



SafeTalk



Local 2004 Fatality



It is with great regret and sadness that we inform you that Local 2004 member Fernando Borges succumbed to his injuries in the morning of February 22nd.

Preliminary information is that Brother Borges while fulfilling the duties of a Welding Foreman was hit by an on-rail pickup truck vehicle that was slowly backing up during a rail replacement program. The incident occurred on Wednesday February 20 2013 approximately 34 miles west of Edmonton near the town of Carvel AB.

One of Fernando's fellow workers said, "Fernando was well liked by everyone he met, always had a smile, and was fun to be around. He was a good man, and will be missed by all his friends".

Brother Borges was 62 years of age employed by CN Rail since 1984 and was a welding foreman since 1986. The investigation into this terrible tragedy is continuing.

Service arrangements are as followed:

Prayers - Thursday, February 28 @ 6pm - "Our Lady of Fatima Church"

Funeral - Friday, March 1 @10:00 am - "Our Lady of Fatima Church"

Location: "Our Lady of Fatima" Catholic Church at 12311 - 55th Street, Edmonton, AB

Our thoughts are with his family, friends and coworkers in this terrible time of grief. May he rest in peace.

Coming Events

February 28 Annual International RSI Awareness Day

March 25-26 OH&S Level 1, Rocanville Saskatchewan

April 2-3 OH&S Level 1, USW Local 480, Trail BC

April 16-18 USW National Policy Conference, Vancouver BC

Above and Beyond

By Samuel Dunsiger

The massive \$1.46 million in compensation awarded last October to a former WalMart employee in Windsor, Ontario has cast a spotlight on bullying and harassment in the workplace.

In September, Meredith Boucher from Chatham, Ontario, filed a lawsuit against WalMart Canada Corp. and Jason Pinnock, her former manager. Boucher alleged that she was forced to leave her position in November of 2009 after suffering mental abuse from Pinnock, who belittled and demeaned her job performance in front of employees she supervised and regularly spoke to her in a coarse and profane manner, notes the statement of claim.

Sheri-Lynn Medaglia, a lawyer with Windsor-based Shulgan Martini Marusic LLP who served as Boucher's counsel, calls the case "something out of the ordinary" of most wrongful dismissal claims. "The compensation was awarded due to the level of abuse that Ms. Boucher endured," she says.

Apart from the intentional infliction of mental suffering, she also sought compensation for damages that included sexual harassment, discrimination and assault by an assistant manager, who punched her in the arm on more than one occasion. The statement of claim adds that Pinnock's conduct constitutes constructive dismissal by creating a "work environment in which no reasonable person would be expected to continue."

The jury of six unanimously ruled that Boucher was constructively dismissed, which is a form of wrongful dismissal, notes Michele Hollins, a lawyer with Dunphy Best Blocksom LLP in Edmonton. "One in which the employer does not expressly terminate the employment contract but effectively changes the job description or the work environment of the employee so fundamentally that the employee's job can be said to no longer exist," Hollins explains. She was awarded \$1.21 million against the corporation — \$20,000 for breach of contract, \$200,000 in aggravated damages, \$1 million in punitive damages and \$10,000 for assault. She was also compensated \$100,000 in damages against Pinnock for inflicting mental suffering and \$150,000 in punitive damages...[More](#)

