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For further information contact:

Karla Kereliuk, Editor

Workers' Compensation Board-Alberta

Corporate Communications

P.O. Box 2415, 9925 - 107 Street

Edmonton, AB T5J 2S5

Phone: (780) 498-4235 **Fax:** (780) 498-7875

E-mail: karla.kereliuk@wcb.ab.ca **Website:** www.wcb.ab.ca

To subscribe or unsubscribe, e-mail: mailbox.corporate.communications@wcb.ab.ca



**Workers'
Compensation
Board**

Alberta

A worker dies.
Everyone
suffers.



2006 Day of Mourning poster
a printable version is available at
www.wcb.ab.ca/workingsafely/dom.asp



Lynn Cadrain at home near Rocky Mountain House.

One family's story

MARCH 8, 2004 was supposed to be the first day of Lynn Cadrain and her family's new and improved life. Lynn had waited four long years for a double organ transplant and was finally coming home after spending two months recovering in an Edmonton hospital. At 39, she had struggled with complications from diabetes for years and this new kidney and pancreas meant a life without dialysis.

As she and her husband, nicknamed Hawk, pulled onto the bumpy front drive of the family's hobby farm east of Rocky Mountain House, Lynn spotted her beautiful 16-year old daughter Camille hop off the school bus a few

“There was this silence and all I heard was ‘he didn’t make it.’” Her son was dead. Gone forever. Just like that.

Don’t be a statistic

Last year in Alberta, 143 workers died from a work-related injury or disease.

Employers and workers must work together to stay safe.

Revisit your safety policy. Examine your processes. Record near-misses and make change happen when it’s needed.

- ASK your safety association how to create a safety program of which you can be proud.
- JOIN the WCB-Alberta’s PIR (Partners in Injury Reduction) program.
www.wcb.ab.ca/pdfs/pir_broch.pdf
- CONTACT Workplace Health & Safety for tips on how to work as safely as possible.
<http://www3.gov.ab.ca/hre/whs/>

hundred yards away. Dustin, Lynn’s 21-year-old son, was living in a camp and working on a well site a few hundred kilometers away. As she opened the passenger door, Hawk’s cell phone rang.

It was someone from her son’s job site. “Dustin’s been in an accident. STARS air ambulance is on standby.”

GONE FOREVER

Somehow she made it across the snow-covered driveway and into the house where she sat numbly on the steps in the front porch. Sitting motionless, she watched her husband and daughter unload the luggage, flowers and gifts she’d received in the hospital to make room for the trip back to the city. The phone rang again and Hawk grabbed the phone. Lynn stared at his face. “There was this silence and all I heard was ‘he didn’t make it.’” Her son was dead. Gone forever. Just like that.

Lynn picked up a ceramic porch statue molded into the shape of an angel and threw it at the wall, smashing it to pieces. Camille had backed into a corner of the kitchen and was screaming and sobbing, while Lynn continued throwing shoes and pieces of firewood, screaming “fix it, Hawk, fix it.” As he wrapped his arms tightly around her she moaned “God no. Don’t let it be Dustin – not my boy.”

But it was her son. The child she literally grew up with, having had him when she was only seventeen, was dead. The boy who loved to recite cowboy poetry, take hunters on trail rides, and charm the ladies by bowing deeply and kissing their hands wasn’t coming home.

EQUIPMENT FAILURE

Although young, Dustin had years of rig experience and was not green. He’d worked as a welder’s helper, pipeline labourer, and rig hand since he was sixteen.

That chilly afternoon at 3 p.m., while Lynn and Hawk were on the highway, Dustin stepped under a 340 kg boom to work on a piece of pipe. All the guys had done it a thousand times. But this time, without warning, a cable slipped and the massive metal arm came crashing down, pinning him to the pipe.

Emergency medical staff pronounced him dead at the scene.

Alberta Workplace Health & Safety Compliance investigators concluded that

“I keep thinking there’s got to be a reason for this. I think companies should do everything they can to keep their workers safe and alive.”—Lynn Cadrain

the main cause of the incident was equipment failure and ordered the employer to implement a safety policy ensuring workers do not work under side booms.

THE FALLOUT

“The world stopped,” Lynn murmurs looking down at the pictures of Dustin at every age strewn across the kitchen table.

It’s been two years since Dustin died and his kid sister Camille, now eighteen, has moved out of the house. She and her mother are trying to mend their now-broken relationship. “My daughter says I’m colder than I used to be,” Lynn nods her head as if she agrees with this accusation but knows she can’t change the way things are now.

“I have something of Dustin in every room,” she smiles sadly. It’s still not unusual for Hawk to find Lynn curled up in bed with one of her son’s shirts.

“I keep thinking there’s got to be a reason for this. I think companies should do everything they can to keep their workers safe and alive. Unless it happens to you, you have no idea. I still wake up crying and sweating...the world has a grey tinge to it now. I have dreams where he’s saying mom you don’t laugh any more.” Lynn can’t say if, or when, her spirit will ever find true joy again. **1**



Are you are interested in Lynn personally sharing her story with your staff?

Contact Lynn directly to arrange a visit to your worksite at: **780-845-0830** or e-mail her at lcadrain@telusplanet.net



Sore back?

**Swim.
Run.
Walk.**



The sooner you get moving,
the sooner you'll feel better

The WCB is partnering with the Alberta Construction Safety Association, Alberta Hotel Safety Association, Alberta Human Resources and Employment, and Manufacturers' Health and Safety Association to improve public knowledge related to back pain.

DID YOU KNOW, although back pain is common, serious damage is rare? More than 80 per cent of adults will experience some sort of back pain during their lives. Chances are you or someone you know has dealt with symptoms varying from slight discomfort to extreme suffering.

The good news is, with regular activity and learning about proper body mechanics you will often heal and feel better within a few weeks. This is because the vast majority of back pain doesn't come from serious injury; rather it's from overuse or over-stretching the muscles and ligaments that support the spine.

Did you know?

- The back is a well-designed structure made up of bone, ligaments, muscles, spongy material and nerves.
- Surgery is not needed for most causes of low back pain.
- You rely on your back for nearly every move you make.
- The lower portion of your back experiences more physical stress than any other part of your body.
- If you are experiencing back pain, resting for more than a day may actually prolong pain and recovery.
- Your back is designed for movement. The sooner you get moving and back to regular activities, the sooner you will feel better.

Prevent back pain by:

- Exercising regularly to help prevent injuries and assist in recovery.
- Stretching before doing sports activities.
- Losing weight to reduce pressure on the discs.
- Maintaining correct posture.
- Driving with comfortable supportive seats.
- Sleeping on your side with knees drawn up, or on your back with a pillow under bent knees.
- Bending at the knees, not the waist for lifting.
- Not standing or working in one position for too long.
- Reducing emotional stress that causes muscle tension.

Remember - the key to feeling better sooner is to stay active. So get back @ it!



NAIT's Occupational Health and Safety (OHS) Committee

NAIT safety committee SHINES bright

THE SCHOOL OF HOSPITALITY at the Northern Alberta Institute of Technology (NAIT) is taking a good look at the relationship of health and safety to the hospitality industry – first through its own local Occupational Health and Safety (OHS) Committee and second, through the establishment of an OHS Scholarship fund.

According to Perry Michetti, manager of the School of Hospitality, sprains, strains, open wounds, and burns top the list of injuries for the restaurant and food service industry. “When we know the nature of injuries, it is only diligent to investigate why they occur, and more importantly, how we as an industry can prevent them in the future,” Michetti says.

NAIT recently applauded the School of Hospitality’s OHS Committee’s efforts, awarding them the NAIT SHINE Health and Safety Award. This award

“The intent is to embed a greater understanding of OHS issues in students, staff and the industry, and to establish a collaborative approach to correcting the root causes that lead to injury.” — Perry Michetti


recognizes individual employees or teams at the school, who improve working conditions for staff, students and the NAIT community.

Several activities played a role in earning the award.

- Completion of a chemical round up and hazard assessment process;
- Installation of convex mirrors at collision points; and
- Implementation of the OHS Toolkit elements that align with the Certificate of Recognition (COR) program (learn more about the COR and Partner and Injury programs at www.wcb.ab.ca/pdfs/pir_broch.pdf).

NaTasha Johnson, OHS Consultant for the School of Hospitality says, “the OHS toolkit is one way to align our operational areas with NAIT’s overall OHS Management System – an ongoing continuous improvement initiative that is centered on leadership commitment.”

As a result of this award, the OHS Committee established the School of Hospitality OHS Scholarship fund. The School will work closely with industry representatives to enhance the fund and to establish solid research questions and projects. This will help to lower WCB claim frequency and severity rates and lead to safer work procedures and food handling practices.

“The current boom in the Alberta economy indicates skilled workers are in short supply and work is necessary to protect the health and safety of those already in the industry,” says Michetti. “The intent is to embed a greater understanding of OHS issues in students, staff and the industry, and to establish a collaborative approach to correcting the root causes that lead to injury.” 

If you have questions about the OHS Scholarship Fund, would like to enquire about research projects, or have questions regarding your business, please contact **Perry Michetti** at: **780-471-8679**.

Safety savvy

NAL Resources and Vetco Gray Canada Inc. take home the WCB WorkSafe™ Award

“The dedication and positive attitude of these employers is inspiring,” says Guy Kerr, WCB president and CEO. “Safety leadership is all about being the best in one’s class and never compromising on safety.”



Workers' Compensation Board-Alberta

EMPLOYERS FROM EVERY INDUSTRY SECTOR recognize that safety comes first. Two Alberta employers have earned the distinction of being 2006 WCB WorkSafe™ Award winners.

SAFETY LEADER NAL Resources

NAL Resources is a Calgary-based oil and gas company employing 300 staff and consultants, with operations throughout Alberta and Saskatchewan. NAL has developed a safety culture that influences the behaviour of staff, contractors, service companies, the public and the industry. From the executive to the front-line workers, everyone is involved in improving NAL's safety performance and determining its annual safety priorities. The company publicly recognizes individuals and groups for their safety performance and encourages staff to share their ideas for home safety through the company's newsletter. NAL's participation in numerous committees and associations is making a difference in the oil and gas industry.



Calgary's NAL Resources is the 2006 Safety Leader, recognizing their industry leadership; top-notch health, safety, and disability management program; and proven injury prevention track record.

SAFETY TURNAROUND **Vetco Gray Canada Inc.**

Vetco Gray Canada Inc. is an Edmonton-based supplier of products and services for the oil and gas drilling and production industries. Prior to 2001, the company admits its health and safety culture was “non existent.” With no formal health and safety program, injury rates were high and injuries resulting in lost time were not investigated. In fact, given the nature of the business, injuries were expected. In 2001 that all changed. Under the guidance of the Manufacturers’ Health and Safety Association, Vetco Gray created a safety department and involved its staff in implementing an extensive program to make safety a way of life.



Edmonton’s **Vetco Gray Canada Inc.** is the 2006 Safety Turnaround winner, acknowledging the dramatic turn around in their safety performance and the creation of an exceptional health, safety, and disability management program.

The company introduced:

- employee training in hazard identification and controls,
- a monthly safety committee,
- a simplified system for reporting unsafe conditions and near misses,
- safety improvement suggestions, and
- a disability management program.

Vetco Gray has instilled a fundamental value in all employees:

“Nothing we do or deliver is so urgent that we would cut corners on safety to achieve it.”



WCB presents the WorkSafe™ Award annually as part of the Alberta Chambers of Commerce Business Awards of Distinction. The award recognizes Alberta businesses with diverse and proactive injury prevention and disability management programs.

By Doug Mah, WCB Secretary and General Counsel



Personal coverage limits liability for directors

IN A 2006 DECISION involving a workplace death, the Court of Queen's Bench has ruled on the liability for a director of a corporation without personal coverage.

In December 1996, a workplace accident occurred in Edmonton that resulted in a fatality. A claim was accepted and paid by the WCB. This resulted in the WCB being able to bring legal action in the name of the deceased's estate against any person not covered under the Workers' Compensation Act (WCA), who could be held legally accountable for the death. Workers or employers covered under the WCA have immunity from legal suit.

The defendant was president, CEO, and manager, responsible for overseeing the company's daily operations. As director and 50 per cent shareholder of the company, he elected not to obtain personal coverage with the WCB. As a director of the corporation, he was neither a worker nor employer under the WCA. Under corporate law principles the corporation was the employer, having a separate legal identity from its directors and shareholders; the very reason for incorporating.

Without this personal coverage from the WCB, immunity under then section 18 (now 23) was not available to him personally, and legal action against him was permissible under the WCA. This meant he would be personally liable in the lawsuit if he was found to be negligent with respect to the accident, in his capacity as a director.

The issue at trial was whether his actions or omissions related to the accident could be properly characterized as "acting in the capacity of a director." If so, did his conduct amount to negligence in law, therefore establishing

personal liability? Extensive evidence was presented at the trial in an attempt to establish that his conduct as a director caused or contributed to the accident. Much of this evidence was accepted by the trial judge and, in the result, the defendant was found to be 99 per cent responsible for the accident.

As the case illustrates, for directors who want legal immunity to be in place for them, in the case of a work-related accident or illness, the best course of action is to purchase personal coverage from the WCB. This will also give them workers' compensation benefits in the event they are injured in a work-related accident. Although the status of directors under the WCA has been the subject of controversy at both the Appeals Commission and in the courts, when Bill 26 was enacted on May 21, 2002, all ambiguity regarding director status was removed. The current section 16 is very clear that a director of a corporation when performing services for that corporation, even manual labour, is not a worker unless personal coverage is in place.

It is likely that the defendant's liability insurer will be required to respond to the judgment, which includes a refund to the WCB of its substantial claims costs. On the other hand, the finding by the court of negligence against a party not covered by workers' compensation has the effect of relieving the company's experience account for this fatal accident by 100 per cent under Policy 07-02. [■](#)

EMPLOYER INFORMATION WORKSHOPS

A general overview of information related to maintaining a WCB account will be provided in these sessions. Topics include: fundamentals of workers' compensation, subcontractor liabilities, insurable earnings, coverage for business owners, managing your workers' compensation account, and the impact of claim costs on premiums. [Register now](#)

UNDERSTANDING THE REVIEW AND APPEALS PROCESSES

This one-day seminar is designed specifically for employers. It will show them how to participate effectively in the processes used to review and appeal a WCB decision, whether it is claim or premium-related. It also gives employers an overview of the review and appeal processes. [Register now](#)

DISABILITY MANAGEMENT SEMINARS

This seminar is designed to help employers understand the relationship between claim costs and WCB premiums, and how both can be controlled through an effective disability management program. The seminar discusses the six key elements of a disability management program. [Register now](#)

PREVENTING VIOLENCE AT WORK SEMINAR

A seminar geared towards employers who are interested in developing a workplace violence prevention program.

[Register now](#)



Once the form is submitted you will receive an e-mail confirmation and a map. If you have questions, call toll-free at 1-866-498-4694. Workshops and seminars are free of charge to WCB account holders.

NUMBERS TO REMEMBER

Customer Contact Centre WCB-Alberta – Street address: 9912-107 St., Edmonton, AB

EDMONTON

Mailing address:
Box 2415
Edmonton, AB T5J 2S5

Claims and Employer Enquiries

Phone: (780) 498-3999
Fax: (780) 498-7999
Hours: 8 a.m. to 4:30 p.m., weekdays

Access to Information

Phone: (780) 498-3999
Fax: (780) 498-7867

CALGARY

300-6th Avenue, S.E.
Calgary, AB T2G 0G5

Claims and Employer Enquiries

Phone: (403) 517-6000
Fax: (403) 517-6201
Hours: 8 a.m. to 4:30 p.m., weekdays

Access to Information

Phone: (403) 517-6000
Fax: (403) 517-6001

Millard Health

131 Airport Road
Edmonton, AB T5G 0W6

Phone: (780) 498-3200
Fax: (780) 498-3907
Hours: 7 a.m. to 5 p.m., Monday & Friday
7 a.m. to 7 p.m., Tuesday, Wednesday, Thursday

Partners in Injury Reduction (PIR)

Phone: (780) 498-7936
Fax: (780) 498-7874

Dispute Resolution and Decision Review Body

Phone: (780) 498-4480
Fax: (780) 498-7855

Deaf, Hearing and Speech Impaired

Phone: (780) 498-7895