



VERDICT AT CORONER'S INQUEST

File No: 2007-228-0072

An Inquest was held at Chief Coroner's Courtroom, in the municipality of Burnaby in the Province of British Columbia, on the following dates December 7-10, 2009 before Marj Paonessa, Presiding Coroner,

into the death of BAL Amarjit Kaur 52 Last Name, First Name (Age) Male Female

and the following findings were made:

Date and Time of Death: March 7, 2007 0625 hours

Place of Death: Highway #1 at Sumas Crossing, Abbotsford, BC (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Basal skull fracture and pontomedullary laceration DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) blunt force injury of head. DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death:

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 10th day of December AD, 2009.

MARJ PAONESSA Presiding Coroner's Printed Name

Paonessa Presiding Coroner's Signature



VERDICT AT CORONER'S INQUEST

File No: 2007-228-0073

An Inquest was held at Chief Coroner's Courtroom, in the municipality of Burnaby in the Province of British Columbia, on the following dates December 7-10, 2009

before Marj Paonessa, Presiding Coroner,

into the death of SIDHU Sarabjit Kaur, 31, Last Name, First Name, (Age), Male Female

and the following findings were made:

Date and Time of Death: March 7, 2007 0625 hours

Place of Death: Highway #1 at Sumas Crossing, Abbotsford, BC (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Basal skull fracture and pontomedullary laceration DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) blunt force injury of head. DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death:

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 10th day of December AD, 2009.

MARJ PAONESSA Presiding Coroner's Printed Name

Paonessa Presiding Coroner's Signature



VERDICT AT CORONER'S INQUEST

File No: 2007-228-0074

An Inquest was held at Chief Coroner's Courtroom, in the municipality of Burnaby

in the Province of British Columbia, on the following dates December 7-10, 2009

before Marj Paonessa, Presiding Coroner,

into the death of PUNIA Sukhvinder Kaur, 46, Male Female (Age)

and the following findings were made:

Date and Time of Death: March 7, 2007 0625 hours

Place of Death: Highway #1 at Sumas Crossing, Abbotsford, BC (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Hemothorax DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) laceration of right subclavian artery DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c) blunt force injury of chest.

(2) Other Significant Conditions Contributing to Death:

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 10th day of December AD, 2009.

MARJ PAONESSA

Presiding Coroner's Printed Name

Handwritten signature of Marj Paonessa

Presiding Coroner's Signature

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

BAL

SURNAME

Amarjit Kaur

GIVEN NAMES

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Marj Paonessa

Inquest Counsel: Mr. Rodrick MacKenzie

Court Reporting/Recording Agency: Verbatim Words

Counsel/Participants: Mr. Jim Sayre, counsel for the Sidhu, Punia and Bal families
Mr. Scott Nielsen, counsel for WorkSafe BC
Mr. Richard Meyer, counsel for Ministry of Transportation and Infrastructure

The Sheriff took charge of the jury and recorded ten exhibits. Seventeen witnesses were duly sworn in and testified.

PRESIDING CORONER'S SUMMARY

The following is a brief summary of the circumstances of the death as presented to the jury at the inquest. The summary and my comments respecting the recommendations, if any, are only provided to assist the reader to more fully understand the Verdict and Recommendations of the jury. This summary is not intended to be considered evidence nor is it intended in any way to replace the jury's verdict.

On March 7, 2007, at approximately 0625 hours, Fraser Valley Traffic Services and emergency personnel were summoned to a multi-vehicle collision in the eastbound lanes of Highway #1 at the Highway 11 overpass. Upon their arrival, a number of injured passengers from one of the vehicles, a commercially licensed 15 passenger van, were both trapped in the vehicle and on the highway. Three of the passengers were determined to be deceased by Advanced Life Support paramedics.

Subsequent investigation determined that the 15 passenger van, a 1998 Dodge Ram B3500, was travelling eastbound in the slow lane of Highway #1, a four lane asphalt roadway running primarily east and westbound through the Fraser Valley. The opposing lanes of travel are separated by concrete 'no post' barriers and there is an asphalt shoulder on the right side of the highway. At the time of this incident it was nearing daybreak with heavy rain falling. There is no artificial overhead lighting in the immediate area and traffic was described as heavy with rush hour underway.

The jury heard evidence that the van was owned and driven by a labour contractor carrying farm workers to Chilliwack for a day of work. The van was witnessed to travel over to the right hand shoulder of the slow lane and then suddenly veer back across the lane of travel striking the trailer section of a passing tractor trailer unit in the fast lane. The impact forced the van back into the slow lane where it was struck from behind by another tractor trailer unit. The van slid back across the fast lane and flipped over coming to rest on the concrete no post barrier that separates the opposing lanes of travel. The jury heard evidence from witnesses at the scene that the speed of the vehicles at the time of the initial impact that varied from approximately 80 to 110 km/hour. The posted speed limit in the area is 100 km/hour.

The van was determined to be overloaded with 17 people with only the driver and front seat passenger wearing seatbelts. Some of the passengers were ejected during the rollover while others remained pinned in the vehicle. The van was in violation of the legal requirement for the provision of seatbelts for all passengers as it contained

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

BAL

SURNAME

Amarjit Kaur

GIVEN NAMES

no seatbelt assemblies for any passengers in the rear compartment of the vehicle. Bolt and anchor assemblies for the installation of seatbelts were present.

A subsequent commercial motor vehicle inspection identified 19 Motor Vehicle Act (MVA) violations in total. Some of the violations were:

- One rear tire was underinflated at 60 psi and was also determined to be a retread, a contravention of the *Motor Vehicle Act* on a single axle commercial vehicle. Tire pressure on the front wheels was significantly overinflated at 56 and 62 psi. The manufacturer's recommended pressure based on 15 passengers is 45 psi in the front and 80 psi in the rear;
- The driver of the van did not have the Class 4 license required to operate this type of commercial vehicle;
- The required pre-trip inspection check list was not located by the investigators;
- A makeshift wooden bench with no seat cushions and exposed nail heads had been installed across the back of the van and was being used as a fourth bench seat;
- The front tires were found to have marginal tire tread depth that was just within the standards set out in the Commercial Inspection Standards (Safety and Repair) Regulations.

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

BAL

SURNAME

Amarjit Kaur

GIVEN NAMES

Pursuant to Section 38 of the Coroners Act, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:

JURY RECOMMENDATIONS

TO: BC Federation of Labour
200-511 Joyce Street
Vancouver, BC V5R 4H1

1. Educate farm workers of their individual rights, safety and responsibilities with inclusion of farmworker representatives on an enforcement and safety committee.

Presiding Coroner Comments: The jury heard evidence that the majority of farm workers are not English speaking, are new to Canada and may not be aware of their rights to safe transport to and from worksites.

TO: Minister of Solicitor General and Public Safety
PO BOX 9282 STN PROV GOVT
Victoria, BC V8W 9J7

2. To increase enforcement of commercial vehicle speeding and tailgating (more strict adherence to 60 metre minimum space between commercial vehicles).

Presiding Coroner Comments: The Jury heard evidence from police and commercial vehicle investigators that a minimum space of 60 metres must be present between commercial vehicles to ensure a safe braking distance in the event of a sudden stop.

3. That the Minister issue a directive to all provincial police Traffic Sections to incorporate random checks targeting loaded 15 passenger vans to ensure proper operator licensing, seatbelt compliance and vehicle safety.

Presiding Coroner Comments: Evidence was provided that police highway patrol officers could easily incorporate random checks of loaded 15 passenger vans as these are deemed to be a high risk vehicles often not meeting the safety standards as set out in the Motor Vehicle Act. This directive could be issued to the various detachment Traffic Sections at the beginning of the watch by the Section C/O.

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

BAL

SURNAME

Amarjit Kaur

GIVEN NAMES

TO: WorkSafe BC
6951 Westminster Highway
Richmond, BC V7C 1C6

4. To remind business owners/operators of vehicles with 13 or more passengers that a Class 4 license is required and that there will be strict enforcement and severe penalties for failure to comply.

Presiding Coroner Comments: The jury heard evidence that the driver here did not possess a Class 4 license but believed that she was capable to operate said vehicle without the required training or experience.

5. That WorkSafe BC create commercials for English and multi-cultural television and radio stations on the rights and responsibilities of farm workers.

Presiding Coroner Comments: The jury heard evidence that a majority of farm workers are ESL.

6. That random on-site inspections of all vehicles used by the current 92 labour contractors be conducted.

Presiding Coroner Comments: The Jury heard evidence that only one third of these contractors have voluntarily brought their vehicles in for government inspection.

TO: Office of the Superintendent of Motor Vehicles
PO Box 9254 STN PROV GOVT
Victoria, BC V8W 9J2

7. To increase random checks of all commercial vehicles and specifically 15 passenger vans.

Presiding Coroner Comments: The Jury heard evidence certain labour contractors attempt to avoid having their vehicles checked.

8. That 15 passenger vans be classified as high-risk vehicles which can be pulled over especially when fully loaded.

Presiding Coroner Comments: The Jury heard expert evidence that unless equipped and maintained properly these vehicles can be dangerous.

9. That the Superintendent review and forward amendments to the legislation related to the current terminology clarifying the term "bus" to ensure that there is no confusion respecting mandatory seatbelt use.

Presiding Coroner Comments: The Jury heard evidence from a number of witnesses regarding the confusing terminology used regarding these types of vehicles. The driver and owner of the van testified that

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

BAL

SURNAME

Amarjit Kaur

GIVEN NAMES

she thought the vehicle was classified as a bus as the insurance documents referred to it as a 'bus'. Therefore, she did not understand that there needed to be seatbelts present.

10. Ensure inspection sites are separate from repair facilities.

Presiding Coroner Comments: The government certified mechanic who inspected the vehicle approximately nine days before this incident was also the same mechanic used on a regular basis by this labour contractor to do regular maintenance on their entire fleet of vehicles. Therefore, the individual doing the work on the vehicles was the same person who certifies that the work is meeting all appropriate standards.

11. Ensure continuous testing and re-educating of private testing facilities to ensure quality and safety standards are maintained.

Presiding Coroner Comments: The jury heard evidence that the inspection form completed by the private company certified to do commercial vehicle inspections on this particular van nine days before this incident did not reflect a number of significant mechanical and safety issues identified by the commercial vehicle inspection after the collision.

TO: Minister of Transportation and Infrastructure
PO BOX 9055 STN PROV GOVT
Victoria, BC V8W 9E2

12. Study replacing concrete freeway barriers with new, flexible, stranded steel rope barriers (now in use in the United States).
13. Consider the feasibility of restricting heavy commercial vehicles such as multi-axle tractor trailer units to travel in the slow lane in selected portions of highways in British Columbia.
14. Consider a review to increase the minimum tire tread depth from 3.5 mm.

Presiding Coroner Comments: The Jury heard expert evidence that the current minimum tread depth on tires should be increased. The van involved in this incident had over and underinflated tires on the front and back respectively. That, coupled with the minimal tread on the tires and heavy rain conditions was a significantly contributory factor in this incident.

15. That mandatory annual inspections be conducted by a government employed inspector specifically on all 15 passenger vans.

Presiding Coroner Comments: Currently, inspections are being completed by private inspectors that are certified by the Ministry of Transportation and Infrastructure but are not government employees. In



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FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

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consideration of the context in which the evidence was provided, it is reasonable to assume that the jury is suggesting the need for this type of inspection as well as, but not in place of, the current private inspections.

TO: The Inter-Agency Agricultural Compliance Committee
Ministry of Labour
PO BOX 9594 STN PROV GOVT
Victoria, BC V8W 9K4

16. That the multi-agency roadside checks be continued at the current level (10-12/year) and/or increased in number if deemed appropriate in summer months in order to maintain a level of compliance with all applicable regulations by the operators of 15 passenger vans.

Presiding Coroner Comments: The Jury heard that these roadside checks are a successful initiative that is monitoring compliance of all appropriate regulations by commercial operators of these vehicles.

TO: Minister of Labour
PO BOX 9594 STN PROV GOVT
Victoria, BC V8W 9K4

17. That the Minister seek change to the legislation so that business operators contracting the services of seasonal agricultural workers (such as owners of farms, nurseries and greenhouses) be given the responsibility to recognize such workers as employees and:

- a) Ensure that each new worker that reports for work at their place of business is educated and informed of their rights and responsibilities under the Workers' Compensation Act and the Regulation;
- b) Ensure that the business owners have a system in place to ensure that the labour contractors they are using are providing worker transportation in accordance with the applicable laws;
- c) Ensure that employees are supplied with written documentation outlining their rights.

Presiding Coroner Comments: The Jury heard that the current legislation excludes farm workers from falling under the responsibility of the land based businesses that are contracting their services and they are therefore not covered under the employer's Health and Safety program.

TO: Attorney General of British Columbia
PO BOX 9044 STN PROV GOVT
Victoria, BC V8W 9E2

18. That the Attorney General sponsor a study of the practicality of a bonding scheme to ensure payment of fines and other assessments issued against limited companies involved in the transportation of people.



VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST
INTO THE DEATH OF

BAL

SURNAME

Amarjit Kaur

GIVEN NAMES

Presiding Coroner Comments: Evidence was heard that this labour contractor was fined many thousands of dollars by WorkSafe. The company was dissolved shortly after this incident and no payment has ever been received.