

EXPLAINING WORKPLACE INJURIES AMONG BC LOGGERS:

Cultures of Risk and of Desperation

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IN 2003, WORK-RELATED DEATHS and injuries among tree fallers and allied workers gained provincewide attention in British Columbia. The controversy provoked the establishment of the BC Forest Safety Task Force (hereafter the Task Force) that year and, in 2005, its successor, the BC Forest Safety Council (hereafter the Safety Council). Their dramatic emergence broke with the historic pre-eminence of the BC Workers' Compensation Board (wcb) (now WorkSafeBC) in most debates about occupational health and safety (OHS) in the province.

The painful personal losses at the heart of this story are reason enough to study it. After two relatively safe years, deaths among fallers and allied workers were up sharply in 2005.² By year's end, forty-three workers had been killed (see Figure 1). The year-to-year severe injury figures were less dramatic but still claimed another 106 workers.

There are two other reasons to study these events. First, these new agencies arose out of two particular long-running policy debates.³ Second, they reflected a larger story of industrial restructuring and decline. Waves of mill closures, downsizing, and mergers have made work more "contingent," provoked multilayered outsourcing, and spawned many much smaller firms.⁴ These wider developments have

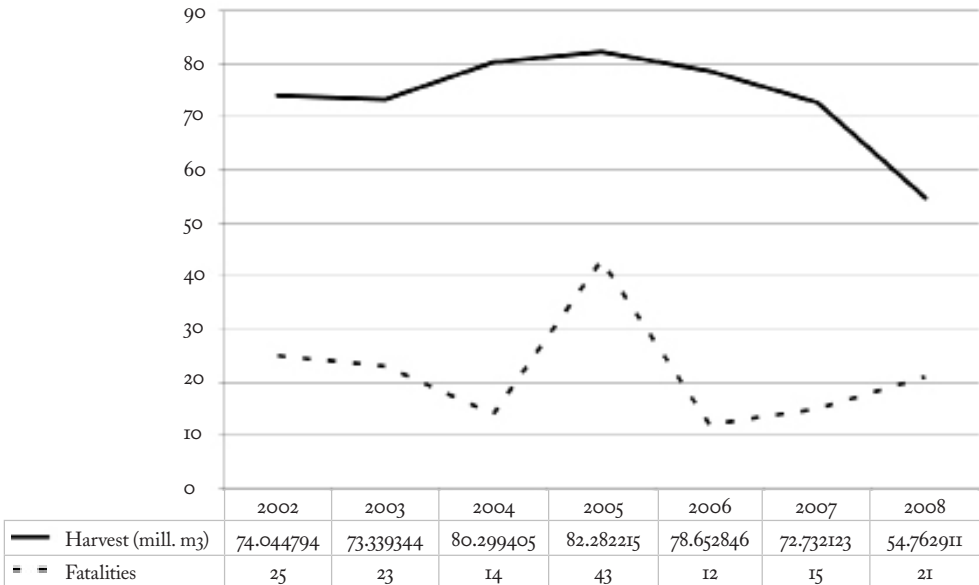
¹ The author wishes to thank the editor, several anonymous reviewers, colleagues at the annual meetings of the Canadian Federation for the Humanities and Social Sciences, and Feng Xu for helpful comments and criticisms. Thanks go also to WorkSafeBC staff members for assistance in accessing and interpreting public statistical information. Any remaining errors of fact or interpretation remain with the author.

² Peter Kennedy, "BC Forestry Fatalities Spark Summit: Prevent Loggers from Working Alone to Increase Safety, Families Urge," *Globe and Mail*, 5 December 2005; Ken MacQueen, "Blood in the Woods: Logging Is Dangerous Work," *Maclean's*, 19 January 2004, 31-33.

³ Benjamin Cashore, George Hoberg, Michael Howlett, Jeremy Rayner, and Jeremy Wilson, *In Search of Sustainability: British Columbia Forest Policy in the 1990s* (Vancouver: UBC Press, 2001), 3-30.

⁴ Robert Hayter and Trevor Barnes, "Innis' Staple Theory, Exports, and Recession: BC 1981-86," *Economic Geography* 66, 2 (1990): 156-73; John Heaney, "If You Go Down to the Woods Today, Are You in for a Big Surprise?" *Appeal* 12 (2007): 39; Michael Quinlan, Claire Mayhew, and Philip Bohle, "The Global Expansion of Precarious Employment, Work Disorganization,

FIGURE 1
BC Forest Fatalities Relative to Harvest Rates, 2002–2008



Source: BC Forest Safety Council

since triggered a bitter strike in 2007 and further closures and mergers.⁵ But the present discussion begins where it should, with the death of one faller.

GRAMLICH'S CASE

Ted Gramlich died at work falling trees on Vancouver Island on 19 November 2005. His loss was a tragedy for friends and family; its causes were complicated. It was held up to publicize wider problems, and it fuelled an intense debate. According to later reconstructions of the events leading to his death, Gramlich made preparatory cuts in a fir tree before moving to fell another tree some four metres away. His probable intention was to fell the second tree, bringing down the first

and Consequences for Occupational Health: Placing the Debate in a Comparative Historical Context," *International Journal of Health Service* 31, 3 (2001): 507–36.

⁵ Andrew A. Duffy, "Forest Union Warns Companies That Workers Are Leaving," *Times Colonist*, 9 August 2007; Nathan VanderKlippe, "Forest Shifts Dangerous, Say Critics," *Times Colonist*, 6 July 2007.

in the process. This time-saving practice was common but dangerous. The two trees became entangled; instead of falling like dominoes, both remained upright. With the second, “pusher” tree pressing against it, the fir tree now had to be cut again to fell them both. Gramlich passed under the pusher tree to reach the fir. But in cutting the fir, his saw stuck, and he tried to release it with his axe. This triggered an uncontrolled collapse that struck Gramlich, breaking his back and leg and causing internal bleeding. When he missed a routine radio safety check, others were alerted and launched a rescue. But the helicopter for medical evacuations was grounded, and no landing pad had been cleared. There were other delays. A co-worker arrived, then a first-aid kit. Finally Gramlich got to hospital. But getting him there took more time than he had,⁶ and so Ted Gramlich died.

Gramlich’s death led to the first coroner’s inquest into a BC forest fatality in twenty-five years. The December 2006 report attributed his death primarily to a “lapse in judgment,” and secondarily to several factors that generally concerned employer supervision. The report called for mandatory safety certification for firms that did chainsaw logging; more OHS enforcement and education for all logging firms; and clearer OHS responsibilities in contracting and subcontracting relationships. The coroner’s jury rebuked WorkSafeBC’s recent turn to “performance-based” first-aid rules and called for a return to “prescriptive” regulation.⁷

Investigators have a difficult task in such a case. They must identify causal factors and sort out their relative importance. Their findings have implications for the individual case and, in principle, for wider policy debates. This wider influence rests, in part, on how the findings feed into wider reform campaigns. But in other respects, the influence of coroners’ reports is limited. First, most cases are causally complex, such that the different causal factors that investigators uncover can support the positions of contending “advocacy coalitions.”⁸ Second, the coroner cannot mandate change or assign legal blame. Gramlich’s case illustrates these limitations. First, it demonstrates causal complexity: inadequate emergency provisions versus Gramlich’s own choices. Interpreting his

⁶ Uyen Vu, “BC Loggers Stake Hope on Corporate Killing Law,” *Canadian HR Reporter* 19, 1 (2006): 2; Vanessa Mariga, “Lapse in Judgement’ among Factors Contributing to Death,” *Occupational Health and Safety Canada* 22, 8 (2006): 1; Armina Ligaya, “The Tragic Consequences of Failing to Act,” *Globe and Mail*, 4 September 2007, S3.

⁷ BC Forest Safety Council, “Welcoming Public Scrutiny, Inquest Recommendations,” *Forest Safety News* 1, 1 (September 2006): 2; Mariga, “Lapse in Judgement.”

⁸ Paul Sabatier, “An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein,” *Policy Sciences* 21 (1988): 129–68.

choices was also important. (Why was he cutting corners, falling two trees at once?) But without witnesses or decisive evidence, investigators must either set such choices aside, infer motivations, and assess their rationality in context; or simply identify the choices made, point to any errors, and leave the question of motivation to others. However, in this case, motivation became central in wider discussions about what should be done.

As to the implementation of coroners' recommendations, Work-SafeBC promised to reconsider "prescriptive" first-aid rules in light of the Gramlich case. Gramlich's firm promised to review the recommendations; it also mentioned its work towards "SAFE certification" with the new BC Forest Safety Council.⁹ But, in 2007, the Gramlich case resurfaced in a *Globe and Mail* article as an example of the low implementation rates for BC coroners' reports.¹⁰ The article also found that many problems raised in the Gramlich report had already been raised in a similar report in 1984.

The low implementation rate merits investigation. Most coroners' reports are publicly received by all sides in a serious and sober tone. But this is no guarantee of rapid, effective implementation. The wider influence of coroners' reports rests on judgments made in different institutional venues, according to different standards. In large part, these are judgments about wider costs and benefits. They are made in the context of contestation, off-setting interests, and limited resources. One key judgment is whether or not a case expresses a wider problem. Statistical investigation (for instance, through cluster modelling) is an essential tool in making this judgment rationally. But in explaining policy outcomes, the intervening role of divergent worldviews – and thus of contention over relatively simplified positions – seems unavoidable. Briefly, the influence of Gramlich's death, and deaths like his, must also be seen through their bearing on political process.

BRITISH COLUMBIA'S WORKERS' COMPENSATION BOARD

Assessing the political legacy of such deaths depends on understanding the broader institutional framework for workplace health and safety, the surrounding debates, and the work environment of those killed. This section addresses the institutional framework. As elsewhere, BC

⁹ Mariga, "Lapse in Judgement."

¹⁰ Ligaya, "Tragic Consequences."

workers' compensation is organized on a pooled, no-fault basis. Accident prevention is handled separately, first through OHS reporting and inspections, and second through worker and management training. These basic elements are widely replicated in many jurisdictions and rest on an early twentieth-century expert consensus about good governance in these matters.¹¹

British Columbia's first compensation legislation dates from 1902, but the WCB was launched in 1917. Employers supported the no-fault compensation principle, in British Columbia as elsewhere, to avoid the mounting risk of ruinous tort suits. Employees supported it because it gave the injured and the survivors some certainty of compensation without heavy court costs. British Columbia's employers and workers were especially subject to these risks because the province's resource-dependent economy was exceptionally dangerous.¹² At first, the BC WCB covered relatively few workers.¹³ To expand coverage, multiple employer pools were created according to work category. Premium rates were set based on each pool's historic levels of death and injury, insulating relatively safe sectors from more dangerous ones. These rates are now highly differentiated, the rate spread is large, and coverage is broad. Pooling tends to encourage some safety improvements. In a given pool, firms share safety problems, solutions, and lower premiums should injury rates improve. Since the late 1980s, individual firms have also been increasingly rewarded or penalized for their safety performance relative to the average in their pool. This seems morally just, and it also creates incentives to improve safety. However, since more injury-prone firms were also more vulnerable to additional costs under tort law, over-emphasizing individual penalties arguably weakens the rationale for pooling risk that lies at the centre of the compensation regime.

Traditional "accident-prevention" regimes pose different regulatory and collective-action problems than do compensation regimes. They divide broadly into OHS rule enforcement and safety education. While compensation premiums are pooled, OHS inspections and penalties target individual firms. Consequently, most firms' OHS concerns include the level of compliance costs, the risks of being found non-compliant, and the relative value of inspection and OHS education in preventing

¹¹ Avar V. Pineo, David Robertson, James McVety, *Report of the Committee of Investigation on Workmen's Compensation Laws* (Victoria: Attorney-General of British Columbia, 1916).

¹² F. Curtis Breslin, Peter Smith, Mieke Koehoorn, and Hyunmi Lee, "Is the Workplace Becoming Safer?" *Perspectives on Labour and Income* 18, 3 (2006): 36-42.

¹³ British Columbia, WorkSafeBC, "History of WorkSafeBC – Statistics and Chronology," Government of BC, available at http://www.worksafebc.com/about_us/history/statistics_and_chronology/default.asp (viewed 8 January 2010).

accidents. Fines, compliance orders, and even orders to stop production are the key traditional enforcement penalties used, with much variation in their severity from one jurisdiction to another. Regular inspection of all worksites has never been considered practical or fair. Inspection rates depend on administrative capacity but are usually highest for accident-prone pools and non-compliant firms. Logging sites and other remote worksites present special logistical problems, particularly for surprise inspections, and are therefore particularly difficult enforcement targets.

OHS education is the third leg of the traditional WCB tool-kit. It includes circulars for management, public education material for workers, management-led safety committees with worker representation, and a variety of training programs.¹⁴ These programs emphasize the interests of workers and employers in a safe worksite, their OHS responsibilities, and concrete safety recommendations. The recommendations are usually occupation-specific, though many (such as the use of safety glasses) cut across several pools. Such education measures clearly depend not only on the quality of the advice but also on the ability and willingness of the trainees to act.

In recent years, some jurisdictions have tried to link compensation, inspection, and education functions in “active prevention” programs.¹⁵ Here, government and leading stakeholder groups cooperate to identify and eliminate dangerous working conditions and practices. Most such investigations are occupation-specific. The first occupations studied are typically large, with high death and injury rates, high compensation bills, and cooperative and capable stakeholder groups. Initial data are usually drawn from compensation claims reports and their quality depends on both the questions asked and the accuracy and completeness of the responses. Targeted interview data may add detail. Cluster modelling then identifies a limited range of major accident-types. Factors strongly correlated to common accident-types are then considered as potential causes. Stakeholder groups then agree to coordinated education, enforcement, and work-process changes to reduce or eliminate those factors. Cooperative inspections and reporting mechanisms track the results.

¹⁴ For example, Gordon McG. Sloan, *Report of the Commissioner Relating to the Workmen's Compensation Act and Board*, (Don McDiarmid: Queen's Printer, 1952), 215-54.

¹⁵ Esther Cloutier, *Accidents types du secteur des scieries: avenues de prévention* (Montréal: Institut de recherche en santé et en sécurité du travail du Québec, 1989); Jean-Pierre Brun, Claude D. Loiselle, Geneviève Gauthier, and Clermont Bégin, *Le métier de préventionniste: entre l'arbre et l'écorce* (Saint-Lambert, QC: Impact Héritage, 1998).

All this depends on shared commitments among stakeholder groups as well as on considerable extra work, institutional change, and information sharing. Comprehensive institutional conversion to an active prevention regime is, accordingly, rare. Overall, the more traditional policy style has been (1) relatively detailed, prescriptive OHS rules; (2) education as a lead prevention mechanism; and (3) a sharp divide between compensation and prevention. The BC wcb has broadly operated within these traditional parameters; however, in some key respects, it has been unusual. First, in many other jurisdictions, prevention programs (OHS enforcement and education) are handled through a government department such as labour, while compensation is housed in a regulatory agency such as the wcb, which is at arm's-length from cabinet. But in British Columbia, all three regimes come under the wcb. Its leadership is appointed by cabinet, but agency status is supposed to insulate its day-to-day operations from party politics and labour relations. In practice, the BC wcb's independence has been fragile, increasingly so in recent decades. wcb leadership and policy direction have changed abruptly as government passed from Social Credit to NDP to BC Liberal.¹⁶

A second distinguishing feature of British Columbia's regime is that OHS rules are set by regulation rather than by statute. This leaves key prevention files relatively open to official adjustment and discretion.¹⁷ The historic ties between partisan politics and labour relations further ensure that the wcb's neutrality is a sensitive matter. The wcb has been accused of disproportionately blaming workers for injuries and deaths, of lax enforcement, and of ruling disproportionately against claimants. Others have accused it of indifference to the costs that excessively strict enforcement impose on industry and the taxpayer.¹⁸

¹⁶ Gurmail S. Gill, Oksana Exell, and Gerry Stoney, *For the Common Good: Final Report of the Royal Commission on Workers' Compensation in British Columbia* (Vancouver, BC: Queen's Printer, 1999), 1:21-26; Anjan Chaklar, *History of Workers' Compensation in BC* (Victoria: Royal Commission on Workers' Compensation in BC, 1998), 54-63; Eric Tucker, "Diverging Trends in Worker Health and Safety Protection and Participation in Canada, 1985-2000," *Relations industrielles/Industrial Relations* 58, 3 (2003): 395-426; Terence G. Ison, *Report on the Organization and Administration of the Workers' Compensation Board of British Columbia*. Manuscript available at University of Victoria Library or from Terence G. Ison, Kingston, ON, dated January 1977.

¹⁷ Tucker, "Diverging Trends," 403.

¹⁸ Chaklar, *History*, 53-65; Ison, *Report*.

TWO ADVOCACY COALITIONS

In addition to these institutional considerations (or, rather, because of them), partisan politics and labour relations are important to the emergence of the Task Force and the Safety Council. In the first years of the twenty-first century, two well-defined but conflicting explanations emerged for “lapse in judgment” among workers in the forest, which implied a debate over targets for OHS reform. The first explanation stressed a “culture of risk-taking,” primarily among workers; the other stressed an economically driven “culture of desperation.”¹⁹

The supposed “culture of risk-taking” refers to patterns of bravura and non-complaint, reinforced by peer pressure and by irrational, status-based ideas about courage and masculinity. Rather than avoid dangerous situations or report incidents, workers remain silent and take risks. They do these things out of a sense of fatalism and/or misplaced courage. Without feedback from workers or a sustained commitment to safety, government and management cannot enforce OHS rules effectively, especially at remote worksites. Dangerous attitudes thus produce high, avoidable levels of death and injury.

This explanation deserves attention. But Ted Gramlich was experienced and, by all accounts, respected for his skill. How should one interpret his “lapses in judgment”? The culture of desperation provides one answer. Here, peer pressure, codes of silence, and remote worksites all play a role. But rule violations and simple mistakes multiply primarily because workers work too long and too hard, cut corners, and bite their tongues. They do these things, knowing they are dangerous, to save their jobs and their standard of living. In short, workers are pressured to work unsafely by employers, by customers, and by wider economic conditions.

These two explanations have long pedigrees, and some of their features can be explored statistically. But they are not the only plausible explanations. (In the environmental debates of the 1990s, for instance, some argued that selection cutting methods were less safe than clear-cutting.)²⁰ Nor are these two explanations merely logical lines of inquiry. Indeed, their significance lies in being the lead positions of two advocacy coalitions, led, respectively, by employers and unions. In a postwar policy network in British Columbia that was otherwise closed, the Council of

¹⁹ BC Forest Safety Taskforce, *A Report and Action Plan to Eliminate Deaths and Serious Injuries in British Columbia's Forests: Final Report of the Forest Safety Taskforce* (Victoria: BC Forest Safety Taskforce, 2004), iv; Kim Pollock, “BC Trees and Tragedies,” *Our Times* 25, 2 (2006): 12–16; John E. Little, “BC Logging Safety in 2006,” *Pulp and Paper Canada* 107, 10 (2006): 54.

²⁰ Hamish Kimmins, *Balancing Act: Environmental Issues in Forestry* (Vancouver: UBC Press, 1992), 330, 344–45.

Forest Industries (COFI) and the International Woodworkers of America (IWA) acquired privileged places in collective bargaining, in joint safety committees, and in overall policy influence.²¹ COFI was founded in 1960, amalgamating smaller organizations. It was for many years the definitive voice of BC forest employers, before ceding ground to smaller employer groups and community-based organizations. Shortly after the Second World War, the IWA became the dominant voice for organized labour in the sector. In 1987, its Canadian wing broke away as the Industrial, Wood and Allied Workers of Canada (IWA-Canada), but retained the IWA's pre-eminence in BC.

In OHS debates, employers commonly emphasize cultures of risk and worker error.²² This suits their broader interests: labour peace, management control of work, and cost containment. Modest educational programs fit their position well. So do traditional OHS inspection and enforcement, if they target exceptionally unsafe practices. By contrast, altering *normal* work practices, as an active-prevention regime would, can be harder for employers to support. The cooperation, information sharing, and extra costs tread heavily on management rights, confidentiality, and profitability. These considerations weigh heavily on forest-product firms, with their "inherently" dangerous work and their cost-competitive product markets.²³ But such firms can be convinced about active prevention if lower premiums and other benefits outweigh the costs.²⁴

The IWA's stance on OHS was nuanced. Certainly, it blamed employers for dangerous working conditions. This reflected British Columbia's adversarial labour relations as well as a postwar consensus on management control of the work process. The IWA also campaigned loudly against the WCB itself for weak OHS enforcement and training. But the IWA also considered worker training important and was enthusiastic about joint

²¹ William D. Coleman, *Business and Politics: A Study of Collective Action* (Kingston: McGill-Queen's University Press, 1988), 154-61; Jeremy Wilson, "Wilderness Politics in BC: The Business-Dominated State and the Containment of Environmentalism," in *Policy Community and Public Policy in Canada: A Structural Approach*, eds. William D. Coleman and Grace Skogstad (Mississauga: Copp Clark Pitman, 1990), 32, 39-41.

²² Patrick B. Patterson, "Attributions of Danger and Responses to Risk among Logging Contractors in British Columbia's Southern Interior: Implications for Accident Prevention in the Forest Industry," *Research in Economic Anthropology* 26 (2007): 103-27; Gill et al., *For the Common Good*, vol. 3, chap. 2, p. 28. See Doug Daniels and Darrell Embley in usw-Canada District 3, *The BC Forest Fatalities Summit: A Summary of Proceedings* (Vancouver: usw-Canada, 2005), 13, 14.

²³ Charles W. Tysoe, *Commission of Inquiry, Workmen's Compensation Act: Report of the Commissioner* (Victoria: Government of British Columbia, 1966), 19-20.

²⁴ Esther Cloutier, *Analyse comparative des accidents forestiers survenus au Québec et en Suède* (Montréal: Institut de recherche en santé et en sécurité du travail du Québec, 1988).

safety committees.²⁵ Training to address worker error and cultures of risk-taking remained part of the IWA's policy into the 1990s. In 1995, an IWA official pointedly called on young forest workers to break with "macho" attitudes that accepted and lionized risk.²⁶

This last element in the IWA's policy reinforced its general preference for large, integrated, and well-capitalized employers: bigger employers (if pressed) were better placed to provide good wages, job security, solid first-aid infrastructure, and OHS training.²⁷ This big-firm preference later posed some problems. Under prevailing collective-bargaining rules, IWA membership included growing numbers of small- to medium-sized contractors.²⁸ This enhanced the IWA's bargaining position and influence. But the union could neither repudiate nor fully endorse small business interests. For example, the WCB extended little assistance to injured owner-operators in servicing their debts for capital equipment while off the job. So IWA contractors either worked while injured or lost their loans. Many considered the IWA inattentive to this problem.²⁹ The IWA's weak contractor relationship haunted it later when the numbers of small contractors exploded.

The IWA's NDP allies left office in 2001, closing a period of highly prescriptive reforms in forest policy³⁰ and WCB governance.³¹ The IWA-Canada then began a major policy intervention regarding OHS problems. Its 2002 report, *British Columbia Coastal Logging Occupational Health and Safety*,³² investigated an exceptionally dangerous, heavily unionized region of British Columbia. The report reflected the IWA's long-standing multi-sided approach to OHS problems. On the one hand, it observed that economic pressures discouraged workers from reporting incidents;

²⁵ Sloan, *Report of the Commissioner*, 18-9, 53-4, 215.

²⁶ Canadian Press NewsWire, "Macho Attitudes Impede Logging Safety, Says Union Official (Bob Patterson)," *Canadian Press NewsWire*, 1995; Stephen Hume, "A Logger's Death and a Company's Obligation" *Vancouver Sun*, 15 December 1995, A19.

²⁷ Patricia Marchak, *Green Gold: The Forest Industry in British Columbia* (Vancouver: UBC Press, 1983), passim, esp. 62, 158, 186-188, 211, 370.

²⁸ Heaney, "If You Go Down," 43; Marchak, *Green Gold*, 265.

²⁹ Marchak, *Green Gold*, 265.

³⁰ Roger Hayter, *Flexible Crossroads: The Restructuring of British Columbia's Forest Economy* (Vancouver: UBC Press, 2000); Cashore et al., *In Search*; Chris Tollefson, ed., *The Wealth of Forests: Markets, Regulation, and Sustainable Forestry* (Vancouver: UBC Press, 1998).

³¹ Chaklar, "History," 53-65; Gill et al., *For the Common Good*.

³² IWA-Canada, *Report of the IWA Canada Task Force on British Columbia Coastal Logging Occupational Health and Safety* (Burnaby, BC: IWA-Canada, September 25, 2002). For summaries, see "Too Many Dying While Working in BC Coastal Forest Industry: Union Report," *Canadian Press NewsWire*, 25 September 2002; "Too Many Dying While Working in BC Coastal Forest Industry," *Daily News*, 26 September 2002.

on the other, it emphasized the need for attitudinal change through training and safety certification.

The IWA's *Coastal Logging* report shaped important new policy initiatives. When the government formed the BC Forest Safety Task Force in 2003, it named the report as the Task Force's foundational document. The Task Force was to deliver an action plan to halve the number of deaths and serious injuries in forest operations over three years.³³ In January 2004, it reported twenty recommendations under four headings: (1) "cultural" transformation organized around a health and safety accord, (2) OHS infrastructure to achieve this transformation, (3) promotion and implementation of shared responsibilities among stakeholder groups, and (4) "rigorous implementation" under a "dedicated implementation team."³⁴ In April that year, government, employer, and union representatives agreed to a forest safety accord (FSA); in September, they completed plans for the "dedicated implementation team," namely, the BC Forest Safety Council.

Finally launched in fall 2005, the Safety Council was entrusted with the Task Force recommendations and the FSA.³⁵ It was funded at \$11 million over five years (renewable) from forest workers' WCB premiums. It had four objectives: (1) pro-safety "cultural change," (2) an effective "safety-conscious legal regime," (3) safety training and certification for a "competent and confident workforce," and (4) training for a proactive safety attitude in management. But the emphasis on culture and education was strikingly out of step with some important changes in the policy environment. First, elections in May had greatly reduced the Liberals' majority, forcing them to the political centre; second, deaths were rising sharply among BC fallers and, with them, so was media scrutiny; and third, in 2004 the IWA had merged with the United Steelworkers of America (USW).

The IWA-USW merger had occurred for several reasons, but one important one was the USW's compelling OHS story. The USW had represented coal miners at Nova Scotia's Westray Mine after a no-

³³ Doug Enns, Chair, Workers' Compensation Board, in Forest Safety Task Force, *A Report and Action Plan to Eliminate Deaths and Serious Injuries in British Columbia's Forests (Final Report of the Forest Safety Task Force)* (Vancouver: BC-FSTF, 2004); Jim Stirling, "Making Changes in Safety: A New Safety Task Force Is Intent on Seeing a Change in Safety Attitudes and a Reduction in the Accident Rate in BC Forests," *Logging and Sawmilling Journal* 35, 4 (2004): 30.

³⁴ WorkSafeBC and BC-FSC, *Health and Safety Accord of the British Columbia Forest Industry* (2004), available at http://www.worksafebc.com/news_room/Assets/PDF/04_11_04/HealthAndSafetyAccord_BCForestIndustry.pdf (viewed 8 January 2010); Forest Safety Task Force, *Final Report*.

³⁵ Vu, "BC Loggers."

torious disaster in 1992 that killed twenty-six. The union first pressed for criminal prosecution of Westray executives and then launched a wider campaign to amend the criminal code. After many years, Bill C-45 became federal law in 2003. Under certain circumstances, this amendment allowed criminal prosecutions of company executives if their decisions led to deaths on the job. The usw loudly claimed credit.

Drawing on the iwa's nuanced historical position as much as on the position of employers' groups, Safety Council documents and government representatives put great weight on the "culture of risk-taking" in 2005. However, in a key statement reported in the media, usw official Steve Hunt sharply rebuked this emphasis.³⁶ The real OHS issue was a "culture of desperation", he said, fed by industrial restructuring, new competitive pressures, and increasingly contingent work. This was not a new argument – BC unions, left-leaning politicians, and ordinary workers had often alleged that workers faced unsafe conditions because of economic hardship and management pressure.³⁷ But Hunt's retort did mark an important shift in emphasis. After three NDP governments had tightened OHS rules, only to have successor governments reverse them, the usw's criminal code strategy must have appeared innovative and militant in addressing an old problem.³⁸ It did break with the wcb's original no-fault compromise, but then, many unprecedented policy changes were afoot. With fallers' living and working conditions in flux, the idea of a "culture of desperation" also struck a chord with contractors. In September 2005, for example, the new Western Fallers' Association, its ranks swelling with recently outsourced unionists, issued its own condemnation of prevailing contract arrangements and OHS conditions.³⁹

The Forest Fatalities Summit in December 2005 marked the usw's greatest success in laying its views before stakeholders and the wider public. The union strenuously rejected the notion of a culture of risk-taking. It blamed high death and injury rates on adverse economic con-

³⁶ Forest Safety Council, *Unsafe Is Unacceptable* (Brochure) (Vancouver: BC Forest Safety Council, n.d.); Forest Safety Council, *Draft Work Plan, 2005-2009* (Vancouver: BC Forest Safety Council, 2005); Vu, "BC Loggers"; Pollock, "BC Trees." Some informed sources suggest that Elton was misquoted (Personal communication).

³⁷ Jason Contant, "Safety Cuts," *Occupational Health and Safety (OH & S) Canada* 22, 5 (2006): 30-35; Vu, "BC Loggers."

³⁸ Compare the "boomerang effect." See Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998); Sarah B. Pralle, *Branching Out, Digging In: Environmental Advocacy and Agenda Setting* (Washington, DC: Georgetown University Press, 2006), 11-12, 26-29.

³⁹ Western Fallers Association, *Report on Contributing Factors to Faller Accidents in British Columbia and What Must Be Done to Bring Them Down: A View from the Field* (Terrace, BC: Western Fallers Association, 2005).

ditions, callous management, and unresponsive government. Employers and government agencies attended the summit: publicity around this issue had grown to the point that neither could avoid a public tongue-lashing without appearing insensitive. But many employers who spoke at the summit emphasized education and cultural change rather than stricter prescription.

As these two camps presented their competing analyses before the cameras, the new Safety Council was already charting its course, which conformed more closely to the employers' analysis than to the usw's. Its safety certification program, modelled on a program of the non-union Alberta oil industry,⁴⁰ also gave the usw just one of the eighteen seats at the table. The program, along with safety and training audits, was later made mandatory for all firms logging Crown timber, along with a 5 percent premium reduction for those who complied. A flurry of other policy initiatives followed the summit.⁴¹ In May and June, a pilot project on OHS supervision, planning, and training reported its results. WorkSafeBC reviewed its performance-based compliance strategy. It hired ten new prevention officers and seven new investigators to cover OHS in the forest industry,⁴² partly reversing the sectoral impact of earlier general staffing cuts. The Ministry of Forests and Range, BC Timber Sales, and the Safety Council reviewed the OHS implications of forest-related laws and regulations. Under pressure to support smaller firms, the government announced a dedicated safety officer for the Ministry of Forests and Range and a senior safety manager for BC Timber Sales. A special coroner and a safety ombudsman were separately appointed to cover forest operations.⁴³

THE "CULTURE OF DESPERATION" AND POST-FORDIST RESTRUCTURING

The iwa's coastal OHS report, the usw's Forest Fatalities Summit, and the subsequent Safety Council reforms were all responses to deeper changes in British Columbia's economy. These changes reflected global trends, often characterized as a transition from "Fordism" to "flexible

⁴⁰ Pollock, "BC Trees"; BC Forest Safety Council, *Safety Accord Forest Enterprise: Program Overview* (Vancouver: BC Forest Safety Council, 2006).

⁴¹ usw-Canada District 3, *Forest Fatalities Summit Proceedings* (Burnaby, BC: usw-Canada District 3, 2006).

⁴² Betty Pirs, "WorkSafeBC Marks 2006 as the Year to Change Workplace Safety Culture," *Journal of Commerce* 6 (2006): F6.

⁴³ Anonymous, "Forest Safety Coroner Hired by BC Gov't," *Journal of Commerce* 6 (January 23, 2006): F7; Forest Safety Council, "BC Safety Ombudsman Appointed," news release, 2006.

accumulation.”⁴⁴ Fordism, a term for the dominant pattern of economic growth in advanced industrialized countries after the Second World War, had four key features:

1. expanded assembly-line mass production of standardized goods;
2. the dominance of large, integrated, and hierarchically organized firms;
3. regulated monopoly markets, insulating core firms from market volatility; and
4. universal welfare provisions and legalized collective bargaining, both of which linked productivity gains to mass consumption.

In Canada, an overdependence on raw-material extraction and trade (“staples dominance”) contributed to a “permeable” variant of Fordism. This featured powerful regionalism, high foreign direct investment, high trade dependence, a decentralized federal state, and volatile, boom-and-bust growth.⁴⁵ In important ways, the postwar BC economy was pre-eminently “Fordist” and “permeable”: a prosperous forest-centred economy focused on large firms and monopoly conditions in key markets.⁴⁶ In the stumpage market, the government landowner was dominant, and the fee levels depended on small, oligopolistic log markets. This stumpage arrangement was variously alleged to short-change provincial revenues, encourage unsustainable cutting, and subsidize exports. Some also alleged that it made above-market wages possible for forest workers.⁴⁷

⁴⁴ Hayter, *Flexible Crossroads*, esp. 10–12; M. Piore and C. Sabel, *The Second Industrial Divide* (New York: Basic Books, 1984); Barbara Neis, “Flexible Specialization: What’s That Got to Do with the Price of Fish?” in *Production, Space, Identity: Political Economy Faces the 21st Century*, ed. Jane Jenson, Rianne Mahon, and Manfred A. Bienefeld, (Toronto: Canadian Scholars’ Press, 1993) 83–109; Michael Quinlan, “The Implications of Labour Market Restructuring in Industrialized Society for Occupational Health and Safety,” *Economic and Industrial Democracy* 20, 3 (1999): 427–60.

⁴⁵ Jane Jenson, “‘Different’ but Not ‘Exceptional’: Canada’s Permeable Fordism,” *Canadian Review of Sociology and Anthropology* 26 (1989): 69–84; Trevor J. Barnes, Roger Hayter, and Elizabeth Hay, “Stormy Weather: Cyclones, Harold Innis, and Port Alberni, BC,” *Environment and Planning A* 33 (2001): 2127–47.

⁴⁶ Marchak, *Green Gold*, e.g., 158, 164. Compare Quinlan, “Implications,” 435.

⁴⁷ Peter H. Pearce, *Timber Rights and Forest Policy in British Columbia*, ed. Royal Commission on Forest Resources (Victoria, BC: Queen’s Printer, 1976), 296–302; Lawrence Copithorne, “Natural Resources and Regional Disparities: A Skeptical View,” *Canadian Public Policy* 5, 2 (1979): 181–94; M. Patricia Marchak, Scott L. Aycock, and Deborah M. Herbert, *Falldown: Forest Policy in British Columbia* (Vancouver: David Suzuki Foundation/Ecotrust Canada, 1999), 110.

But by the 1980s, British Columbia's permeable Fordism was clearly in crisis.⁴⁸ Forest workers were deeply affected; centralized collective bargaining broke down. By the 1990s, outsourcing had risen sharply, and smaller firms proliferated.⁴⁹ These changes and others tie into new global trends that some refer to as "flexible accumulation". It had four key features that were in sharp contrast to those of Fordism:⁵⁰

1. New manufacturing and communications technologies, generating explosive new productivity gains from product diversification;
2. a renewed emphasis on skilled work and active worker participation;
3. day-to-day integration of production, research, engineering, and marketing; and
4. geographic reorganization of manufacturing to the global peripheries or periphery-like enclaves, with core firms coordinating work through detailed contracts.

Early scholarship noted that the new flexibility had potentially positive implications. But much depended on who was being flexible, and in response to what.⁵¹ Neoliberal ideology – pro-market, anti-state, open to economic inequality, and individualist – was crucial in determining the actual outcomes.⁵² Outsourcing and "just-in-time" delivery systems multiplied contractors and put them permanently on call.⁵³ Labour faced less

⁴⁸ M. Patricia Marchak, "A Global Context for British Columbia," in *Touch Wood: BC Forests at the Crossroads*, ed. Ken Drushka, Bob Nixon, and Ray Travers, 67–84 (Madeira Park, BC: Harbour Publishing, 1993); Russell S. Uhler, ed., *Canada-United States Trade in Forest Products* (Vancouver: UBC Press, 1991); Cashore et al., *In Search*, 176–206; Thomas A. Hutton, *Visions of a Post-Staples Economy: Structural Change and Adjustment Issues in British Columbia* (Vancouver: Centre for Human Settlements, University of British Columbia, 1994).

⁴⁹ Heaney, "If You Go Down," 43–44.

⁵⁰ Hayter, *Flexible Crossroads*, 12–13; Piore and Sabel, *Second Industrial Divide*, 217–20; Gary Gereffi, "The Organization of Buyer-Driven Global Commodity Chains: How US Retailers Shape Overseas Production Networks," in *Commodity Chains and Global Capitalism*, ed. Gary Gereffi and Miguel Korzeniewicz, (Westport, CN: Greenwood Press/Praeger, 1994) 95–122.

⁵¹ See a summary in Rosemary Ommer, *Coasts under Stress: Restructuring and Social-Ecological Health* (Kingston-Montreal: McGill-Queen's University Press, 2007), 9–11. See also Piore and Sabel, *Second Industrial Divide*; Neis, "Flexible Specialization," 89–90; Quinlan, "Implications," 430, 450–52; Martha MacDonald, Barbara Neis, and Brenda Grzetic, "Making a Living: The Struggle to Stay," in *Power and Restructuring: Canada's Coastal Society and Environment*, ed. Peter Sinclair and Rosemary E. Ommer, (St. John's, NL: Institute of Social and Economic Research, 2006) 187–208.

⁵² Nathan Young and Ralph Matthews, "Resource Economies and Neoliberal Experimentation: The Reform of Industry and Community in Rural British Columbia," *Area* 39, 2 (2007): 176–85.

⁵³ Glen Norcliffe and Judy Bates, "Implementing Lean Production in an Old Industrial Space: Restructuring at Corner Brook, Newfoundland, 1984–1994," *Canadian Geographer* 41 (1997): 41–60.

secure job descriptions, hours, pay, and representation.⁵⁴ Government abandoned “command-and-control,” “prescriptive” regulation in favour of outsourced service delivery, self-regulation, and performance-based contracts.⁵⁵ Quinlan and others argue that flexible accumulation broadly degraded occupational health and safety conditions as well as OHS monitoring, enforcement, and data collection.⁵⁶ These trends also deeply marked governance of the environment at all levels. While some have seen these developments as a source of progress in environmental governance, others have blamed them for accelerated resource depletion and environmental degradation in this period.⁵⁷

But earlier productivity gains had already placed fateful pressure on many natural resource stocks, including timber. Pressures to shed resource jobs had intensified with these gains as the Fordist era matured. To save jobs in the BC forest industry while upgrading logging and processing technologies, decision-makers accepted accelerated depletion of the first-growth forest (“fall-down”). Consequently, the transition to flexible accumulation occurred during a particularly intense “bust” in the forest resource cycle.⁵⁸

The OHS implications of this are multifaceted. First, resource depletion tends to drive extractive work onto more remote, resource-poor, and dangerous sites.⁵⁹ Second, the regular business cycle in combination with a resource “bust” produces sharper troughs and briefer peaks. Pressures grow to seize opportunities in upturns and to restore growth in downturns. OHS concerns are thus marginalized, precisely as resource

⁵⁴ Judy Fudge and Leah F. Vosko, “Gender Paradoxes and the Rise of Contingent Work: Towards a Transformative Political Economy of the Labour Market,” in *Changing Canada: Political Economy as Transformation*, eds. Wallace Clement and Leah F. Vosko, (Montreal-Kingston: McGill-Queen’s University Press, 2003) 183-212; Barnes et al. “Stormy Weather.”

⁵⁵ D. Osborne and T. Gaebler, *Reinventing Government* (Reading, MA: Addison-Wesley, 1992); Peter Aucoin, *The New Public Management: Canada in Comparative Perspective* (Montreal, QC: Institute for Research on Public Policy, 1995).

⁵⁶ Quinlan, “Implications.”

⁵⁷ For an analysis of these trends in relation to “globalization” and “internationalization”, see Steven Bernstein and Benjamin Cashore, “Globalization, Four Paths of Internationalization, and Domestic Policy Change: The Case of Eco-Forestry Policy Change in British Columbia, Canada,” *Canadian Journal of Political Science* 33, 1 (2000): 67-99. For an environmental critique of the abandonment of state prescription in favour of self-regulation, see Jeremy Wilson, “For the Birds? Neoliberalism and the Protection of Biodiversity in British Columbia,” *BC Studies* 142/43 (2004): 241-77.

⁵⁸ Marchak et al., *Falldown*, e.g., 109. On the notion of a resource “bust”, see R.A. Clapp, “The Resource Cycle in Forestry and Fishing,” *Canadian Geographer* 42, 2 (1998): 138-39; Hutton, *Visions*.

⁵⁹ For example, Mark Shrimpton, Keith Storey, and Wiking Husberg, *Workers in Remote Areas: Case-Studies on the Petroleum, Mining and Forestry Industries* (Geneva: International Labour Office, 1998); Contant, “Safety Cuts.”

depletion makes extractive work more dangerous. Third, a transition to smaller firms may respond more flexibly and sustainably to the BC resource bust.⁶⁰ But if, as Quinlan suggests, OHS risks increase with smaller firms, the price of flexibility and sustainability may be paid in safety.⁶¹

BRITISH COLUMBIA'S ROUNDABOUT PATH TO FLEXIBLE ACCUMULATION IN THE FOREST

Flexible accumulation emerged through a process of political and social contention. During the transition, three key interests threatened forest industry profits. First, the US softwood lumber industry repeatedly attacked British Columbia's state-administered stumpage rates as illegal subsidies.⁶² Second, environmentalists targeted clear-cutting, rates of cutting they considered unsustainably high, and "sympathetic" government administration of forest regulations.⁶³ Third, First Nations challenged the BC government's claim to public lands and to the right to administer and tax resource users.⁶⁴ At different times, these three interests sought tactical alliances with one another, but they remained mutually autonomous. Roger Hayter has argued that their combined influence has made BC forest governance less democratic, undermining the elected BC government and the elected representatives of forest workers, the IWA.⁶⁵ Because environmentalists, First Nations, and the IWA all initially allied with the NDP, however, others have associated these interests with a shared movement for more open, inclusive government and resistance to free-market capitalism.⁶⁶ Though Premier Bill Vander Zalm's Social Credit government (1986-91) made important initial concessions to these interests and to the American position on softwood, it was politically ill-placed to satisfy them.

⁶⁰ Clapp, "Resource Cycle," 138-40; Michael M'Gonigle and Ben Parfitt, *Forestopia: A Practical Guide to the New Forest Economy* (Madeira Park, BC: Harbour Publishing, 1994).

⁶¹ Quinlan, "Implications."

⁶² Uhler, *Canada-United States Trade*.

⁶³ Jeremy Wilson, *Talk and Log: Wilderness Politics in British Columbia* (Vancouver: UBC Press, 1998); Pralle, *Branching Out*.

⁶⁴ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), 196-239.

⁶⁵ Roger Hayter, "The War in the Woods': Post-Fordist Restructuring, Globalization, and the Contested Remapping of British Columbia's Forest Economy," *Annals of the Association of American Geographers* 93, 3 (2003): 706-29.

⁶⁶ Warren Magnusson, Charles Doyle, R.B.J. Walker, John DeMarco, eds., *After Bennett: A New Politics for British Columbia* (Vancouver: New Star Books, 1986); Wilson, *Talk and Log*, 41-42.

When Premier Mike Harcourt's New Democrats (1991-96) took office, their highest priorities included "peace in the woods."⁶⁷ Their forest policies broke with British Columbia's Socred/Fordist past, but their governance techniques also ran strongly against neoliberal versions of flexible accumulation. The next eight years brought a stringent new forest-practices code, diversified land-use planning, and a substantially expanded park system. The NDP investigated British Columbia's contested timber inventories and launched an Aboriginal land settlement process. Stumpage rates doubled or tripled.⁶⁸ In deference to its union allies and to economic necessity, the government buffered some of the other substantial costs to industry. The buffers included a 6 percent limit on land withdrawals under the Forest Practices Code, and Forest Renewal BC (1994-2002), which provided aid for industry restructuring and worker transitions.⁶⁹ The government pressed for a Canada-US softwood trade deal; in 1996, a five-year agreement capped softwood exports, ending US penalties.⁷⁰

Over time, however, key NDP reforms were soured by compromise or bogged down in local controversy. The land-use planning process slowed. When the government allowed logging to continue at Clayoquot Sound, an intense civil disobedience campaign famously assumed international dimensions. Important environmental organizations abandoned the NDP, while many union and NDP activists soured on the party's environmental ties. As environmental activists took up bioregional and market-driven reform, and even allied with US softwood producers over stumpage,⁷¹ Premier Glen Clark increasingly emphasized aid to the BC forest industry, reduced stumpage,⁷² and avoided tenure reform.⁷³ The rupture with environmentalists deepened but did not satisfy the industry.

⁶⁷ Frank Cox, "The Tin Wis Accord," *Canadian Dimension* 26, 2 (1992): 17-18.

⁶⁸ Tracey Cook, "Sustainable Practices? An Analysis of BC's Forest Practices Code," in *The Wealth of Forests: Markets, Regulations, and Sustainable Forestry*, ed. Chris Tollefson, (Vancouver: UBC Press, 1998) 204-32; Cashore et al., *In Search*, 31-60, 61-93, 120-39, 140-75, 176-206.

⁶⁹ Cashore et al., *In Search*, 61-93, 207-43.

⁷⁰ Benjamin Cashore, "Flights of the Phoenix: Explaining the Durability of the Canada-US Softwood Lumber Dispute," *Canadian-American Public Policy* 32 (1997): 1-63.

⁷¹ Benjamin Cashore, Graeme Auld, and Deanna Newsom, *Governing through Markets: Forest Certification and the Emergence of Non-State Authority* (New Haven, CT: Yale University Press, 2004), 59-87; Pralle, *Branching Out*; Warren Magnusson and Kara Shaw, eds., *A Political Space: Reading the Global through Clayoquot Sound* (Minneapolis, MI: University of Minnesota Press, 2003).

⁷² Cashore et al., *In Search*, 176-206; Justine Hunter and David Hogben, "Stumpage Cuts Trigger Rehiring in BC Forests: The Premier's Initiative Brings Negative Reaction from US Lumber Industry," *Vancouver Sun*, 29 May 1998.

⁷³ Cashore et al., *In Search*, 120-39.

By 2001, though many talks were under way with First Nations, only the path-breaking Nisga'a agreement had been finalized.⁷⁴

The WCB was also in turmoil under the NDP, primarily over issues of leadership and governance.⁷⁵ Some trace these problems to stricter OHS enforcement and expanded compensation under the Barrett government. Others point to earlier allegations of WCB parsimony under Social Credit. When the WCB's actuarial deficit rose above \$85 million under Dave Barrett, the board saw it as the necessary cost of breaking with the Sacred past. Bill Bennett's Socreds took a different view, firing the commissioner and imposing deep budget cuts.⁷⁶ The cuts restored agency finances, but long case backlogs developed. The WCB board also intervened repeatedly against claimants in individual decisions. Rapid turnover of the chair and of board members revived claims that the Socreds had politicized the agency. In the 1980s, several court decisions and the BC ombudsman repeatedly impugned the board's interventions and the appeals system. Between 1988 and 1991, a task force investigation and broad leadership changes initiated a thorough restructuring. But under the NDP, controversies revived. A new chief appeals commissioner angered business while rapidly clearing the WCB's case backlog. Unfunded liabilities climbed sharply. Agency leadership slipped again into disarray. Late in the 1990s, the Gill Royal Commission conducted a massive review.⁷⁷

Given the later emergence of the Task Force and the Safety Council, the extended separation of the forest and WCB policy areas might seem odd. But the leadership and governance issues in the WCB impinged little on the crowded forest-industry reform agenda,⁷⁸ and forest-specific problems were not particularly associated with the problems at the WCB. Professional and administrative divides also kept the two policy areas apart.⁷⁹ This separation was nonetheless a missed opportunity. Amid the forest policy changes, working conditions were shifting, with real OHS implications.

When the BC Liberals took power in 2001, many NDP measures were reversed, often with little opposition. The thrust of these changes

⁷⁴ *BC Studies*, "The Nisga'a Treaty" (special vol.), 120 (1998).

⁷⁵ Chaklar, "History," 54-63.

⁷⁶ Ison, *Report*.

⁷⁷ Gill et al., *For the Common Good*.

⁷⁸ Peter N. Nemetz, ed., *Emerging Issues in Forest Policy* (Vancouver: UBC Press, 1992); Cashore et al., *In Search*; Trevor J. Barnes and Roger Hayter, eds., *Troubles in the Rainforest: British Columbia's Forest Economy in Transition*, Canadian Western Geographical Series (Victoria: Western Geographical Press, 1997).

⁷⁹ Chaklar, "History," 54-63; Quinlan, "Implications," 429.

in the Liberals' first term was clearly a neoliberal version of flexible accumulation – they emphasized market liberalization and new public management techniques. Four key forest-policy reforms were introduced.⁸⁰ First, in 2003 a new timber auction system expanded the Crown timber available to smaller operators with short-term contracts, including community-forest and First-Nations initiatives. Their share of the total cut rose from negligible levels to 20 percent.⁸¹ Making this auction market larger and more competitive was also intended to counter US charges that BC stumpage was subsidized (since prices set there had been used to price stumpage on larger BC tenures).

Second, the Forest and Range Practices Act replaced highly prescriptive measures in the Forest Practices Act with performance-based standards. The forest ministry's budget and staff levels were slashed: increasingly, aggregate performance outcomes (measured by set criteria) were being assessed at set times, while fewer programs aimed at catching individual violations of prescribed procedures. Since existing safety measures had been designed around the old set procedures, this likely had OHS implications. Third, tenure conditions were reformed in several ways. Large firms were allowed to divide up their timber licences and trade the resulting parcels. Key appurtenancy reforms ended the long-standing obligation to process timber locally. The allowable cut, previously fixed at an annual rate over many years, was recast as a multi-year average. Fourth, an imposed collective agreement in the sector removed key constraints on outsourcing. Many logging operations were promptly outsourced as new, relatively small subcontractors; contracting relationships that already existed suddenly became multilayered.⁸² Worksites once under one licensee or prime contractor now bustled with multiple independent operators, each trying to meet pressing and competing obligations. On these crowded worksites, WCB regulations delegated OHS responsibilities to "prime contractors." But who held this title (let alone the relevant administrative capacities) was much less clear.⁸³

There were other new problems. Many smaller firms now in the forest carried high, fixed repayment schedules to finance their heavy equipment. But since year-to-year cutting levels and US market access were now less reliable, so, too, were these firms' annual revenues. Contracted to keep costs low and deliver on time, fallers and allied workers

⁸⁰ A summary is in Kim Pollock, "BC Trees."

⁸¹ Young and Matthews, "Resource Economics," 181.

⁸² Gordon Hamilton, "Union Wants Laws to Halt Logging Deaths," *Vancouver Sun*, 21 February 2006.

⁸³ Ligaya, "Tragic Consequences."

now faced longer, less reliable hours for lower and less reliable pay, with less financial backup. This encouraged them to drop or compromise traditional OHS safeguards and to work through illness and injury.⁸⁴

The WCB was also undergoing a transition to performance-based regulation. At the top, a new board of directors was appointed, and the agency was renamed WorkSafeBC. Funding was cut and several regional offices were closed. The review division and the external appeal tribunal were altered again, as were many key compensation procedures.⁸⁵ The OHS enforcement staff complement was cut sharply. From 2001 to 2004, inspections dropped 45 percent, written orders were halved, and administrative penalties dropped from 182 to 119. Meanwhile, new statistical targets were set to bring in performance-based regulation. Freed from focusing on particular means to OHS ends, firms were to provide “all necessary assistance” to meet the new targets, to determine how to meet them, and to assess the results.

Finally, as regional offices declined, oversight for the new OHS arrangements went to the WCB’s sectoral divisions. The choice was not entirely obvious because division personnel had previously specialized in more administrative and educational work.⁸⁶ But this shift to sectoral offices in the WCB formed the background administrative direction against which the more autonomous Task Force and Safety Council emerged for the forest sector.

SEPARATE OHS INSTITUTIONS ACCOMMODATE OUTSOURCING

Before 2003, the exceptional dangers of BC tree falling were never ignored, yet they were never brought down to the provincial average. They were uniformly addressed within the WCB, with COFI and IWA-Canada intervening frequently in wider debates about that regime. Fallers had long been relatively numerous, and the IWA was one of British Columbia’s most powerful unions, with official ties to the Co-operative Commonwealth Federation and, later, the NDP. Successive postwar governments had aligned more with business than with the unions; and in a real way, business in postwar British Columbia meant the forest sector. The scope for significantly heavier investments in prevention was

⁸⁴ Forest Safety Task Force, *Final Report*, 48; Contant, “Safety Cuts.”

⁸⁵ WorkSafeBC, “WorkSafeBC Milestones,” available at http://www.worksafebc.com/about_us/history/abt_20_10_20.asp (viewed 5 January 2010); Pollock, “BC Trees.”

⁸⁶ Mariga, “Lapse in Judgement”; Contant, “Safety Cuts”; WorkSafeBC, “WorkSafeBC Milestones.”

limited. Governments felt they could not impose heavy new operating costs on this sector, the largest actors in which wielded monopoly power over many of its suppliers and subcontractors, but which was an international price-taker for its own key product lines.⁸⁷

Now, after three decades of sectoral crisis and decline, forest products are no longer the definitive core of the BC economy.⁸⁸ At the same time, the industry's problems were still too important and specific to address within a general OHS policy template. Since the Forest Safety Task Force was formed in 2003, a separate sectoral forum has therefore debated, developed, and overseen OHS strategies for fallers and allied workers.

It is also no longer evident that tripartite talks between COFI, the unions, and the government constitute adequate consultation. Where the IWA used to represent many contractors, negotiation tables now began to include contractors and subcontractors separately, even if they shared in the usw's analysis about a "culture of desperation." The broadened multi-stakeholder approach also informed the response to the OHS accountability problem on crowded, anarchic worksites. In February 2005, an official interpretive guideline indicated that the major licensees were "employers" in the sense of existing OHS regulations. This assigned them primary responsibility for key OHS duties. In November, a written clarification held prime contractors accountable for safety conditions. But they could also transfer these responsibilities to subcontractors. These were broad coordination functions, and, in a performance-based regulatory environment, those responsible were simply mandated to do "everything practicable" to reach OHS targets. However, the lower administrative capacity of many subcontractors raised the question of what, concretely, would be practicable, should prime contractors transfer these responsibilities to them.⁸⁹

The clarity and effectiveness of these OHS contractor arrangements have since been criticized. Unwritten agreements were apparently widespread, despite rules requiring written contracts, and surveys showed that many "prime contractors" remained uncertain about their OHS responsibilities. In one study, nearly a quarter of the workers surveyed also considered their OHS training inadequate; and 17 percent considered themselves unsupervised.⁹⁰ One former senior public official argues more generally that the clarifications are too legally vulnerable because, like

⁸⁷ Tysoe, *Commission of Inquiry*, 19-20.

⁸⁸ Hutton, "Visions."

⁸⁹ Contant, "Safety Cuts."

⁹⁰ *Ibid.*

all OHS rules in British Columbia, they rest on regulation rather than on statutes.⁹¹

Amid the notable re-regulation of OHS for tree-falling since the Forest Fatalities Summit, outsourcing was not contested and reversed. Indeed, it was embedded within the policy solutions. Apart from one case referred to the RCMP under Bill C-45, the usw also appeared to have had limited influence in the Safety Council. Frustrated, the usw has lobbied the legislature and held town hall meetings. It sought a legal day of mourning for each death on the job, mandatory implementation of coroners' recommendations, a special prosecutor for Bill C-45 cases, and a full, independent review of structural changes to working life in BC forests.⁹²

The usw also expressed disappointment in the ombudsman created to handle OHS complaints individually. The ombudsman approach cuts elected representatives and unions out of the complaints process, detaching individual complaints from larger policy deliberations. However, through its focus on marking individual deaths and implementing coroners' reports, the usw's own reform package also puts considerable emphasis on individual cases. That such reforms became a usw priority suggests that the union felt weak in the Safety Council regime: they would likely help the usw (and others) leverage change through campaign-style responses to individual cases. But the disadvantages of leveraging individual cases into wider calls for reform are important: as Gramlich's case shows, an individual case can either be appropriated for a variety of policy visions or dismissed as merely "accidental."⁹³ Emphasizing individual cases may also distract the wider policy network from a full-bore commitment to more cooperative policy styles. Active prevention projects are now under way.⁹⁴ But the polarization of the policy network has surely impaired the intense collaboration required if active prevention is to grapple effectively with the necessarily complex causal patterns that typically lead to injury and death on the job.

⁹¹ Heaney, "If You Go Down," 45-46.

⁹² Contant, "Safety Cuts."

⁹³ Vu, "BC Loggers"; Mariga, "Lapse in Judgement."

⁹⁴ British Columbia, WorkSafeBC, *Occupational Health and Safety Faller Serious Injury and Fatal Review*, 2009, available at http://www2.worksafebc.com/pdfs/forestry/Faller_Review_2009.pdf (viewed 5 January 2010).

CONCLUSION

Amid the most recent wave of closures in the BC forest industry, it might seem odd to focus on these earlier OHS debates. However, as the BC Forest Safety Council approaches its first five-year review, these OHS issues reveal intimate ties between the restructuring of state and industry, between outsourcing and its human costs, and between union militancy and union marginalization. By late 2005, the USW seemed subtly outmanoeuvred at the very moment of its great success at the Forest Fatalities Summit. It had forced the policy network to address faller death and injury rates on a sectoral basis, but it had not imposed its view of the problem, or its view of adequate solutions. Outsourcing has arguably worsened OHS conditions among fallers and allied workers, but it has also undercut the USW's capacity to speak for those affected.

Extractive work of all kinds is typically conducted at a considerable physical and institutional distance from management and from regulators. Distance limits ordinary factory-style surveillance, and this sets the working lives of extractive workers like fallers somewhat apart from those of their colleagues in secondary processing. Ensuring compliance with OHS rules (or any other purpose) under these conditions depends to an unusual degree on shaping motivations, working culture, and attitudes before workers reach the forest. The shift from Fordist hierarchy to outsourcing and performance-based contracts transforms key institutional influences on these motivations, cultures, and attitudes. It follows that such a transition period is likely to intensify dangers.

In such a period, a collaborative policy atmosphere is crucial to dealing effectively with the kaleidoscopic changes at play in logging operations and in the causal complexity that leads to deaths and injuries on the job. As individual explanations of leading injury patterns, both "culture" positions presented at the Forest Fatalities Summit seem plausible and pertinent, but ultimately incomplete. Arguably, both the polarization around these positions in 2005 and the subsequent tendency to emphasize culture and education in the Safety Council have impaired the positive potential of the newer, more flexible prevention mechanisms available to OHS policy. However, the institutional and political conditions surrounding the emerging reform process made a show of simpler solutions irresistible – for, on 19 November 2005, Ted Gramlich died, hard on the loss of many others.