

(Updated January 30, 2021)

1. Our Society was founded and is operated by families who have lost a loved one to wrongful death in BC and were denied access to justice. We've been working on this issue for over two decades. We rely upon our 100% volunteer team, significant financial contributions from our own board members, and individual donations from members of the public.
2. In BC, only people who meet the discriminatory criteria of having both an income and dependents have worth under the law. Everyone else is 'free to kill' with no financial accountability. This has especially affected children, seniors, the disabled, and vulnerable ethnic populations, such as our First Nations.
3. BC is the last province in Canada, including the Yukon, yet to modernize these colonial-era laws that have had no significant or meaningful updates in this province since adoption from the UK's Lord Campbell's Act in 1846. Most of the provinces have modernized long ago, but even they do not do nearly as good a job as many developed countries around the world in regards to protecting and dignifying human life under their respective legislation.
4. When a human life is considered "worthless" under the law, you cannot sue a wrongdoer when they have negligently, or intentionally, caused or contributed to a loss of life. There are simply no damages to collect that would otherwise finance the pursuit of truth and justice through a litigation process.
5. The ability for surviving family members of a victim of wrongful death to get their day in court is a fundamental aspect of a democracy. Nothing gets the truth out like the court procedural process on the public record. The government self-investigation offices, bureaus, boards, tribunals, and commissions at best are incomplete and flawed and are at worst investigation theatre by design. When a human life has worth under the law, and an incident of wrongful act causing death has been recognized as having merit, a lawyer is able to take the case on a contingency basis. This allows access to justice regardless of the family's socio-economic status. Presently, legal professionals do not have the legislative framework to help these families and fight to enforce these critical human rights.
6. Newton's third law states: For every action, there is an equal (in size) and opposite (in direction) reaction. The same is true for the impact on a family when their loved one has been wrongfully killed. Beyond the grief, when truth and accountability are denied, there is a burning sense of injustice. The pursuit of truth and justice is inextricably linked to the grieving process. When that process is denied, you deny the victim dignity and the surviving family members their humanity. The trauma and injustice by the wrongful act has a rippling effect. Under the present law, these damages are referred to as "non-pecuniary" or "non-economic", and they are excluded from the current *Family Compensation Act*. The fact is, these damages are *immeasurably* economic in their impact on surviving family members. Time off work, loss of income, loss of opportunity cost for business owners and the self-employed, potential layoffs, career changes, strain on marriages and other relationships—the impact is unquantifiable. This is why other jurisdictions have a "non-pecuniary" class of

damages arising from the survivor's loss of the decedent's love, guidance, care, companionship, and affection, proportional to the relationship that existed between the survivor and the decedent prior to the decedent's death. This is the equal foundation that would allow us to distinctly value every human life, which is otherwise missing in the province of BC. The financial impact must be redistributed from the wrongdoer to the victim and, in instances of wrongful death, the surviving family members. This financial penalty is a deterrent mechanism that is sadly lacking in our province.

7. Human rights in this province simply DO NOT exist when human life is worth nothing. Any claim of protecting human rights by the government under this current legislative framework is at best an illusion and at worst a fraud. The smallest minority in the world is the individual. A government that does not enshrine legislative protections for the rights of the individual cannot claim to be a defender of other larger minority groups. The only reason the population consents to government existing is for said government to protect the life, liberty, and property of the individual in a geographical area. The BC provincial government is failing the public in one of its primary core functions.
8. The BC NDP have released a statement that there are "diverging views" with respect to the value of human life in this province. We understand that many of these archaic and perverse diverging views come from ICBC and the Healthcare Protection Program/Risk Management Branch/Ministry of Finance. However, we would point out that insurance is supposed to be for the benefit of victims. It is not supposed to be a government make-work program. It is also the duty of the insurer to prevent injury and wrongful death in the first place, by weeding out bad apples, and preventing human factors that contribute to negligence and wrongful acts.
9. In BC, our public insurers are not only politically obstructing access to justice for surviving family members of the wrongfully killed, but they continue to remain in doing a very poor job at promoting safety standards and protocols. When it's free to kill, there is no financial incentive for root cause prevention. This is basic economics that every other provincial jurisdiction in Canada and most developed nations around the world have already figured out.
10. If we do not modernize these laws to allow for access to justice for families, and incentivize safer systems through financial accountability and root cause prevention, this province is doomed to be recognized as an international failed jurisdiction for human rights, safety, and standards of care. The question shouldn't be, how much might it cost the government to modernize these colonial era laws, but how much will it cost the government to NOT modernize?
11. BC taxpayers subsidize physicians' Canadian Medical Protective Association insurance fees to the tune of at least 50%, yet we are not afforded the same legislative protections and access to justice as all of the other provinces are. How is this fair to the public?
12. The citizens of BC have been paying the highest in automotive insurance in the country to a crown corporate monopoly that has nearly double the workforce as any private insurer of the same customer base size. Yet we are not afforded the same legislated protections and access

to justice and damages when our loved ones are wrongfully killed on the roads in this province. How is this fair to the public?

13. Our corresponding 'Wrongful Death Accountability Act Briefing Note' contains our Society's drafted legislation. This legislation has cherry-picked the best aspects from each of the provinces across Canada. It is legislation that favours the victim and not the wrongdoer, as our current primitive legislation does now. It closes all of the loopholes for wrongdoers to escape accountability. It is legislation that could allow us to set an example in Canada for human rights, rather than merely playing a pathetic game of catchup. It will finally ensure that the government provides legislative protections, value, and dignity for its citizens under the law. It will incentivize our insurers to promote higher standards and stricter protocols for safety across both the public and private sectors. It will actually provide financial deterrence to prevent wrongful deaths in the first place. It will save lives. There is a 'cost-containment' aspect when lives are saved that our public insurers and bureaucrats must distinctly recognize.
14. This legislation is ready to go and can be tabled in the next legislative session. We can get this critical human rights work done right now, instead of waiting yet another 4 more years, as your government has done in their past term, and previous governments have failed to undertake in their respective terms.

Call to Action:

1. MLA/Minister, what are you personally going to do to make sure that BC is a province where human life is protected and dignified under the law, instead of cast aside as worthless?
2. MLA/Minister, what are you going to do to save lives in this province, so your constituents who've fallen through the cracks won't be needlessly killed?
3. MLA/Minister, what are you going to do to ensure our institutions, roadways, and other systems in BC are adequately incentivized through a framework of legislated protections to make our province safer and prevent wrongful deaths in the first place?