



**Report to the Minister of Justice
and Solicitor General
Public Fatality Inquiry**

*Fatality Inquiries
Act*

WHEREAS a Public Inquiry was held at the _____ Provincial Court
in the _____ City _____ of _____ Edmonton _____, in the Province of Alberta,
(City, Town or (Name of City, Town, Village)
on the _____ 4th _____ day of _____ November _____, 2019 _____, (and by adjournment
year
on the _____ day of _____, _____),
year
before _____ Judge R. W. Brandt _____, a Provincial Court Judge,
into the death of _____ John Jordan Walker _____ 28
(Name in Full) (Age)
of _____ Grande Prairie _____ and the following findings were made:
(Residence)

Date and Time of Death: _____ September 28, 2012 _____

Place: _____ High Level _____

Medical Cause of Death:

("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization – *Fatality Inquiries Act*, Section 1(d)).

Electrocution

Manner of Death:

("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental, unclassifiable or undeterminable – *Fatality Inquiries Act*, Section 1(h)).

Accidental

Circumstances under which Death occurred:

Introduction

On September 28, 2012 28 year old John Jordan Walker was found unresponsive underneath a portable trailer at a remote work site near High Level Alberta.

Mr. Walker was a plumber on the site. He had been tasked with plumbing a construction trailer ("the Trailer") to a lift station, a type of electrical pump. Unbeknownst to Mr. Walker, the exterior of the Trailer had become energized because of a combination of faulty wiring and faulty installation of a portable diesel generator ("the Generator"). When Mr. Walker kneeled on the damp ground under the Trailer and then touched the body of the energized Trailer, his body completed an electrical connection with the ground, electrocuting him and causing his death.

Contributing Factors

At the Fatality Inquiry three factors were identified that contributed to Mr. Walker's death.

1. The Trailer Wiring

Power to the Trailer was supplied with one 120 volt extension cord from the Generator nearby. This was connected to a piece of electrical extension cord with a male plug installed on the outer end and a female cord end on the other end. This short cord passed through the metal wall of the Trailer.

Inside the Trailer this cord in turn fed an ad hoc system of extension cords and power bars. Plugged into these extension cords and power bars were a number of appliances including four electric heaters, a television, a coffee pot, a battery charger and a humidifier.

A hot water tank had been disconnected from the original Trailer wiring and plugged into a power outlet with one cord. A microwave oven, a refrigerator and an electrical heater were plugged into some of the original wall receptacles.

The short cord passed through the metal wall of the trailer by way of a jagged hole through the outer metal shell of the Trailer. The jagged edges of the hole caused cuts and abrasions in the outer insulation of the electrical cord. The Trailer shell and body became energized at the site of the damage to the electrical cord. When Mr. Walker contacted the energized Trailer, he completed the electrical circuit and was electrocuted.

Evidence showed that the original wiring system of the Trailer had been damaged at some point in the past. Improper repairs were attempted using electrical tape and shrink wrap. This repair attempt failed.

At this point the original wiring of the Trailer, including its circuit breakers, were abandoned. In its place, the jagged hole was made in the exterior shell of the Trailer and the flexible rubber cord passed through it. The various appliances inside the trailer were then powered with a collection of

extension cords and power bars as noted above. The modifications left the Trailer without a ground reference.

All of these modifications to the Trailer were flagrantly in violation of the Canadian Electrical Code.

The evidence provided at the Fatality Inquiry showed that the improper modifications to the Trailer were clear and obvious to anyone observing them. None of the modifications were hidden and were clearly visible to anyone on the work site. The identification of the danger presented by the faulty modifications were apparent to any reasonably informed layperson and would not have required an electrician or anyone with particular expertise.

2. Generator Grounding

The Generator was not properly grounded at the time when it was turned on and the Trailer energized by it. A ground rod had been driven into the earth near the Generator, but the ground rod had not been connected to the Generator or the skid on which it was mounted.

The evidence at the Fatality Inquiry showed that if the Generator had been properly grounded prior to being started, Mr. Walker's death might have been avoided.

3. Ground Fault Circuit Interrupter (GFCI)

The Generator was not equipped with GFCI receptacles.

Even in the face of the faulty electrical modifications to the Trailer, the incident would have been entirely prevented if the Generator had been properly grounded, or if it had been equipped with GFCI receptacles.

Work Site Parties

In this case there were a number of parties engaged on the work site in one way or another:

- Mr. Walker was employed by 1565384 Alberta Ltd., carrying on business as Remote Sewer Systems ("Remote"). Remote was retained by 883492 Alberta Ltd., carrying on business as Pinnacle Rentals ("Pinnacle").
- The Trailer was owned by Dale Marechal, carrying on business as Dale's Trucking.
- The Generator was owned by Pinnacle, and leased to Strategic Oil & Gas Ltd. ("Strategic") on August 27, 2012
- John Wurtz was the Wellsite Supervisor.
- Strategic was the prime contractor on the site
- Ross Energy supervised the site

Each of these parties and their various employees were at all material times “Work Site Parties” within the meaning of the *Occupational Health and Safety Act* of Alberta. Pursuant to Part 1 of that Act, Work Site Parties each have obligations with respect to the safety of persons at work sites. Such responsibilities include at the very least reporting concerns with respect to unsafe or harmful conditions.

At about 8am on the morning of September 28, 2012 there was a Safety Meeting which included some of the above Work Site Parties. None of the Work Site Parties on the site raised the obviously dangerous condition of the Trailer at that time, or at any other time. There were clear violations but no one raised a concern or reported the danger to the authorities as required by the *Occupational Health and Safety Act*.

In this instance, the health and safety codes and provisions were clearly in place and adequate. If the Canadian Electrical Code had been followed, or if the various Work Site Parties had undertaken their responsibilities under the *Occupational Health and Safety Act*, this tragedy would have been avoided. The system of self-reporting by Work Site Parties as contemplated by the *Occupational Health and Safety Act* utterly failed in this case.

Pursuant to Part 8 of the *Occupational Health and Safety Act*, the provincial authorities had broad powers of inspection and enforcement. However, evidence provided at this Fatality Inquiry showed that there was very little in the way of pro-active enforcement of the *Occupational Health and Safety Act* in Alberta. There were not enough resources in order to do so. The situation was such that employers and other work site parties were not concerned that an unannounced inspection would take place, as the chances of such a inspections were remote or non-existent.

Recommendations for the prevention of similar deaths:

Accordingly, I make two recommendations:

1. That the installation and use of Ground Fault Circuit Interrupter outlets be made mandatory on all generators used on mobile work sites in the Province of Alberta.
2. That the Province of Alberta increase proactive health and safety inspections so as to improve the enforcement of existing health and safety regulations at all mobile work sites in the Province.

DATED _____ April 8, 2020 _____,

at _____ Edmonton _____, Alberta.

Original signed

Judge R. W. Brandt
A Judge of the Provincial Court of Alberta