



Health and Safety in the Workplace Case Study: Stave Lake Quarry

Audience:

Secondary Students
Union Orientation

Activity Summary: Participants will identify occupational health and safety concerns at the Stave Lake Quarry leading to the untimely death of a new and inexperienced worker.

Participants will make their own connections with occupational health and safety concerns in the Stave Lake Quarry death with those in their own workplaces.

Participants will evaluate the role of the Criminal Code of Canada in establishing a safe and healthy workplace.

Framework for Learning

This activity (like the Babine Lake case study) is rooted in several important concepts about workers and adult learners. First, two 1993 studies of teaching labour history to unionists revealed such workers were actually interested in labour history for more than pragmatic reasons (i.e. a promotion). They also sought to “improve themselves,” by learning more about their role in society. They appreciated opportunities to connect themselves as part of a larger whole: the labour movement in history. Second, this activity is also **based upon the six Principles of Adult Learners (Andrew Knowles) who:**

- *Are internally motivated and self-directed.*
- *Are goal oriented*
- *Are Practical*
- *Seek relevance*
- *Bring life experiences and knowledge to the learning experience.*
- *Want to be respected*

Materials Provided

Handout 1: Jason Proctor, “Stave Lake Quarries charged with criminal negligence in death of Kelsey Anne Kristian.” [CBC News](#). Posted April 18, 2015.

Handout 2: Gordon Hoekstra, “Criminal charges laid in death of young quarry worker at Stave Lake in 2007. Charges are believed to be the first of their kind in B.C. in a workplace death.” [Vancouver Sun](#). April 20, 2015.

Handout 3: Fiona Anderson “Government and industry to meet today about quarry safety. Four quarry workers have died on the job in the Lower Mainland this year, a staggering increase from only one death in the previous five years.” [Vancouver Sun](#), September 20, 2007.

Handout 4: Cat Model 769.

Handout 5: Questions for Individuals and General Discussion

Handout 6: Stave Lake Quarry Death – Background

Workshop Instructions

1. Depending upon purpose of workshop, time and interest of participants, select as many Handouts as you wish and distribute them either as hard copies, or web links. Ideally, these would be distributed before the workshop enabling individuals to offer their own research on case.
2. Lead individuals or whole group through discussion of select or ALL questions. Responses may be prepared in the spaces provided under each question.
3. End with Question 7, designed to focus on the role of law, specifically, section 217.1 of the Criminal Code of Canada, making employer negligence regarding occupational health and safety a punishable offence. Expect and encourage lively discussion as individuals likely have different opinions on whether criminal charges are warranted in this case.

Stave Lake Quarries charged with criminal negligence in death of Kelsey Anne Kristian

-Kristian died on her second day on the job when the dump truck she had been driving flipped.

B.C. firm Stave Lake Quarries and two individuals are facing a rare charge of criminal negligence in the 2007 death of Kelsey Anne Kristian, who was killed on her second day working at a quarry. Kristian, 22, died when she was pinned by a runaway truck at Stave Lake Quarries in Mission. A Ministry of Energy and Mines analysis later concluded the young woman wasn't provided adequate training or supervision.

"We think this is an appropriate response to what was a terrible, tragic accident," said B.C. Federation of Labour president Irene Lanzinger of the criminal charges laid. "We have long held the view that employers who are negligent and cause the serious injury or death of workers should be criminally prosecuted."

The case is believed to be the first time in B.C. in which a company has been charged criminally in connection with a workplace fatality.

Second day on the job

The firm — Stave Lake Quarries Inc., 426969 B.C. Ltd — along with James Derek Holmes and Garry Glen Klassen, was charged on March 15 and made a first appearance in Abbotsford provincial court this week.

A lawyer for the defendants did not return a call for comment.

B.C. Federation of Labour president Irene Lanzinger says the Criminal Code should be used to prosecute companies for negligence.

According to a 2012 coroner's report obtained by the CBC, Kristian started working at the quarry on May 16, 2007.

The next day, she was driving a Cat 769 rock truck to haul material from one end of the pit to a rock crusher 500 metres away.

"She did not have previous experience with heavy trucks or quarry equipment. The instruction was provided by the pit foreman and another equipment operator," coroner Tom Pawlowski wrote in his report.

"It consisted of a demonstration of the vehicle functions, braking systems and rock dumping procedures."

The report says Kristian then rode alongside another operator for two hours, after which she was placed at the wheel while the other worker watched from the passenger seat.

"Following this introduction, Ms. Kristian was allowed to operate the truck on her own, with limited oversight from the other workers who were operating other equipment."

Pinned under cab

According to the coroner's report, Kristian made several trips before the accident happened. Work had been suspended and she was told to park the vehicle and await further instruction.

She parked the truck for nearly two hours at the crest of the hill, with the engine turned off. The transmission was in neutral, the mechanical parking brake wasn't set and there was no wedge set beneath the wheel.

"There was no evidence that she had been properly instructed to use safe procedures"- Coroner Tom Pawlowski

Kristian was standing on the running board and cleaning the window when the truck started rolling down a 10 per cent grade.

"The vehicle travelled approximately 50 metres when its front wheel struck a rock berm and flipped onto its side," Pawlowski wrote.

"Ms. Kristian was pinned under the cab and soon became unresponsive."

According to the report, an inspection of the truck ruled out mechanical failure; an inspection of the air-brake system showed that with the engine shut off, the air bled down to a level that allowed the truck to start rolling in one hour and 38 minutes.

"Analysis of the incident by the Ministry of Energy, Mines and Petroleum Resources ... concluded that Ms. Kristian was not provided with adequate training or supervision," Pawlowski wrote.

"Specifically, there was no evidence that she had been properly instructed to use safe procedures for parking the vehicle."

Criminal charges rare

Workplace criminal negligence charges are rare in Canada, despite amendments passed to the Criminal Code in 2004 to make it easier to impose criminal liability on corporations for workplace injuries and fatalities.

The amendments were made in the wake of the 1992 [Westray mine disaster](#) which left 26 miners dead in an explosion caused by a build-up of methane gas and coal.

Family and friends marked the 10th anniversary of the Westray mine disaster in 2002. The tragedy resulted in tougher workplace safety laws. (Andrew Vaughan/Canadian Press)

In 2013, Ontario's Court of Appeal [imposed a \\$750,000 fine](#) on Metron Construction Corp. in relation to the deaths of four migrant workers who fell from scaffolding in 2009.

It was the first time criminal charges were used in Ontario to hold a company responsible for a worker's death.

Crown counsel spokesperson Neil MacKenzie said about 10 workplace fatality files have come before B.C. Crown in the past decade, but none were approved for criminal charges.

Some have resulted in provincial regulatory charges.

WorkSafeBC was criticized after the deaths of four mill workers in [two separate explosions](#) in 2012 failed to result in any criminal charges.

In 2011, two companies and four individuals [pleaded guilty](#) to violating provincial workplace safety laws in connection with the 2008 deaths of three men at a mushroom farm and composting facility.

"In every one of those cases, we have said there should be charges and - if indeed employers are found to be negligent - then they should face very serious penalties including jail time," Lanzinger said.

Kristian's family did not want to comment on the charges.

None of the allegations has been proven in court.

By Jason Proctor, [CBC News](#) Posted: Apr 18, 2015 5:00 AM PT Last Updated: Apr 18, 2015 5:00 AM PT

<http://www.cbc.ca/news/canada/british-columbia/stave-lake-quarries-charged-with-criminal-negligence-in-death-of-kelsey-anne-kristian-1.3037878>

Criminal charges laid in death of young quarry worker at Stave Lake in 2007

-Charges are believed to be the first of their kind in B.C. in a workplace death



An undated photo of Kelsey Kristian, victim of an accident in May at the Stave Lake quarry near Kamloops.

In what is believed to be the first case of its kind, criminal negligence charges have been laid in the death of a worker in B.C.

Kelsey Anne Kristian, 22, was killed at the Stave Lake Quarries in Mission in 2007 when she was pinned by her runaway truck as it rolled onto its side, according to a coroner's report.

After an investigation by Mission RCMP, Crown counsel has approved charges against James Derek Holmes, Garry Glen Klassen, Stave Lake Quarries Inc., and 426969 B.C. Ltd. in relation to Kristian's death.

The charges of criminal negligence causing death were filed in Abbotsford provincial court on March 12. The next court date is set for May 12.

Mission RCMP Sgt. Shaun Wright said that following their investigation, which he believed started a couple of years ago, police provided a file to Crown that recommended charges.

B.C. Criminal Justice Branch spokesman Neil MacKenzie said as far as he was aware it was the first workplace criminal negligence charge to be brought in B.C., although he said he didn't know if there were any cases before the 1990s.

The mines ministry said it was the first such charge for a workplace death at a mine or quarry.

United Steelworkers western director Steve Hunt said the case had progressed slowly, with the charges coming eight years after the incident, but he added that the union is pleased.

"The whole (criminal negligence provision) was designed to be a deterrent. But it's not a deterrent if you don't use it," said Hunt.

The Steelworkers do not represent workers at the quarry but had renewed in 2014 their call for a tougher approach to investigating workplace deaths following the rejection of charges by Crown counsel in two sawmill explosions in 2012 that killed four workers.

The families of workers, the NDP and other labour groups also decried the lack of charges in the deadly sawmill explosions.

Changes to criminal negligence laws were beefed up for workplace deaths after a 1992 explosion at Nova Scotia's Westray underground coal mine killed 26 men.

The new laws were introduced in 2004 but have seldom been used to prosecute in workplace deaths, only a handful of times in Ontario and Quebec and not at all in Western Canada, according to the Steelworkers.

Hunt said he hopes these first charges are a signal that the law will be applied more often.

Vancouver Island RCMP recently reopened a workplace death case from 2009. Sam Fitzpatrick, 24, was crushed to death by a large boulder while working on a Toba Inlet mountainside for Omaha-based construction giant Kiewit.

In the 2007 death at the Stave Lake Quarries, Kristian was on her second day of work when she was killed, said the coroner's report.

An analysis of the incident by the Ministry of Energy, Mines and Petroleum Resources concluded Kristian was not provided with adequate training or supervision, said the coroner.

The report noted the ministry found no evidence that she had been properly instructed to use safe procedures for parking the vehicle.

According to the coroner's report, when Kristian started work on May 16, 2007 she had no previous experience with heavy trucks or quarry equipment.

She was given instruction by the pit foreman and another equipment operator. It included demonstration of vehicle functions, braking systems and rock-dumping procedures. Kristian then rode alongside another operator for about two hours, at which time she was placed behind the wheel where the operator observed her.

After this, she was allowed to operate the truck on her own, said the coroner report.

The next day, Kristian had reportedly made three or four trips before hauling was suspended because of a mechanical problem with an excavator.

Her truck was parked for about 1.5 to two hours on the crest of a small hill.

An inspection after the incident showed the transmission was in neutral, the mechanical parking brake was not set and wedges had not been placed at the wheels to prevent movement, said the coroner.

Kristian was standing on the running board cleaning the windshield when the truck started to roll down a 10 per cent grade. It travelled about 50 metres when it struck a rock berm and flipped onto its side. Kristian was pinned under the cab.

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<http://www.vancouversun.com/health/Criminal+charges+laid+death+young+quarry+worker+Stave+Lake+2007/10989070/story.html>

Government and industry to meet today about quarry safety

- **Four quarry workers have died on the job in the Lower Mainland this year, a staggering increase from only one death in the previous five years.**



Figure 1: Kelsey Kristian

Four quarry workers have died on the job in the Lower Mainland this year, a staggering increase from only one death in the previous five years.

- In May, 22-year-old Kelsey Kristian was killed at a Stave Lake gravel quarry when the truck she was driving rolled over and pinned her. According to news reports, it was Kristian's fourth day on the job.

- In June, 32-year-old Scott Ouellette died when the excavator he was driving overturned in a pool of silt at the Fraser Valley Aggregates Quarry in Abbotsford, trapping him. Although he had experience in the industry, he was apparently new to this job.

- Earlier this month, 58-year-old Dave Rowan drove a mining dump truck off a bank at Cox quarry on Sumas Mountain, where it slid 30 metres or more before flipping over.

The information about those three deaths comes from newspaper reports, but there is a fourth:

- A quarry worker was killed in May, crushed by his truck after it rolled downhill and flipped. The incident is listed on WorkSafeBC's website, but the man's identity and the location of the quarry were not disclosed.

The deaths have triggered a meeting between government and industry officials in Victoria today, and speculation by Stephen Torrence, executive director of the Construction Safety Network, that inexperience may have played a part in the deaths and that corners might be being cut on workers' qualifications and references as a result of B.C.'s red-hot construction boom.

B.C. Minister of State for Mines Kevin Krueger, called the deaths "horrific" and "unacceptable."

"We want to, on an urgent basis, come up with a plan as to how we're going to stop these incidents from happening," Krueger said.

"We've got our sleeves rolled up and are working on it."

Krueger was to meet today in Victoria with the province's chief inspector of mines and the Aggregate Producers Association of BC.

However, he said the government would wait for the chief inspector to complete his investigations and make recommendations before making any changes to mine-safety rules.

NDP labour critic Chuck Puchmayr said the government should take immediate steps to improve safety at quarry sites rather than wait for investigation reports.

Puchmayr also called on the government to conduct an audit of whether existing safety regulations for mines are adequate, saying government moves to deregulate the sector may have made mine sites less safe.

The Ministry of Energy, Mines and Petroleum Resources, which responsible for investigating quarry accidents, would only confirm this week that there have been four deaths so far this year.

It is releasing no information about any of the deaths, including their causes, until final reports are released, an official at the office in the chief inspector of mines' office said.

The coroner's office is also investigating the deaths, but it too refused to release any information, other than to confirm it was investigating the three deaths reported in the press.

Torrence called the four deaths "extremely troublesome."

While only the chief inspector's and coroners' reports may provide definitive answers as to what is behind the deaths -- and whether inexperience may have played a role -- Torrence said the fact that the workers were new to the workplace or new to the task seems to be a common feature.

"The aggregate industry, like all of construction, is going flat-out and the pressures on production are high, the pressures on getting and retaining new employees are high, and what we think is happening is, those competing pressures may be contributing to the problem in terms of the workers being less prepared for the responsibilities that they are given," Torrence said.

"The pressure is on to get someone on that piece of equipment and you might cut corners on checking references and assuming they have higher skills than they actually have," Torrence added.

"And that puts them in a risky situation."

Inexperience does not appear to have played a role in another accident Wednesday near Lillooet, where an excavator and its driver were buried under fallen rock for 13 hours in a limestone quarry operated by Graymont Ltd.

Excavator driver Roy Aspeslet, who survived uninjured, has more than 20 years of experience.

Graymont executive vice-president Carl Gilbert, however, said it has been hard to find good employees.

"It is difficult to find experienced workers and if you don't, you have to have a very good training program," Gilbert said.

"That's very, very important."

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Handout 4: Cat Model 769.



Handout 5

Questions for Individuals and General Discussion.

1. Read Handouts #1 and #2, newspaper articles regarding the death of Kelsey Anne Kristian. Jot down your thoughts to the Stave Lake Quarry case. Share these with a partner or small group.
2. Examine the photograph of the Cat 769 dump truck. (Handout #4) You have been told this morning you will be independently hauling rock in a quarry tomorrow. What are your first impressions? Would you accept the job? Explain to a partner or the group. Estimate the training time (hours) required to achieve safe competency in all aspects of its operation.
3. Assuming you have read the other Historical Case Study of the Babine Lake and Lakeland Mills sawmill explosions of 2012. In what ways is this case similar? different?
4. What do you take away from this sad disaster? Are there any connections to our own specific and perhaps distinctly different workplace in terms of occupational health and safety?
5. Quarrying is dangerous work. Four workers died in quarry accidents in 2007 – up from one death in the previous 5 years. Yet another worker survived a 13 hour burial accident at the Graymont limestone quarry near Lillooet, BC. Consider the following two views of those dangers, as cited in the Vancouver Sun, September 20, 2007:

"The aggregate industry, like all of construction, is going flat-out and the pressures on production are high, the pressures on getting and retaining new employees are high, and what we think is happening is, those competing pressures may be contributing to the problem in terms of the workers being less prepared for the responsibilities that they are given.... The pressure is on to get someone on that piece of equipment and you might cut corners on checking references and assuming they have higher skills than they actually have.... And that puts them in a risky situation." (Stephen Torrence, executive director of the Construction Safety Network,).

"It is difficult to find experienced workers and if you don't, you have to have a very good training program.... That's very, very important." Carl Gilbert, executive vice-president of Graymont limestone quarry, Lillooet, cited Vancouver Sun, September 20, 2007.

What do you make of these comments? How relevant is Torrence's observation to your own workplace? How relevant is Gilbert's observation? Is there a lack of experienced workers? Or a lack of health and safety training? Both? Comment with an example.

6. Wrap up Whole Group Discussion. According to the new Section 217.1 of the Criminal Code of Canada,
Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

The Stave Lake Quarry case is the first in British Columbia in which criminal charges have been laid on an employer and workers acting in a supervisory role. Over the past decade, about ten workplace fatality files have appeared before Crown in the last ten years. None were approved for criminal charges. Re-read section 217.1. As an individual or group, offer your view on whether charges were warranted in this case. If you feel they are unwarranted, suggest a scenario in which criminal charges would be justifiable (you may choose to focus upon your own specific workplace). Or suggest other cases you may be aware of justifying criminal charges against a company or individual for negligence as a result of failure to take "reasonable steps to prevent bodily harm."

7. Wrap up Whole Group Discussion (optional: requires Handout #3)

In his statement, Kevin, Krueger, BC Minister of State for Mines's deplored the "horrific" accident: *"We want to, on an urgent basis, come up with a plan as to how we're going to stop these incidents from happening.... We've got our sleeves rolled up and we're working on it."* What sorts of steps appear necessary to take in preventing similar deaths?

Handout 6

Stave Lake Quarry Death – Background

On May 17, 2007, Kelsey Anne Kristian, 22, was killed at her workplace by her runaway Cat 769 dump truck. It was Kelsey's second day on the job at the Stave Lake Quarry near Mission, British Columbia. According to the Coroner's Report, "She did not have previous experience with heavy trucks or quarry equipment." The pit foreman and another equipment operator had provided some instruction which "consisted of a demonstration of the vehicle functions, braking systems and rock dumping procedures." She rode alongside another driver for two hours before taking her turn at the wheel under the watch of another operator. She then became sole driver of the Cat 769 under limited supervision from those operating other machinery.

On her second day on the worksite, Kelsey made several 500 metre hauls on her own before quarry work was halted. She parked the truck on the crest of a ten percent grade hill. The air brakes were engaged, the engine off, the transmission left in neutral with no set parking brake, and no wedge beneath the wheels. Kelsey waited for work to restart. An hour and thirty eight minutes after shutting off the truck, Kelsey was standing on the running board, cleaning the windshield, at which point in time the air brakes had bled sufficiently to allow the quarry truck to suddenly begin rolling down the hill.

Approximately fifty metres down the hill, the truck flipped over, pinning Kelsey fatally under the cab. A Ministry of Energy, Mines, and Petroleum Resources investigation ruled out mechanical failure, concluding Ms. Kristian had received inadequate on the job training.

Why is this case of particular significance to employers and employees in British Columbia? On March 15, 2015, the employer and two supervising employees were charged: Slave Lake Quarries, Inc., and 426969BC, and James Derek Holmes, and Garry Glen Klassen. This is the first case in British Columbia in which an employer and/or employees have been charged under the so-called Westray Act which became law in 2004. Under public and regulatory pressures, Bill C-45 allowed changes to the Criminal Code of Canada, criminalizing employer workplace negligence. According to the new Section 217.1

Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

The Westray Act was created and passed directly as a result of investigations and public outcry following the 1992 coal mine disaster in Nova Scotia where 26 miners were killed in a methane gas explosion. Serious safety concerns had been raised by employees, union officials, and government inspectors, but the company had instituted few changes. Still, police and government failed to secure convictions against the company and three mine managers. A 1998 Royal Commission made 74 recommendations. Of these, number 73, suggested legislation allowing the criminalization of employer negligence. This led directly to the passage of the Westray Act, and section 217.1 of the Criminal Code.

Additional Resources

Gerald Friesen, "H.C. Pentland and Continuing Education at the University of Manitoba: Teaching Labour History to Trade Unionists," *labour/le Travail*, 31 (Spring 1993), 301-13.

Peter H. Sawchuk, "Building Traditions of Inquiry and Transforming Labour-Academic Collaboration at the Union Local: Case Studies of Workers' Research and Education," *labour/le Travail*, 45 (Spring 2000), 199-216.