

Safety Pros See Need for More Coroner's Inquests into Workplace Fatalities



Workplace fatalities are typically investigated by the agency responsible for enforcing the OHS laws and, to some extent, the RCMP. But some fatalities may also be investigated by the coroner in an inquest.

A coroner's inquest is a formal hearing at which evidence is presented to a jury that can result in recommendations for changes to OHS laws and work practices. And although these recommendations are merely suggestions, they can have a big impact on workplace safety. ([Learn more about coroner's inquests.](#))

For example, in 2012, a coroner's jury looking into the deaths of three workers on a BC mushroom farm recommended that all BC agricultural workers and their employers undergo mandatory two-day OHS training and that WorkSafeBC should:

- Hire more agricultural inspectors
- Educate workers on the risks of operating in confined spaces
- Conduct more random inspections
- Require all employers to submit yearly reports declaring they've fulfilled their safety obligations.

[This chart](#) shows each of the jury's recommendations and how WorkSafeBC responded.

So should more coroner's inquests be held into workplace fatalities'

In a recent poll, we asked when a coroner's inquest should be held for a workplace safety incident. The safety professionals who responded support more inquests, believing inquests should be held:

- For all incidents involving fatalities (76%)
- At the coroner's discretion (19%)
- Never (3%)
- Fatalities in certain industries (2%).

Currently, no Canadian jurisdiction requires coroner's inquests for *all* workplace fatalities. In general, whether to hold an inquest is in the coroner's discretion. For example, under BC's [*Coroners Act*](#), the chief coroner may direct a coroner to hold an inquest if the chief coroner has reason to believe that:

- The public has an interest in being informed of the circumstances surrounding the death; or
- The death resulted from a dangerous practice or circumstance, and similar deaths could be prevented if recommendations were made to the public or an authority [Sec. 18(3)], which could apply to many workplace fatalities.

In other jurisdictions, inquests are mandatory only for fatalities in certain industries. For example, in Ontario, inquests are required for any fatality in the mining or construction sectors. And this limitation was recently challenged'and upheld'by a court.

A worker from Jamaica at a tobacco farm was crushed to death by a 1,000 pound bin that fell from a steel bin lift. The Chief Coroner declined to hold an inquest into the incident. His family sued, arguing that it was discriminatory for construction and mining deaths to trigger mandatory coroner's

inquests, but not those of seasonal agricultural workers.

The Human Rights Tribunal ruled that the *Coroners Act* doesn't discriminate against migrant farm workers. The lack of a mandatory inquest for such workers doesn't mean their lives are of lesser value or that their safety is less worthy of protection, noted the Tribunal. But mining and construction workers, unlike agriculture workers, face a higher risk of traumatic workplace deaths and the causes of those deaths are quite varied, so inquests into those deaths are more likely to produce useful recommendations, it explained [[*Peart v. Ontario \(Community Safety and Correctional Services\)*](#), [2014] HRT0 611 (CanLII), April 30, 2014].