

Probe finds gas station attendant died because policy was not enforced

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A 24-year-old gas station attendant who was dragged to his death after trying to stop a driver from stealing \$12.30 worth of gas would not have died if the station he worked for had properly enforced its own rules on how customers pay for gas late at night, an investigation by WorkSafe BC has concluded.

According to the WorkSafe report, the Maple Ridge Esso station Grant De Patie worked for had a formal policy in place requiring customers after 11 p.m. to either pay for their gas upfront at the service window or pay at the pump using their credit card.

But WorkSafe investigators found that policy was not enforced by station managers.

"Not applying the payment policies resulted in [De Patie] routinely being out of the store and permitted him to challenge the fleeing car," states the report, obtained by The Vancouver Sun through the Freedom of Information Act. "The late night payment policies would have prevented this fatality."

The station's owner, Barj Dhahan, said Monday De Patie was told of the late-night payment policy and was expected to follow it.

"That policy was enforced but the employee chose not to abide by it," said Dhahan. "We never had a problem with anyone else. This young man -- whatever actions he took were taken by him, contrary to the policy."

That account conflicts with the WorkSafe investigation, which found the late-night payment policy was simply "not applied."

"Customer service is paramount and the firm has taken no action to enforce their policies regarding payment during late hours," states the report. "There is no evidence that the firm wishes to enforce a system that may ... hinder some customers in purchasing fuel."

Indeed, the report indicates management knew that De Patie routinely went outside during the graveyard shift.

"This may have left [De Patie] with the conclusion that these policies were not important and that there was no negative consequence in not following them," it states.

De Patie died shortly after midnight on March 8 after being struck by a stolen Chrysler LeBaron and dragged 7.5 kilometres. A 16-year-old boy has been charged with second-degree murder in connection with De Patie's death.

De Patie's mother Corinne said Monday she was troubled by WorkSafe's findings.

"I feel dumbfounded that there were measures that could have prevented his death," she said.

De Patie said her family is still grieving Grant's loss.

"It was just 10 months ago yesterday and it feels like 10 days," she said. "I'm the one that's paying the price ... without the possibility of ever having Grant back in my life again."

She said she'd like to see the provincial government enact legislation requiring all gas stations to adopt a pay-before-you-pump policy, as is common in the United States.

"I don't want this to happen to anybody else because it puts the family through hell," she said.

Some of the WorkSafe investigation's other findings include:

- De Patie had "demonstrated recognizable traits associated with pride and reputation," which may have contributed to the incident
- The station had no policy in place to check on the well-being of those like De Patie who were working the graveyard shift alone.
- The station did not enforce a policy requiring the use of a magnetic lock on the main door between 11 p.m. and 5 a.m.
- The station did not immediately notify WorkSafe of De Patie's death.

WorkSafe has issued an order against the station requiring it to improve the training and supervision of its employees — including enforcing a late-night payment policy.

Dhahan said Monday his company has taken several steps since De Patie's death to improve safety at the station.

"We have clarified our policies and procedures where before clarity may have been lacking," he said. "We have very clearly stated in our documentation that in the event of drive-offs ... no employee is to go outside and confront customers."

WorkSafe spokeswoman Donna Freeman said Monday the investigator on the De Patie case has recommended a fine be imposed against the station — a recommendation the agency is in the process of reviewing.

"A penalty is being considered at this time," she said. "It can range from a couple thousand dollars up to \$500,000."