

CN Rail in court over worker's death

Day of Mourning

William Stodalka / Alaska Highway News

APRIL 28, 2015 08:45 AM

National Day of Mourning marked in Peace

Sewer workers were at risk: WorkSafeBC

Jenny Wakefield
Alaska Highway News

Finally excavation work put contractors on a City of Dawson Creek sewer project at risk of being buried alive, according to a recent report from the province's worker safety regulator.

In November, WorkSafeBC fined a company contracted to build a sewer line in Dawson Creek \$29,962.70 for failing to properly build a 16-foot-deep trench. The ruling was released last month.

According to a summary of the violation, two workers on the project "had to enter a vertically cut excavation to get into an incorrectly installed trench box" — a metal structure inserted into holes and trenches to protect employees working below grade.

WorkSafeBC said workers "were exposed to the risk of being seriously injured or killed if the excavation had collapsed either while they were approaching the trench box or while they were in it." See [SAFE on 43](#)



CN in court over worker's death

William Stodalka
Alaska Highway News

As people across the country mark a Day of Mourning for workplace deaths in Canada today, lawyers, representatives and a judge will gather in a Fort St. John courtroom to decide whether or not a company was responsible for the death of a Dawson Creek man who died while on the job in 2012.

CN Rail was scheduled to appear in court Monday to face charges relating to an alleged safety failure in an incident that occurred near Fort St. John Nov. 28, 2012 that resulted in the death of Bryan Giesbrecht, a 30-year-old conductor.

CN Rail faces two counts of failing to ensure employee health and safety was protected, and two counts of failing to raise awareness of a health and safety hazard.

The company pleaded not guilty to all counts.

See [CN RAIL on 46](#)

Work-related death claims in B.C., 2014. Graph is by industry and does not account for all 173 work-related deaths that year. WorkSafeBC data –

As people across the country mark a Day of Mourning for workplace deaths in Canada today, lawyers, representatives and a judge will gather in a Fort St. John courtroom to decide whether or not a company was responsible for the death of a Dawson Creek man who died while on the job in 2012.

CN Rail was scheduled to appear in court Monday to face charges relating to an alleged safety failure in an incident that occurred near Fort St. John Nov. 28, 2012 that resulted in the death of Bryan Giesbrecht, a 30-year-old conductor.

CN Rail faces two counts of failing to ensure employee health and safety was protected, and two counts of failing to raise awareness of a health and safety hazard.

The company pleaded not guilty to all counts.

Prosecutor Charles Hough said the incident involved a sign that Giesbrecht could not see properly on a remote site halfway between Fort St. John and Fort Nelson. At the time of the incident, it was quite dark, and a flashlight was Giesbrecht's only source of light. Their case states that CN Rail didn't adequately mark that hazard.

Giesbrecht was unable to avoid a derailed fuel tanker and suffered fatal injuries.

A lawyer for CN Rail, Mark Rowan, said he would give a statement once the Crown's case was finished.

According to Labour Canada's website, the maximum penalty for an offence against the Canadian Labour Code — which CN Rail is accused of violating — that results in death or serious injury can result in a \$1 million fine.

The trial could be a long one. Online court records show dates are booked through June.

Giesbrecht's mother Katie said she plans to attend the trial for the sake of her son, even though other family members have said that it would be too hard for them to do so.

"He'd only been there a year and a half," she said.

According to Giesbrecht, when company representatives informed her about Bryan's death, they referred to him as her "son," and not by name.

"(CN Rail is) such a big company, he just got lost," she said.

reporter@ahnfsj.ca

© Copyright 2017 Alaska Highway News - See more at:
<http://www.alaskahighwaynews.ca/fort-st-john/cn-rail-in-court-over-worker-s-death-1.1866973#sthash.ktGoFcsC.dpuf>