

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-11

RE: Enforce the Westray Amendments to Canada's Criminal Code

WHEREAS on May 9, 1992 twenty-six mine workers were killed in the Westray Mine explosion in Pictou County, Nova Scotia;

WHEREAS in March 2004 with unanimous support of the House of Commons and Senate, the Governor General signed into law the Westray amendments to the Criminal Code of Canada;

WHEREAS it has been more than two decades since the Westray mine disaster and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers;

WHEREAS police and prosecutors in all jurisdictions including British Columbia are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability;

WHEREAS every year across Canada more than 1000 people are killed at work;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) provides that:

Article: Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person

WHEREAS the Westray amendments seeks to address corporate leadership failure to exercise their responsibility for health and safety of employees to prevent injury and fatalities.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council support a campaign to urge the provincial government, specifically the Attorney General of BC and the Minister of Jobs, Training and skills training, to ensure that:

- Crown Counsel attorneys are educated, trained and directed to apply and enforce the Westray amendments;
- Dedicated prosecutors are given the responsibility for health and safety fatalities;
- Police are educated, trained and directed to apply and enforce the Westray amendments;
- There is greater coordination among regulators, police and Crown Counsel so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

Moved: Chief Terry Boucher, Lhtako Dene Nation
Seconded: Chief Maureen Chapman, Skawahlook First Nation
Disposition: Carried
Date: April 4, 2014