
*The
Jimmy's
Law
Project
2011-2013*

A summary of events
from 2011 to 2013
that led to greater
protection for late
night retail workers
in Saskatchewan

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DEDICATION

*The Jimmy's Law Project that took place during 2011 and 2012,
ending with new safety laws taking effect in January 2013
is dedicated to Jimmy Wiebe and all those who work
in late night retail in Saskatchewan.*

INTRODUCTION

Jimmy's Law was an initiative started by Aaron Nagy shortly after his friend, James (Jimmy) Wiebe, was murdered while working alone late at night at a gas station in Yorkton in June 2011. Nagy believed passionately that this tragic incident would not have occurred if there were at least two people working at the time or other security measures were in place. Nagy had success in getting support for his action from various groups including the Saskatchewan Federation of Labour during the fall of 2011. Shortly after Saskatchewan's general election in November 2011, David Forbes, MLA Saskatoon Centre and newly appointed labour critic was assigned to follow up on Nagy's initiative by creating a private member's Bill 601, *The Jimmy's Law Act*. This bill intended to amend *The Health and Occupational Safety Act, 1993*, ensuring better workplace safety requirements for late night retail workers. These provisions would provide greater protection for those working in premises such as "gas station or other retail fuelling outlet, convenience store or any other retail store where goods are sold directly to consumers that is open to the public during late night hours". The bill required a minimum two employees to work in these locations when possible, or if an employee had to work alone, or in isolation, the employer must "in addition to other obligations" perform specific tasks to provide security to the employee working alone. These tasks included implementing a written procedure for the employee to be trained in handling money safely and to have a physical barrier to prevent physical contact between an employee and customer, and if working in a gas station or retail fuelling outlet, provisions would be set to have customers pre-pay for fuel sold in late night hours as set out in the bill. Bill 601 was introduced to the Saskatchewan Legislature on December 15th 2011.

This paper will summarize the events leading up to Bill 601 being introduced, subsequent events and outcomes related to what became known informally as *Jimmy's Law* and what now currently exists in law that provides greater protections for late night retail workers in Saskatchewan.

BACKGROUND ON JIMMY'S LAW

The tragic workplace incident of James Wiebe being robbed, shot, and left to die in the early morning hours of June 20th 2011 at the gas station he worked at in Yorkton was the instigating event behind *Jimmy's Law*. He was working alone that night and a customer found his body the next morning on the 20th. Kyle Furness was convicted of second-degree-murder in this case. Aaron Nagy, friend of Jimmy Wiebe, wanted to prevent similar events from happening in the future¹. A petition was created by Nagy and signed by citizens in support of *Jimmy's Law*, including Jimmy Wiebe's parents. The online petition gathered about 930 signatures². Nagy's Facebook group had about 1,350 supporters, and the paper petition gathered about 4,000 signatures. The Saskatchewan Federation of Labour endorsed the petition³. Aaron had heard of a similar incident in British Columbia that led to *Grant's Law*. This law called for greater protection for people working in gas stations⁴ by requiring pre-payment of gas purchases.

Nagy's efforts resulted in the private member's bill sponsored by David Forbes, NDP MLA, Saskatoon Centre, Labour critic for the Opposition Caucus. Forbes introduced Bill 601 *The Jimmy's Law Act* on December 15, 2011, six months after Jimmy Wiebe's tragic death. On February 23rd 2012, David Forbes and Aaron Nagy along with members of the Wiebe family launched a legislative petition for *Jimmy's Law* in Yorkton⁵. This petition received around 446 signatures⁶ during the spring months of 2012. Nagy and Forbes consulted with several stakeholders in Yorkton. These were businesses including employers and employees to discuss this bill. With formal consultation, they visited businesses that were open late to see what security measures were in place at that time, and they spoke to people who worked late night

¹ Wigler, Devin. "Jimmy's Law Moves Forward." Yorkton News Review, March 1, 2012. Accessed May 7, 2015. <http://www.yorktonnews.com/news/local-news/jimmy-s-law-moves-forward-1.1645169>.

² <http://www.ipetitions.com/petition/jimmyslaw/>

³ Ibid

⁴ Scansen, Rodney. "Protections for Retail Workers Working Alone During Late Night Hours in Canada: A Jurisdictional Comparison." June 2012. <http://www.davidforbesmla.ca/wp-content/uploads/2012/08/Protections-for-Retail-Workers-Working-Alone-During-Late-Night-Hours-in-Canada-11-copy.pdf> (accessed July 6, 2015).

⁵ "Legislative petition begins for jimmy's law ." February 23, 2015., [Http://www. Saskatoonhomepage. Ca/legislative-petition-begins-for-jimmys-law/itemid_21](Http://www.Saskatoonhomepage.Ca/legislative-petition-begins-for-jimmys-law/itemid_21) (Accessed June 30, 2015.).

shifts⁷. It is important to note, as well, that significant research was carried out in this area as Forbes commissioned a cross-Canadian comparison study entitled *Protections for Retail Workers Working Alone at Night, A Jurisdictional Comparison* in June 2012⁸.

The Jimmy's Law Midnight Tour, Spring of 2012

To create more interest and support for *Jimmy's Law*, David Forbes and Aaron Nagy conducted midnight tours in which they travelled to nine different Saskatchewan cities visiting late night establishments⁹. Stops included Moose Jaw, Yorkton, Saskatoon, Prince Albert, North Battleford, Regina, Weyburn, and Estevan. Many of the convenience stores and gas stations they visited were safer than they expected. Forbes estimated that as much as 80% of businesses were in fact "practicing *Jimmy's Law*"¹⁰. It was determined that many businesses had two employees working at night, or other safety methods that were called for in the Bill were in place. One important point that could not be verified though is whether or not the retail outlet had a violence safety plan in place. When Forbes and Nagy visited late night businesses, they brought *Jimmy's Law* postcards for the employees to read. The postcard explained what they were trying to accomplish in making the employee's job safer and to share Jimmy Wiebe's story.

The most difficult place to visit, for Nagy, was the Shell Gas Station in Yorkton where Wiebe was murdered. Nagy said the improvements that were implemented in that gas station was proof that the bill could work. The gas station was sold shortly after the murder and the new owners

⁷ Wigler, Devin. "Jimmy's Law Moves Forward." Yorkton News Review, March 1, 2012. Accessed May 7, 2015. <http://www.yorktonnews.com/news/local-news/jimmy-s-law-moves-forward-1.1645169>.

⁸ Scansen, Rodney. "Protections for Retail Workers Working Alone During Late Night Hours in Canada: A Jurisdictional Comparison." June 2012. <http://www.davidforbesmla.ca/wp-content/uploads/2012/08/Protections-for-Retail-Workers-Working-Alone-During-Late-Night-Hours-in-Canada-11-copy.pdf> (accessed July 6, 2015)

⁹ Salnek, Paul. "Jimmy's Law Tour Makes Its Way to Prince Albert." Prince Albert Daily Herald, April 1, 2012. Accessed May 25, 2015. <http://www.paherald.sk.ca/Local/News/2012-04-01/article-2944755/Jimmys-Law-tour-makes-its-way-to-Prince-Albert/1>.

¹⁰ Ibid

took many precautions outlined in the bill such as locked doors on the night shift¹¹ as well as panic buttons, better lighting, barriers, and security cameras¹².

On April 5th, 2012, while giving a speech on *Jimmy's Law* in the Legislature, David Forbes discussed his midnight tours of several late night retail establishments in the first five communities he visited¹³. Their first stop was in Yorkton on February 22nd where they visited six retailers, followed by Moose Jaw visiting eight, and in Saskatoon the tour focused on locations in the downtown area and another eight locations. "The atmosphere when we walked in when there was only one person working, you could cut the tension with a knife, some workers were scared to go home so late." Nagy recalled during a phone call to Forbes, on July 7th 2015. "Yet, if they had, for example, a gas station and a coffee place it did seem a lot more calm or at ease. There is a different clientele at night, it is different from the nine to five that we are used to. There are still [a lot of people working] at night."

During the Saskatoon leg of the tour, Forbes and Nagy met Darren Kaytor at a local gas station. Darren had been held up twice, once with a shotgun and the second time with a sword¹⁴. These episodes were widely covered by the local media. Kaytor became a passionate advocate for *Jimmy's Law* and became an active participant of the Midnight Tour including visiting the Saskatchewan Legislature calling on MLAs to pass Bill 601.

Kaytor just finished court proceedings in April 2015 for the second robbery. There had been at least three convictions of those charged with robbing him prior to this court case. Darren had to be a witness at court multiple times during the court process. When he was waiting to go into the court room he was sitting on a bench with another man. A police officer asked Kaytor if he was feeling comfortable, when he asked the officer why, he was told that the man charged with robbing him in the second robbery was sitting next to him on the bench. Darren said that he was able to educate the judge in the trial on *Jimmy's Law*. The defence lawyer said that Darren

¹¹ *ibid*

¹² "Saskatchewan To Protect Late-Night Workers." Metro, November 3, 2012. Accessed May 11, 2015. <http://metronews.ca/news/regina/427188/saskatchewan-to-protect-late-night-workers/>.

¹³ "Debates and Proceedings." *HANSARD*, 2012, 1012-1016. Accessed June 25, 2015.

[http://docs.legassembly.sk.ca/legdocs/Legislative Assembly/Hansard/27L1S/120405Debates.pdf#page=23](http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L1S/120405Debates.pdf#page=23).

¹⁴ Legislative Assembly of Saskatchewan, "Debates and Policing." *HANSARD*. (2012): 1513-1514.

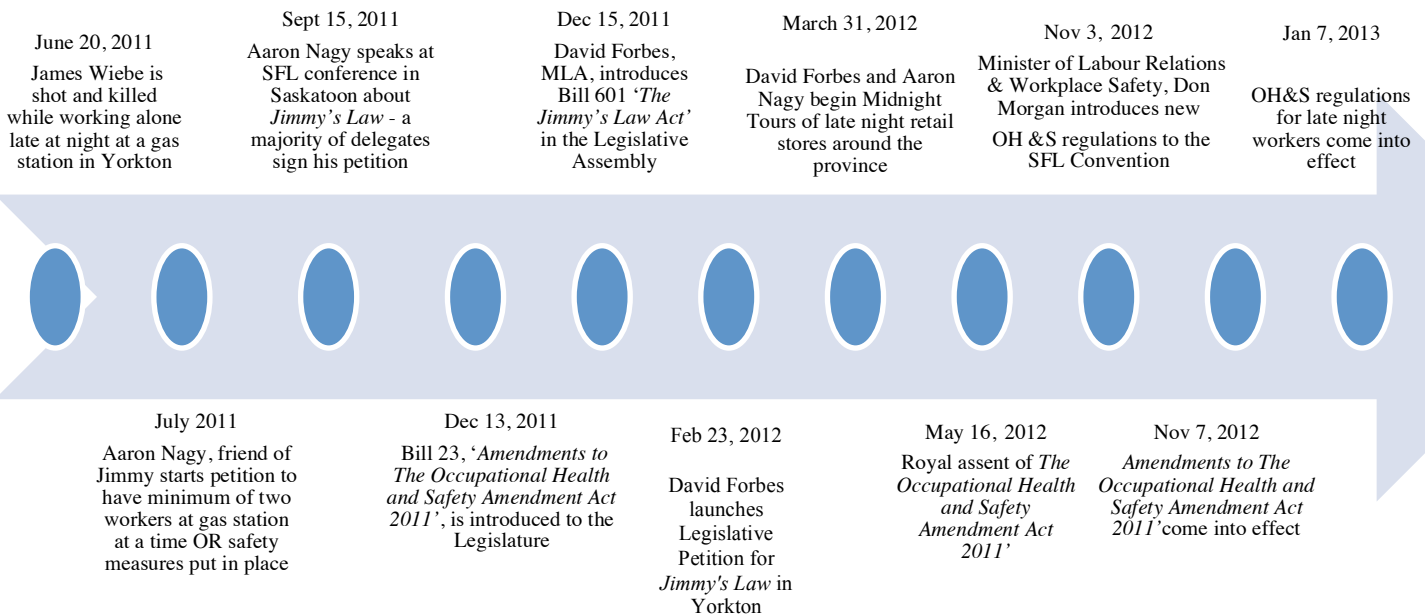
[http://docs.legassembly.sk.ca/legdocs/Legislative Assembly/Hansard/27L1S/120515Debates.pdf](http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L1S/120515Debates.pdf) (accessed July 6, 2015).

personally “benefitted from being robbed” so Darren could promote *Jimmy’s Law*. That was offensive to Darren, as he struggled emotionally after the robberies.

In Prince Albert, the tour visited three out of the four late night retail locations. Later on the same evening/early morning the tour stopped in North Battleford, where they visited another three locations. Next the tour visited other locations such as Estevan, Regina, and Weyburn. Forbes said that a majority of locations he visited had a minimum of two people working (or sometimes more) and other safety precautions when someone was working alone¹⁵.

¹⁵ "Debates and Proceedings." *HANSARD*, 2012, 1012-1016. Accessed June 25, 2015.
[http://docs.legassembly.sk.ca/legdocs/Legislative Assembly/Hansard/27L1S/120405Debates.pdf#page=23](http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L1S/120405Debates.pdf#page=23).

Timeline of Significant Events for *Jimmy's Law*



RESULTS

While *Jimmy's Law* as Bill 601 was not passed by the Saskatchewan Legislature, greater protection for late night retail workers came about in two ways. The first through Bill 23, *The Occupational Health and Safety Amendment Act, 2011* which was introduced on December 13, 2011 by the Minister of Labour Relations and Workplace Safety, the Hon. Don Morgan¹⁶ and passed on May 9th 2012. The Bill required that employers who own retail establishments open to the public between 11:00pm and 6:00am develop and implement “a written violence policy statement and prevention plan”¹⁷. When preparing this document, the employer must consult with “their workplace occupational health committee, OHS representative, or where there is no committee or representative, the workers.”¹⁸ A late night premises was defined as “a retail establishment open to the public between the hours of 11:00pm and 6:00am” that have the purpose of making retail sales¹⁹. The Bill called for increased responsibility on the part of the employer for a policy statement on violence and prevention plan (See Appendix III). This Bill came into force November 7th 2012.

The second route where much of *Jimmy's Law* came about was through Occupational Health & Safety Regulations that specifically called for increased safety measures required for employees working in a late night retail premises. Those in the retail sales category are businesses such as convenience stores and gas stations. It does not include hotels, food, and alcohol services. There are several specific safety measures an employer who owns a late night retail premises must implement. These include having written safe cash handling procedures that minimize the amount of money available to workers, having video cameras placed, and signs posted indicating that workers have limited accessibility to money and valuables, as well as a sign posted indicating the use of camera's on the premises²⁰. On November 3rd 2012, Minister Morgan told the delegates at the Saskatchewan Federation of Labour Convention in Regina that the new regulations would include check-in systems, personal emergency transmitters for all employees

¹⁶ "Progress of Bills Legislature Number 27 Session 1." October 30, 2012. Accessed June 19, 2015. <http://www.legassembly.sk.ca/legislative-business/bills/progress-of-bills-2011-2012>.

¹⁷ "Retail Offices Schools and Public Buildings." Accessed May 7, 2015. <http://www.saskatchewan.ca/work/safety-in-the-workplace/safety-standards-and-alerts/retail-offices-schools-and-public-buildings#safety-measures-in-late-night-retail-premises>.

¹⁸ Ibid.

¹⁹ Ibid

²⁰ Ibid

working alone in late-night retail establishments²¹. The new regulations however did not include the scheduling of a minimum of two workers. Morgan said to the delegates that Bill 23 “puts the safety of working people first, while ensuring Saskatchewan’s economy continues to grow.”²² Saskatchewan, at the time was the second province to adopt specific regulations related to protections of late-night retail employees²³. These regulations came into force on January 7th 2013.

Nagy, was satisfied with these new laws²⁴. He was impressed with Government and Opposition coming together, such as when Minister Morgan and MLA David Forbes worked to find a compromise in legislation. Nagy said *Jimmy’s Law* is an example of a good idea that needed to be enacted. He said that he was confident the government would continue to look at best practices, because as long as employees are at risk of being hurt, legislation like this will have to continue to adapt²⁵. When discussing regulations, Nagy said:

*"We can't prepare and regulate for everything because we can't think of these worst case scenarios until, unfortunately, something happens. That's when you realize what you need to do to protect your workers, or some of the hazards out there you may not have thought of."*²⁶

David Forbes said in a news release on November 3rd 2012 that The NDP is pleased that a year of advocacy for Jimmy’s Law has led to an increase in safety regulations for late-night retail workers. Although they fall short of measures proposed by Forbes, he said that the positive step forward would be a welcome change for workers and their families. He continued by saying that enforcement of the new regulations will be critical and that making sure that business owners and workers are aware of and following the rules is an important, ongoing part of governing. The

²¹ "Saskatchewan To Protect Late-Night Workers." Metro, November 3, 2012. Accessed May 11, 2015. <http://metronews.ca/news/regina/427188/saskatchewan-to-protect-late-night-workers/>.

²² Ibid.

²³ "Saskatchewan Becomes Second Province To Enact Late-Night Retail Safety Regulations." Workplace Wire, November 13, 2012. Accessed May 11, 2015.

http://www.workplacewire.ca/saskatchewan_becomes_second_province_to_enact_late-night_retail_safety_regulations/.

²⁴ Wilger, Devin. "Jimmy's Law Means Added Protection." The News Review, November 12, 2012. Accessed May 28, 2015. <http://www.yorktonnews.com/news/local-news/jimmy-s-law-means-added-protection-1.1642508>.

²⁵ Ibid

²⁶ Ibid

Minister of Labour Relations and Workplace Safety, Don Morgan said British Columbia had looked at having two employees working together at all times that year, but decided not to pursue it citing that “it was too expensive and didn’t necessarily improve safety”²⁷. Forbes expressed satisfaction that most of *Jimmy’s Law’s* contents would be adopted into new regulations²⁸.

STATISTICS

During a Human Services Committee meeting on May 12th 2012, Minister Morgan provided statistics on compliance on the already existing regulations before the amendments that came into effect on January 1st 2013²⁹. After a sample of inspections of late-night retail establishments around the province by OH&S, there was an eighty percent rate of non-compliance with current legislation. Most establishments inspected had “some development of a violence policy, the policy was only developed and fully implemented about 20 percent of the time”³⁰. Morgan admitted that existing regulations were not being complied with, so OH&S were performing more inspections and worked with retailers to bring them to compliance. If the ministry had higher compliance Morgan said “we would be offering a far higher level of safety than we are”³¹.

Forbes asked for statistics from the Ministry of Labour on compliance with the new OH&S regulations during a later committee meeting after the new regulations were put into effect. During a Human Services Committee on April 14th 2014, the Ministry of Labour provided statistics on compliance of the new regulations³². Minister Morgan said that after investigations and inspections of forty-one late-night retail businesses, the compliance rate was approximately seventy percent. Out of that, twenty-three percent were in full compliance. The highest level of non-compliance was in the installation of signage indicating the worker had limited accessibility to cash and valuables, installation of signs, indication of the use of video cameras, and the access

²⁷ Ibid

²⁸ Ibid

²⁹ "Standing Committee on Human Services." *Hansard Verbatim Report* No. 8 (2012): 187. Accessed June 25, 2015. [http://docs.legassembly.sk.ca/legdocs/Legislative Committees/HUS/Debates/120507Debates-HUS.pdf#page=26](http://docs.legassembly.sk.ca/legdocs/Legislative%20Committees/HUS/Debates/120507Debates-HUS.pdf#page=26).

³⁰ Ibid

³¹ Ibid

³² "Standing Committee on Human Services." *Hansard Verbatim Report* No. 31 (2014): 721. Accessed June 25, 2015. [http://docs.legassembly.sk.ca/legdocs/Legislative Committees/HUS/Debates/140414Debates-HUS.pdf#page=21](http://docs.legassembly.sk.ca/legdocs/Legislative%20Committees/HUS/Debates/140414Debates-HUS.pdf#page=21).

to personal emergency transmitters for workers who are working alone between 11 pm and 6 am³³. The Ministry of Justice provided statistics on crime rates in Saskatchewan from Police-Reported Crime Statistics³⁴. As of July 2014, the overall violent crime rate and violent crime severity dropped 10% in the province. Robberies themselves had fallen by 18% from the previous year³⁵.

During the Human Services Committee on April 21st 2015 Minister Morgan and his staff were asked questions, by David Forbes, on statistics related to compliance with regulations. In 2013-2014, sixty-three inspections were performed with a 70% compliance rate³⁶. In 2014-2015, 33 inspections were completed with an 80% compliance rate. The Ministry of Labour Relations and Workplace Safety was working with an industry association which was the Western Convenience Store Association. Members of the association are usually larger stores or chains and they had some of the best practices in place and were also providing their employees a website hazard assessment tool. The assessment tool is a questionnaire that an employer can “work through and try and develop a better method, not just of compliance but a better method of safety”³⁷. One area where Minister Morgan had some concerns was with smaller stores in more remote locations complying with regulations. He mentioned the double murders in Kyle, Saskatchewan that took place at an all-night store. A location like that store is not on a major through highway so it would not be “as extensively patrolled by RCMP or a local police force”. Minister Morgan said he hoped that the Ministry officials would focus on these types of locations because they are of higher risk.

³³ Ibid

³⁴ "Fact Sheet Police-Reported Crime Statistics in Canada." July, 2014. Ministry of Justice. Accessed May 21, 2015. <http://www.justice.gov.sk.ca/adx/asp/adxGetMedia.aspx?DocID=3633,13,1,Documents&MediaID=76b922bf-a152-43fa-8d1f-3ee9ed3e9ff2&Filename=fact-sheet-july-2013.pdf>.

³⁵ Ibid

³⁶ Legislative Assembly of Saskatchewan, . "STANDING COMMITTEE ON HUMAN SERVICES." *Hansard Verbatim Report* . (2015): 1037-1038. <http://docs.legassembly.sk.ca/legdocs/LegislativeCommittees/HUS/Debates/150421Debates-HUS.pdf> (accessed July 7, 2015).

³⁷ Ibid

INTERVIEWS of KEY PARTICIPANTS

Interviews were conducted with several individuals related to the aftermath of *Jimmy's Law*. These individuals included Aaron Nagy, Jimmy Wiebe's friend, the key instigator of *Jimmy's Law*; Darren Kaytor, a former late night retail worker who had been robbed twice violently and became an outspoken advocate of *Jimmy's Law*; Lori Johb, Secretary Treasurer of the Saskatchewan Federation of Labour and at the time of *Jimmy's Law* was the SFL lead on OH&S matters; Andrew Klukas, President of the Western Convenience Store Association; Hon. Don Morgan, Minister of Labour Relations and Workplace Safety, and David Forbes, MLA Saskatoon Centre and the Opposition Critic for Labour.

Four questions were asked of the interviewees:

1. Were you satisfied with the outcome?
2. How did you feel about the process, did you feel your concerns were heard?
3. What changes, if any, would you make to create a better outcome?
4. Were there any surprises with the new regulations?

David Forbes, MLA Saskatoon Centre

Interviewed June 23rd 2015, with subsequent responses June 30th 2015

When it came to the outcome, Forbes was satisfied that most of his Private Members' Bill's contents were adopted into new regulations. When asked about what changes he would make for a better outcome, "I would have more supports available for those who were victims of a violent crime" as such an experience can have strong emotional and mental effects on a person. In a news release, Forbes said that enforcement of the new regulations would be critical for them to be effective since the ministry of labour released a study earlier in May of 2012 that many employers were not following the existing safety regulations.

When asked if anything surprised him, Forbes said he was surprised at how many late night retail stores were not prepared to put forward the requirements in the new regulations. When asked how he felt about the process and if his concerns were heard, Forbes said he felt energized about the process. "As an Opposition MLA, I was part of a positive proactive campaign that was

meeting a critical need in OH & S. This is the kind of thing politicians get elected to do!” Forbes expressed that several times he felt his concerns were not heard, “Things could have moved faster but I really sensed the media and public were listening and behind us. It was only a matter of time before the government had to as well.”

Aaron Nagy, friend of Jimmy Wiebe

Interviewed June 23rd 2015

“Yes, I was satisfied [with the outcome] due to the fact something was done about [worker’s safety] and the fact that workers are now safer than they were.” Nagy said they did not get the “minimum two employees or safety precautions” that were asked for in the Bill, but he was satisfied that regulations were introduced such as having better lighting and limited cash accessible to the cashier. “It was nice to see how both sides of the government came together, found common ground, and worked together, you don’t see that often in politics... I was quite satisfied but there is always room for improvement”. Nagy felt that his concerns were heard, and found the process to be very interesting. Meeting with the SFL’s Larry Hubich and being asked to attend their conference was a huge step for Nagy. “[Hubich] thought it was a great idea and brought me down to Regina to speak to delegates there. They voted overwhelmingly to support [the petition] and take this on as an issue, which I thought was amazing”. He said there were some stumbling blocks in the beginning when *Jimmy’s Law* first started to get national attention. He tried to speak to some radio broadcasters who did not believe that *Jimmy’s Law* would ever go through so they refused to speak to him.

When asked if he would change anything, Nagy said: “I would like to have a minimum two employees on board,” though he understood why some businesses did not want to go that route. “I can think of plenty of incidents where it would be safer to have two employees, if you have someone who has a medical condition or choking, there is going to be someone there to help them. It is not just for the armed robberies, there are other things that need to be addressed.” Nagy did not feel there were any surprises in the regulations, “I was kept in the loop by David and read online, I followed it a lot so I knew what was going on. I was disappointed at first but I realized that you have to give a little to get a little.”

Darren Kaytor, former late night retail worker

Interviewed June 18th 2015

“Yes I would say I was satisfied,” Darren said about the outcome, but he would like to see more follow up by OH&S to make sure businesses are following the regulations. “*Jimmy’s Law* is such a fabulous thing that we did but without someone [keeping businesses accountable] it will not work... Whether it’s once a week, once a month, whatever, make it random”. When asked if he felt his concerns were heard he responded “Yeah, absolutely”. He expressed frustration of the process with his time in the Court of Queen’s Bench after someone was charged with the second robbery. “I’ve been going to court for the past two years on one of the robberies. It just finished in April,” He said. “I don’t think there are many changes that you could make to make a better outcome,” Darren responded to the third question “The biggest thing is after taking the time and effort to [make *Jimmy’s Law*] the government should step up to the plate. They should be able to enforce that law”. When asked if there were any surprises with the new regulations, he said that nothing surprised him.

Hon. Don Morgan, Minister of Labour Relations and Workplace Safety

Interviewed via phone June 29th 2015

When asked if the Minister was satisfied with the outcome he replied, “Yes and No. What we originally had was a good landing, a good start off point.” Minister Morgan wanted to see that the regulations were being followed “especially after the first year to two years [after regulations were passed]” as that is very important for them to be effective. He wanted to “see someone doing that”. When discussing how he felt about the process, he said that it had challenges “[The Ministry] wanted to have a higher public profile [for regulations]. These regulations are so unique to a specific industry, it was hard to have broad consultations, and I would have liked to have had more discussion”. He felt his concerns were heard, then focussed on the concerns of others, “if I don’t have an answer I can call someone to make sure I have the right answer.”

When asked what he would change to have a better outcome he said that he wanted the changes of regulations to have a higher public profile “especially for small towns and smaller stores that are not part of a national chain”. He wanted to make sure that smaller stores were on board with the regulations. “One example I can think of was in Kyle, Saskatchewan, a man came off the highway at night into the small store and found two employees shot and killed... It was a situation where windows [of the store] were obscured.”³⁸ Minister Morgan said he wants to avoid tragic events such as this and make sure that the small stores are abiding by the regulations. When asked if there were any surprises with the new regulations, “No, we knew what people wanted and what they were asking for. We thought there would be push back but there wasn’t any. We had a lot of support from businesses; they generally care for their employees”.

Lori Johb, Secretary Treasurer, Saskatchewan Federation of Labour (SFL)

Interviewed via email July 2nd 2015

When asked if she was satisfied with the outcome, Johb responded, “I was pleased, although I felt it could have been stronger. Ensuring two staff working during late night hours is preferable.” She stated she was frustrated with the process, “I believe the process as other consultation processes with the current government are really not effective. Decisions are made ahead of time.” There were concerns she had and changes she would make to create a better outcome such as how fatalities, like Jimmy’s, are dealt with by the LRWS (Labour Relations and Workplace Safety). “[LRWS] doesn’t consider a criminal act at a workplace as a workplace injury or at least not as aggressively as other injuries or fatalities. The investigation is delayed and in the case of Jimmy Wiebe I don't believe there were any contraventions even though many things went wrong. I questioned this process at OH&S Council and was told they have the same process. Whatever the process, is it is flawed.” She was not surprised by any of the new regulations.

³⁸ After further research, this incident, the murders of Diane McLaren and Sandra Veason occurred in 1997. Brownridge, David. "Slayings Rock Kyle." *The Leader Post*, May 8, 1997, A sec.

Andrew Klukas, President, Western Convenience Stores Association (WCSA)

Interviewed via email July 7th 2015

“Yes, I was satisfied with the outcome of the discussions around *Jimmy’s Law*.” Klukas said, he said that he and the WCSA felt they were heard by Minister Morgan, his Ministry staff, and David Forbes. Mr. Klukas did mention some concerns shared by the WCSA, “Our concern was that the original proposals, though well intentioned, would not have achieved the intended goal of improved safety for employees working alone but would have resulted in increased risk of harm to employees and members of the public.” He stated how the goal of the WCSA was to raise safety standards of all member and non-member sites to the highest level of standard.

“Because of consultations, the industry’s proven practices are now enshrined in Section 37(1) of the OHS regulation. This was a positive step as it ensures that the same high standard now applies to all.” He did not mention any changes he would make to create a better outcome. When asked if there were any surprises, he did mention one. “The requirement for late night security cameras at the gas pumps was a bit of a surprise as I believe the norm has been to install them at key sites within a store.” He stated however that only one of their members expressed surprise towards that requirement.

CONCLUSION

Occupational health and safety remains a key priority for all governments across Canada. Unfortunately, often lives are unnecessarily lost at work because of weak regulations or even weaker penalties. In the last decade several legislative amendments have been put forward and named after others, for example, *Howard's Law*, tabled by Cam Broten, MLA for Saskatoon Massey Place called for public accessible lists of buildings that contain asbestos. It was named after Howard Willems who died from a rare form of cancer caused by inhaling asbestos fibres³⁹. *Grant's Law*⁴⁰ in British Columbia required mandatory prepayment for fuel. The new regulations were named after Grant De Patie who died in 2005 after being dragged seven kilometres by a car that tried to flee without paying for a \$12 gas bill. In 2006, the *Bob Shaw Act, 2006*⁴¹ was passed. Bob Shaw, a firefighter whose death from esophageal cancer was directly linked to fighting the Plastimet fire and breathing in the toxic fumes in 1997, was unfairly denied compensation. Several accidents on provincial highways including the deaths of Ashley Richards, a flag person who was struck by a vehicle in an orange zone in August 24, 2012 and Jim Gallenger, a Ministry of Highways snowplow operator who was killed in January 2009 while coming to the aid of a stranded motorist on the highway near Belle Plaine have led to greater protection through legislation as well.

Columnist Murray Mandryk of the Leader Post wrote on November 16th, 2012, after *Jimmy's Law* and Bill 23 were introduced into the Legislative Assembly, about how *Jimmy's Law* and the ensuing legislation and regulations protecting late night workers showed how a Government and Opposition can work together for the benefit of the province⁴². While Minister Morgan's new regulations did not include having a requirement of a minimum of two persons working, the regulations did adopt the surveillance and cash handling procedures called for in *Jimmy's Law*. In the end, late night retail workers have more protections than before, and the Ministry of

³⁹ Giles, David. "Howard's Law for mandatory asbestos reporting in Saskatchewan near reality." *Global News*, April 18, 2013. <http://globalnews.ca/news/492347/howards-law-for-mandatory-asbestos-reporting-in-saskatchewan-near-reality/> (accessed July 10, 2015).

⁴⁰ B.C. Reg. 318/2007, *Occupational Health and Safety Regulation* 4th sess, 38th parliament., 2008, The Queen's Printer, http://www.bclaws.ca/civix/document/id/bcgaz2/bcgaz2/v50n21_318-2007

⁴¹ Bill 111, "Workplace Safety and Insurance Amendment Act (Bob Shaw)" 2nd session 38th legislature. http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=370&isCurrent=false&detailPage=bills_detail_the_bill

⁴² Mandryk, Murray. "MLAs show how things can work." *The Leader Post*, , sec. News, November 16, 2012. <http://www.pressreader.com/canada/leader-post/20121116/281685432124014/TextView> (accessed July 6, 2015).

Labour Relations and Workplace Safety are performing investigations to make sure employers are complying with these regulations. It is noted that some eight thousand Saskatchewan workers are employed in the retail sector and that one third of workers in Saskatchewan work late nights.

Safety in our workplaces touches everyone - Forbes often found that when talking about *Jimmy's Law*, people remarked they knew a daughter, a son, an uncle, someone who had worked in late night retail and they often worried for them. Andrew Klukas, of the Western Convenience Stores Association, told Forbes that not only is it a critical goal to make the store safe for the clerks but for the customer as well. Through the events of 2012, after Jimmy's death, Forbes and Nagy came to know Darren Kaytor and his personal story of coming through two violent encounters experiencing first hand the traumatic nature of robberies. David Forbes' own daughter was a bystander in a violent late night convenience store robbery in Winnipeg in October 2012 in which she was held at knifepoint; fortunately no one was hurt that night. All of Nagy's, Forbes' and Kaytor's collective personal experiences drove home how imperative safety is in our public places at all times of the day. In many ways, *Jimmy's Law* became more of a mission than an assignment or a project.

It is important for both the Government and Opposition to work together on important issues such as worker safety and to find common ground on issues to better the workplaces of Saskatchewan late night workers, in fact, all workers. When reflecting on the events from June 2011 to January 2013, Aaron Nagy remarked, "Looking back on it, it's an amazing thing that happened".

APPENDIX I

Jimmy's Law

B I L L

No. 601

An Act to amend *The Occupational Health and Safety Act, 1993*
to ensure greater safety for retail workers who work late night hours

(Assented to)

Preamble

WHEREAS Jimmy Ray Wiebe of Yorkton was working alone at a gas station on June 20, 2011 when he was murdered;

WHEREAS in memory of Jimmy Ray Wiebe, all gas station, convenience store and other retail store workers working overnight need some form of protection either via a fellow co-worker or protective barrier:

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 The Jimmy's Law Act

S.S. 1993, c.O-1.1 amended

2 The Occupational Health and Safety Act, 1993 is amended in the manner set forth in this Act.

Section 2 amended

3 The following clauses are added after clause 2(gg):

“(hh) „late night hours” means any time between 11:00 p.m. and 6:00 a.m.;

(ii) „late night retail premises” means a gas station or other retail fueling outlet, convenience store or any other retail store where goods are sold directly to consumers that is open to the public during late night hours.”

New section 14.1

4 The following section is added after section 14:

Late night retail premises safety requirements

14.1(1) If a worker is assigned to work alone or in isolation in late night retail premises, then, in addition to any other obligations the employer has under this and other Acts, regulations or collective agreements the employer must also do either or both of the following when an individual worker is assigned to work late night hours:

- (a) assign one or more other workers to work with the individual worker during any late night hours;
- (b) ensure the individual worker is physically separated from the public by a locked door or barrier that prevents physical contact with or direct access to the individual worker;
- (2) An employer operating a late night retail premises must develop and implement a written procedure to ensure a worker's safety in handling money;
- (3) A worker described in subsection (1) must be trained in the written procedure referred to in subsection(2);
- (4) An employer of a gas station or retail fueling outlet must require that customers prepay for fuel sold at those facilities during late night hours.”

Coming into force

5 This Act comes into force on assent.

FIRST SESSION
Twenty-seventh Legislature
SASKATCHEWAN

B I L L

No. 601

An Act to amend *The Occupational Health and Safety Act, 1993*
to ensure greater safety for retail workers who work late night hours

Received and read the

First time

Second time

Third time

And Passed

Mr. David Forbes

REGINA SASKATCHEWAN
Printed under the authority of
The Speaker of the Legislative Assembly
of Saskatchewan
2011

APPENDIX II

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Wigler, Devin. "Jimmy's Law Moves Forward." *Yorkton News Review*, March 1, 2012. Accessed May 7, 2015. <http://www.yorktonnews.com/news/local-news/jimmy-s-law-moves-forward-1.1645169>

APPENDIX III

Jimmy's Law Selected Media List

Wilger, Devin. "Jimmy's Law Means Added Protection." *The News Review*, November 12, 2012. Accessed May 28, 2015. <http://www.yorktonnews.com/news/local-news/jimmy-s-law-means-added-protection-1.1642508>.

- An article discussing the compromises that led to the implementation of parts of *Jimmy's Law* in the amendments to *The Occupational Health and Safety Act*. This included safe cash handling procedures, use of video cameras, and the provision of good visibility and signage for all late-night retail premises. Aaron Nagy is interviewed in the article, and is pleased with the new regulations and that both Government amended the OHS Act.

Wilger, Devin. "Jimmy's Law Moves Forward." *Yorkton News Review*, March 1, 2012. Accessed May 7, 2015. <http://www.yorktonnews.com/news/local-news/jimmy-s-law-moves-forward-1.1645169>.

- This article discusses how Bill 601 (*Jimmy's Law*) was moving forward in early 2012. It discussed the formation of Bill 601 after the start of a petition demanding more safety precautions for late night retail employees by Jimmy Wiebe's friend Aaron Nagy, and Jimmy's parents. With Nagy's work and promotion of the petition to gain support in making legislation, these events would lead to support from the NDP Opposition and creation of Bill 601 by David Forbes.

Barker, Thom. "New OHS Regs Honour Jimmy Wiebe." *Yorkton This Week*, November 14, 2012. Accessed May 27, 2015. <http://www.yorktonthisweek.com/news/local-news/new-ohs-regs-honour-jimmy-wiebe-1.1524303>.

- Another article from Yorkton, this article gives a brief description of the 'compromise' legislation put forward by the Government of Saskatchewan to amend *The Occupational Health and Safety Act*. The article described the Labour Minister, Don Morgan's rationale for the legislation, to balance worker safety with the viability of smaller businesses in the province and that businesses had until January 1st 2013 to implement the new regulations. It also discussed how an inspection tour by the ministry of Labour that 80% of businesses inspected were not following existing regulations before the amendments came into effect.

"Man Sentenced to Life for Yorkton Gas Station Slaying." *CBC News*, December 7, 2011. Accessed May 7, 2015. <http://www.cbc.ca/news/canada/man-sentenced-to-life-for-yorkton-gas-station-slaying-1.1063498>.

- This is the result of the prosecution of the man who shot and murdered Jimmy Wiebe. Kyle Furness was charged and convicted of second-degree-murder for Jimmy's death. Second degree murder in Canada comes with an automatic life sentence with a minimum ten years before being eligible for parole.

Giles, David. "Employee Tied Up During Armed Robbery of Hague, Sask. Gas Station." *Global News*, February 15, 2014. Accessed May 8, 2015. <http://globalnews.ca/news/1150220/employee-tied-up-during-armed-robbery-of-hague-sask-gas-station/>

- This article is an example of how employees working alone are still at risk even after the amendments to the OHS Act. A 64-year old man working alone at a gas station in Hague, SK, was robbed by five people who were armed with a knife and a firearm. He was forced to the ground and had his hands tied. He only contacted RCMP after freeing himself from his binds.

"Saskatchewan Becomes Second Province To Enact Late-Night Retail Safety Regulations." Workplace Wire, November 13, 2012. Accessed May 11, 2015.

http://www.workplacewire.ca/saskatchewan_becomes_second_province_to_enact_late-night_retail_safety_regulations/.

- The amendments and protections of late night retail workers are listed in this article. Late night retail workers are defined as someone working at a retail establishment from 11:00pm to 6:00am. The amendments for new regulations include creating safe cash handling procedures, camera's recording key areas in the workplace such as cash desks, and outside focussing on gas pumps, written safety procedures that employees are trained in (and are updated every three years or when changes in circumstance affect worker safety) check in systems for late night employees, and signage stating limited access to cash, valuables, and the use of camera's in the facility. The passing of these regulations made Saskatchewan the second province to adopt specific regulations that were intended to protect late night workers.

Hiebert, Tari, and Jennifer A. Miller. "Canada: Saskatchewan Changes Its Occupational Health And Safety Act: Effective November 7, 2012." Mondaq Connecting Knowledge and People. November 20, 2012. Accessed May 7, 2015.

<http://www.mondaq.com/canada/x/207024/Health+Safety/Saskatchewan+Changes+Its+Occupational+Health+And+Safety+Act+Effective+November+7+2012>

- The article outlines the OHS amendments. It defines the new responsibilities of employers, such as providing personal safety transmitters that have to be worn by a late night employee, and other late night worker protections. It described additional amendments related to new general duties for managers and supervisors. It is their responsibility to be sure employees are properly aware and trained in the new safety measures. It is their responsibility to be sure that their businesses are compliant with safety requirements. It also describes amendments not related to the safety measures, such as the definition of a contractor, additional general duties for suppliers, and the list of fines for non-compliance.

Salnek, Paul. "Jimmy's Law Tour Makes Its Way to Prince Albert." Prince Albert Daily Herald, April 1, 2012. Accessed May 25, 2015. <http://www.paherald.sk.ca/Local/News/2012-04-01/article-2944755/Jimmys-Law-tour-makes-its-way-to-Prince-Albert/1>

- MLA for Saskatoon Centre, David Forbes, and Yorkton Radio host and Jimmy Wiebe's friend, Aaron Nagy, visited several cities and towns in the province to conduct midnight tours of late night retail businesses such as convenience stores and gas stations. They would talk about Jimmy Wiebe's story, discuss what they were trying to accomplish in pushing to have Bill 601 passed, and spoke to employees to see if they felt safe in these establishments. In this article Forbes and Nagy were visiting Prince Albert and 80% of businesses they visited already had the safety requirements outlined in place, such as having a minimum two employees working at night. The article also mentioned how when they were in Yorkton, they went to the gas station where Wiebe died and saw that many safety measures were implemented.

Smith, Jessica. "Attendants Recount Two Violent Holdups in Past Month." Metro, April 2, 2012. Accessed May 27, 2015. <http://metronews.ca/news/saskatoon/32540/attendants-recount-two-violent-holdups-in-past-month/>.

- During Forbes and Nagy's stop in Saskatoon, they spoke to two gas station attendants, Darren Kaytor and Matt Marinelli to discuss when they were robbed twice in the month of March. One was when someone aimed a shotgun at a previous cashier, when Kaytor was working as a gas jockey. Another incident was when Marinelli was threatened with box cutters. The Fas Gas they were employed at had two employees working at a time. The Fas Gas has a barrier system that prevents someone from coming around to the cashier's side of the cash desk, but they can still get on top of the cash desk. The owners of the gas station were considering adding a locking system and having only prepayment for gas at the pumps.

Smith, Jessica. "Forbes Burning Midnight Oil to Promote 'Jimmy's Law'." Metro, April 12, 2012. Accessed May 25, 2015. <http://metronews.ca/news/saskatoon/32425/forbes-burning-midnight-oil-to-promote-jimmys-law/>

- Another article on the midnight tours done by Forbes and Nagy, this one was about their visit to Saskatoon. The other stops were Moose Jaw, Yorkton, Prince Albert, North Battleford, Swift Current, Regina, Weyburn, and Estevan. The article spoke to two late night employees about the safety measures in their store, and that they felt safe.

APPENDIX IV

(introduced as Bill 23 on December 13, 2011)

The Occupational Health and Safety Act, 1993

Repealed by Chapter S-15.1 of the Statutes of Saskatchewan, 2013

(effective April 29, 2014)

Duty re policy statement on violence and prevention plan

14(1) An employer at a prescribed place of employment where violent situations have occurred or may reasonably be expected to occur shall develop and implement a written policy statement and prevention plan to deal with potentially violent situations after consultation with:

1. (a) the occupational health committee;
2. (b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement and prevention plan required by subsection (1) must include any prescribed provisions.

2012, c.25, s.11.

APPENDIX V

The Occupational Health and Safety Regulations, 1996

Part III

p. 23-24, Section: 35

Working alone or at isolated place of employment

35(1) In this section, “to work alone” means to work at a worksite as the only worker of the employer or contractor at that worksite, in circumstances where assistance is not readily available to the worker in the event of injury, ill health or emergency.

(2) Where a worker is required to work alone or at an isolated place of employment, an employer or contractor, in consultation with the committee, the representative or, where there is no committee or representative, the workers, shall identify the risks arising from the conditions and circumstances of the worker’s work or the isolation of the place of employment.

(3) An employer or contractor shall take all reasonably practicable steps to eliminate or reduce the risks identified pursuant to subsection (2).

(4) The steps to be taken to eliminate or reduce the risks pursuant to subsection (3):

(a) must include the establishment of an effective communication system that consists of:

(i) radio communication;

(ii) phone or cellular phone communication; or

(iii) any other means that provides effective communication in view of the risks involved; and

(b) may include any of the following:

(i) regular contact by the employer or contractor with the worker working alone or at an isolated place of employment;

(ii) limitations on, or prohibitions of, specified activities;

(iii) establishment of minimum training or experience, or other standards of competency;

(iv) provision of personal protective equipment;

(v) establishment of safe work practices or procedures;

(vi) provision of emergency supplies for use in travelling under conditions of extreme cold or other inclement weather conditions.

p. 27 Section: 37

Safety measures – retail premises

37.1(1) In this section, “**late night retail premises**” means a place of employment that is open to the public between the hours of 11:00 p.m. and 6:00 a.m. for the purposes of making retail sales to consumers.

(2) In addition to the requirements imposed by sections 35 and 37, an employer of workers at a late night retail premises shall conduct a workplace hazard assessment in accordance with an approved industry standard.

(3) The employer shall conduct the workplace hazard assessment required by subsection (2):

(a) in the case of an employer who operates a late night retail premises on the day on which this section comes into force, as soon as is reasonably practicable after the day on which this section comes into force;

(b) in the case of an employer who operates a place of employment that becomes a late night retail premises after the day on which this section comes into force, as soon as is reasonably practicable after the day on which the place of employment became a late night retail premises.

(4) An employer shall ensure that the workplace hazard assessment required by subsection (2) is reviewed and, if necessary, revised every three years and whenever there is a change of circumstances that may affect the health or safety of workers.

(5) In addition to the requirements of sections 35 and 37, an employer of workers at a late night retail premises shall implement the following security measures:

(a) the development of written safe cash handling procedures that minimize the amount of money that is readily accessible to the worker in the establishment;

(b) the use of video cameras that capture key areas in the workplace, including the cash desk and the outdoor gas pumps, if applicable;

(c) the establishment of measures to ensure good visibility into and out of the premises; and

(d) the placement of signs to indicate:

(i) the worker’s limited accessibility to cash and valuables; and

(ii) the use of video cameras on the premises.

(6) An employer of workers at a late night retail premises that has one worker working alone between the hours of 11:00 p.m. and 6:00 a.m. shall, in addition to the requirements set out in section 35 and subsection (5):

(a) implement a check-in system and a written check-in procedure for that worker; and

(b) provide a personal emergency transmitter to be worn by the worker that signals for emergency response when activated.⁴³

9 Nov 2012 SR 75/2012 s4.

⁴³ "The Occupational Health and Safety Regulations, 1996." 2014, 23-27. The Queen's Printer. Accessed May 23, 2015. <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/O1-1R1.pdf>.