)