This case was written by Stephanie Shaw, Windsor, Ontario, & Dr. Deborah McPhee, Brock University, Goodman School of Business, St. Catharines, Ontario. It is intended as a basis for student discussion, not to show either effective or ineffective administrative decision-making.
ABSTRACT

This case will analyze Bonnie Tourig’s experience working alone in a local convenience store. Bonnie was an 18-year old high school student working for pocket money when four thieves broke into the store to commit a robbery. The bandits shot her, resulting in her being paralyzed from the neck down. The men were arrested, convicted and jailed. This case will ask how the situation could have been prevented, expectations for small businesses in terms of safety precautions and the varying responsibilities of each party in regards to health and safety in the workplace.

INTRODUCTION

It was midnight on September 23, 2017 when Bonnie Tourig laid awake tossing and turning. It had been exactly five years since her life changing experience had occurred. She could never imagine what inevitably happened: life as a quadriplegic.

As Bonnie thought back to that dark night in September of 2012, Bonnie knew that she not only wanted to, but also needed to enact change. She needed to use her tragic experience to help others so history would never repeat itself. It had been a long road of rehabilitation, but finally Bonnie’s overall health was in good standing.

Bonnie had considered the idea of writing an autobiography detailing her experiences previously. On this particular evening, she was unable to sleep and the idea seemed more appealing than ever. As Bonnie thought back to the series of unfortunate events that led her to where she was today, she thought about her former manager Michael and his role in the situation.
MICHAEL SMITH

Michael Smith was new to the county, originally from the West Midlands. He had moved to Russell County a few years prior in order to marry and start a new life with his long-time love Wendy. Michael was very excited what this new marriage and environment would bring.

Michael had met Wendy in the year 2000 when he came to Russell County to visit some friends. They remained in contact romantically over the years, although long-distance proved difficult. Occasionally Wendy would mention moving to England to be with Michael. However, he remained sceptical this would ever come to fruition as she was very content with her family and friends in Canada.

Eventually, Michael decided to take the plunge himself and moved to Russell County, Ontario. He owned several small companies in England, which he had no trouble selling for a solid profit. Michael planned to use the proceeds to rebuild himself as a Canadian businessman.

Michael had been in Russell County for approximately six months when a corner lot on a busy road came for sale. The lot was located right off the highway, which he felt was a prime location. Michael was unsure what type of business he wanted to start so the lot sat vacant for several years. However, Michael knew he would do something with the land when it felt right.

One afternoon, Michael was extremely frustrated after running out of gas on a dirt road. The gas meter was broken on the old car Wendy’s mother had lent him, and this wasn't the first time his gas had suddenly gone from showing as half-full to empty. As Michael started pushing his car down the dirt path, it dawned on him that the lot he had purchased was a prime location for a gas station/convenience store combination.

When Michael got home he started working on his business plan. He was very familiar with the technical aspects of opening up a new business, as this had been his focus in his previous experiences. He had focused on the “big picture” items in the past while his partners took care of the day-to-day aspects in regards to human resources and health and safety.

It took almost a year to go through the government mandated land surveys of opening up a gas station. However, eventually Michael was approved to open Clearly Convenience. The plans had been drawn; all Michael needed to do was give the contractors the green light to start renovating.

THE CONVENIENCE INDUSTRY

In the 1920s, convenience stores connected to service stations started to grow in popularity. The first convenience store chain was opened in Dallas, Texas in 1927. The popularity soon spread to Canada and convenience stores started popping up on every street corner. By the 1930s, approximately 80% of all fuel purchases in Canada were sold by convenience stores.

By the year 2000, the average convenience store in Canada had a sales area of 255 square meters. The norm was an additional 175 square meters for non-sales areas, which would often include a
seating area to eat at and a coffee island. Other offerings at major convenience stores started to include groceries, restaurants, financial service kiosks and drug stores.

Another trend in convenience stores included a shift towards more convenient hours. Hours started to become more flexible, with many convenience stores adapting 24-hour operations. This was particularly beneficial for customers travelling on the highway at night and those who needed to pick up a snack after midnight.

In 2011, total convenience store sales in Canada grew 4.2%, reaching a record $205.1 billion. An additional $433.9 billion can be added for fuel, which includes both gasoline and diesel. As a result, total convenience store sales in 2011 were $639.0 billion.

**Clearly Convenience**

Michael opened Clearly Convenience within a few months of starting renovations. He was fluid in placing orders and negotiating with vendors, allowing his expertise to expedite the process. Furthermore, with his history he had access to a vast array of capital and possessed a strong drive to rebuild himself. Michael also wasn't afraid to roll up his sleeves and help do the work himself, from the ground up.

Michael designed all aspects of the shop, including the staging. He put the cash register at the back of the store to ensure all aisles were visible to the attendant. He hoped this would minimize petty theft. He had creative advertisements plastered on the front door, in addition to window decals highlighting popular brands the shop sold. For example, the far left window had a large Red Bull sticker which took up almost the entire window. While Michael noticed it made the window difficult to see out of, he liked the façade and decided it was well worth it.

Clearly Convenience required very little staff to remain fully operational, so Michael and Wendy each took shifts working at the shop. Michael used his expertise in marketing to create signs, advertisements and promotions, which resulted in almost immediate success. Within the first year, the business expanded from a basic gas station with a few small snacks and beverages at the cash register to adding a hot food station, lottery tickets, and selling necessities like milk and bread.

As Clearly Convenience continued garnishing success, Michael and Wendy began to experience struggles in their relationship. The long hours combined with stresses of opening a new business led to the couple’s separation. They agreed to remain friends, but Wendy refused to work at the shop any longer.

Michael had partaken in a number of bad investments since moving to Canada. Therefore, as divorce proceedings went forth he recognized it would be wise to sell Clearly Convenience in favour of starting a new business in a few years that was not as capital intensive. Michael put Clearly Convenience up for sale.

Michael soon found a buyer by the name of Raj Kumar. Raj had the intention of not only expanding his chain of convenience stores but also securing a new name for the chain. His current chain,
“Raj’s” did not describe the business and a consumer survey indicated an unfavourable response to the name.

Raj decided to maintain the name of Clearly Convenience and adopt the name for his other locations. Furthermore, he needed assistance as the chain was growing faster than he imagined so he offered Michael a job as District Manager of his now four stores. Michael accepted. Raj warned Michael that he wanted to maintain a hands-off approach so managing the stores on his own would be Michael’s responsibility.

Raj had little formal business training so he would rely on Michael to run the human resources end of the operation and train all new hires. Michael soon got to work and streamlined the business so all branches matched Clearly Convenience’s operations. He put in long days but the generous compensation package justified the means.

Michael enjoyed his job at Clearly Convenience. At the beginning Raj would ask him to perform what Michael considered menial tasks such as training new employees, developing health and safety procedures, and producing reports. However, as time went on he ignored the requests and eventually Raj stopped bothering him.

Clearly Convenience continued to experience both successes and challenges. Raj felt the pressure of minimum wage increases and had to cut staff multiple times in the next few years. However each shop still had on average four employees (see appendix A). The company did not perform reference checks as Michael preferred to run the business on his gut feeling. He also did not have the time to develop a full training program, so turnover was quite high.

Through it all, Clearly Convenience had very few and minor employee issues. At one point an individual was found to be stealing money from the cash register which disappointed Michael. At another location, another employee was found to be selling lottery tickets to underage customers. However, luckily, at no point did anyone get hurt. The business overall continued to flourish in profits.

**BONNIE TOURIG**

Bonnie was a typical high school student. She had many friends, a boyfriend of three years and a part-time job. She was excited for college, which would be starting in the fall. Although her parents were paying for her college education, she would be responsible for funding all discretionary spending. Therefore, she needed to save some money throughout the summer in order to facilitate her working minimally during the school year.

Bonnie had always been a hard worker. She had straight A’s in most subjects with the odd B scattered in any class relating to history. Bonnie was part of the math club and played on the high school baseball team. These extracurricular activities took up most nights after school, but she was able to reserve most Saturday and Sunday nights to her part-time job.

Bonnie had worked at Clearly Convenience part-time for almost two years. She had obtained the position as she was finishing grade 10. Her parents had some friends over for a BBQ, which
included Michael Smith. Michael had mentioned they needed someone to stock the shelves on the weekends. Bonnie jumped at the chance to make some extra money and thereby gain independence.

Michael thought Bonnie would be a good fit at Clearly Convenience. He had always treated her like the daughter he never had. Bonnie’s parents had concerns she would be working alone but Michael comforted them by highlighting Clearly Convenience’s near perfect health and safety record. Her parents were worried that she would be working with gasoline products and the store customers were mainly unknown people travelling through the area, but they knew Michael well and had confidence in his management abilities. Michael advised she may start Monday.

Bonnie worked at Clearly Convenience about eight hours per week to start. On average she would work two four-hour shifts per week. She loved the position, and found stocking the shelves to be simple but relaxing. She was a good worker, always showing up 15 minutes early to her shift and staying late when needed. Bonnie was pleasant to the customers and always willing to go the extra mile to ensure that each customer had a positive experience.

At Clearly Convenience, the front desk attendant generally worked independently except when there was a stocker scheduled. After the shelves were stocked, the stocker would leave and the front desk attendant would work independently for the rest of the night. Clearly Convenience was just outside of town, so customers were generally few and far between at night.

Before long, Bonnie could stock the shelves within about two hours. Michael asked if she would be interested in learning how to work the cash register. Bonnie was thrilled with the opportunity for extra hours and said yes. The full-time front desk associate Liz started training Bonnie immediately.

Liz showed Bonnie when and how to check photo identification for lottery tickets and cigarettes. She also outlined how to scan items through the cash register and where the barcodes of key products were located. Liz further indicated general troubleshooting techniques when the registers at the gas pumps were inoperable.

Liz indicated that an excess amount of cash should never be in the register, but gave no solid description on what classified as excess. However, she stated it was generally not a problem as customers often paid by debit or credit. Liz went on, “if you ever feel the cash register is in excess, email Michael and he will stop by within a few days to do a deposit.” Regardless, deposits were regularly done bi-weekly, every Monday and Thursday.

Bonnie asked several questions on what to do if there was a health and safety incident, or a hostile customer situation. Liz responded, “just go with your gut and do what feels right at the time. Management doesn’t care.” Bonnie furthermore inquired about WHMIS training, to which Liz explained she had never completed it either, and they only sold household cleaning products, which did not require training. Bonnie was surprised nothing she had learned in her high school business class about health and safety was in effect, but she figured this may be how business worked in reality.
The two spent the first few shifts together, until Bonnie was confident she could perform the job without a shadow. At this point, she was left on her own. Bonnie had very few questions or concerns with her position. However, on occasion she believed the cash register contained an excess amount of cash, had emailed Michael but unfortunately had never heard back.

Although Bonnie felt the position to be satisfying, there was no denying it was a difficult job at times. She would often experience customers complaining about the price of gas, and there was always a mess to clean up. Customers would get angry when asked for ID to buy cigarettes, and the late hours put stress on Bonnie’s body.

**Health and Safety**

Clearly Convenience had recently evolved from standard 8am-10pm daily hours to a 24-hour operation. Michael knew that Clearly Convenience needed to keep up with the competition, which was constantly adding value-added services for their clientele. Therefore, he had hired additional personnel for each branch to work the midnight shift.

Michael was aware that crime was more apparent in the late hours of night and early hours of the morning. Russell County’s overall crime rate had spiked by 2.4% over the past year but Michael was confident that such an incident wouldn’t happen to them – it just couldn't with their health and safety record. Besides the County was relatively safe.

The health and safety record at Clearly Convenience was excellent as shown on their Health and Safety Log. Michael had drawn up a Word document, which he printed, on a yearly basis for employees to log any issues or concerns pertaining to health and safety in each location. At the end of the year he combined all the branch’s data into one cumulative Health and Safety Log (see appendix B).

In the past three years, only four concerns were documented in total for all four locations. Michael was happy with that record. Furthermore, none of the issues resulted in more than a bandage, so none of Clearly Convenience’s employees experienced lost time or sought medical attention for the small health and safety issues that occurred.

One afternoon, Michael got a call from Raj. Raj indicated he had received a number of health and safety concerns expressed by employees at various branches. The complaints included groups of scrupulous teenagers who would often congregate at the front of the shops and multiple lightbulbs in the parking lots that were burnt out. Furthermore, it was stated that customers were getting particularly aggressive in recent weeks as gas prices continued to increase.

Michael defensively stated these claims were impossible – “just look at the Health and Safety Log, nothing ever happens!” he cried out. Nonetheless, Raj instructed Michael to use the yellow pages to identify a health and safety security advisor who could provide recommendations and ensure they were up to government-mandated standards.
STEVE MOORE

Michael called the first name he could see in the yellow pages. On the second ring, a consultant named Steve Moore picked up the phone. He explained the services he offered, his reasonable price and that he was able to start as soon as that afternoon. Michael booked him on the spot and they arranged to meet at the Russell County branch.

When Steve arrived he did a walk-through of the property and asked Michael a few questions, which he would use as a basis for his improvement recommendations. Steve asked for Clearly Convenience’s last risk assessment. “Hazard and risk assessment?” Michael asked. He had never completed a risk assessment, and was not familiar with what that would entail. Steve explained to Michael that a hazard and risk assessment was vital to running the shop, as it’s a means to prevent accidents and incidents. It allowed management to minimize risks in the workplace.

Steve next asked Michael to point him towards the company’s health and safety board. Michael, once again lifted one eyebrow in confusion. “Health and safety board? There’s only five of us that work here!” Steve responded, “you must have a health and safety board, you’re running a 24-hour operation. Where do employees go to ensure they are aware of their health and safety rights? Where do they go to see your health and safety policy? Where do they go to see your In Case of Injury poster? You need to get a cork board and start one immediately.”

Michael took Steve to his locked back office. “Here! In Case of Injury Poster!” Steve looked at the 10-year-old unkempt poster, half of the words not visible (see appendix C). He shook his head in disbelief. Michael continued, “Also, I only hire smart people that do not get hurt, they figure it out. We don't need all this nonsense!”

Steve had all the information he needed. He asked if any of the other branches were run any differently. Michael responded no, he ensured the business model was replicated exactly amongst branches. Steve therefore decided it would not be necessary to visit the three other branches. He would base his recommendations off the Russell County branch exclusively.

Steve indicated Michael could expect a report of his findings and recommendations within a period of two weeks. He detailed that the report would analyze the external environment, risks associated with the business, level of risk for each potential issue and training recommendations. He would finish the report by putting together a Health and Safety Policy that Clearly Convenience could post on their health and safety board.

RECOMMENDATIONS

Two weeks later, Michael received a phone call from Steve summarizing his findings and recommendations. Steve had completed a hazard and risk assessment of one location and assured Michael he would send over the full report and all the files that Clearly Convenience needed to print and post for the health and safety board.

In the report, Steve addressed that convenience stores are presented with unique health and safety challenges in comparison to large and more traditional retailers such as malls. There are many
additional hazards for small business employees due to their hours, the independent nature of the work during non-peak times, the somewhat remote locations they are normally found in (i.e. off a major highway like Clearly Convenience) and the reputation that they are “easy” robbery or theft targets.

Steve made many recommendations. He suggested making changes in terms of training and visibility out of the store. He also suggested that Clearly Convenience implement their selected changes as soon as possible. He stated the operation was an accident waiting to happen and they should view his report immediately.

Michael was shocked at how many changes Steve was suggesting, and he hadn’t even seen the full report yet. He had run dozens of successful business for the past 30 years, how could this consultant be so critical of the business. Michael got off the phone with Steve, indicating he would think about the suggestions. Subsequently, he called Raj to vent and advise he would not be making any changes to the business.

Raj was furious. He had just spent thousands of dollars on a consultant. He instructed Michael to start making changes immediately. The number of complaints he had been receiving from employees continued to increase, and he did not want to continue personally investigating each issue. He furthermore explained to Michael if the chain was going to continue on its current growth path, they needed to make changes stat.

Michael decided to start with the easiest change. He once again opened the yellow pages and called a local surveillance company. He asked to have a digital video recording system installed in all eight branches. The company informed him the next available installation appointment was in three weeks so he booked it.

On September 22nd, Michael emailed a memo to employees. He asked if November 16th worked for each of them for company-mandated health and safety training. He furthermore wrote that the out-dated advertising door decals needed to be removed for added visibility outside of the store.

**THE INCIDENT**

On September 23rd, Bonnie was approaching the end of her shift at Clearly Convenience. It had been a busy night and almost everything went wrong. The cash register kept freezing, the slushy machine was leaking all over the freshly cleaned floor resulting in a customer slip and fall, and two gas pumps had to be shut down due to computer error.

Bonnie replied to Michael’s memo indicating the sooner the better for company training. She was glad the customer’s slip and fall had not resulted in any substantial injury, as she would have had no idea how to handle such a situation. She began entering the fall into the Health and Safety Log when she heard the front door open. Without even looking up, she felt the air in Clearly Convenience go cold.

When Bonnie raised her head from her notebook, she saw four men standing in front of her in masks. They were yelling at her, asking her to empty the cash register. Panicked, Bonnie entered
the code to open the cash register. It beeped and flashed red. Bonnie knew she had unintentionally entered the wrong code. Her heart was pounding and her vision went blurry. Bonnie became even more flustered and tried to enter the code again. The register went red again.

Bonnie heard yelling between two of the men as one held a gun to her head. He was threatening to shoot if she didn't open it more quickly. Bonnie entered the code again, her head spinning and tears filling her eyes. Once again, wrong code.

Bonnie entered the code one more time and fortunately she was able to pull herself together for long enough to succeed. The bandits took everything in the safe, all $294.99 and ran out. Just as Bonnie thought she was in the clear, one of the bandits turned around and shot three bullets into the store. One hit Bonnie directly and there she would lay unconscious on the floor for 10 minutes until another customer entered.

**THE SURGERY**

Bonnie was rushed to the hospital, going in and out of consciousness. Dr. Connors was the neurosurgeon on call that night and therefore he treated Bonnie for a spinal cord injury. He first medically immobilized her to prevent further injury. Dr. Connors and the other medical staff at the hospital worked tirelessly to stabilize her heart rate and blood pressure. She was taken for imaging tests to further determine the extent of her injury. Bonnie was also intubated as she was having difficulty breathing.

The imaging tests determined that surgery was required to relieve pressure on Bonnie’s spine due to the location of the bullet. While the surgery would be unable to repair the damaged nerves of the spinal cord, it would stabilize the spine and if done correctly save her life. If done so efficiently, it may also prevent the nerve damage from spreading.

On September 27th, Bonnie came out of her third surgery performed by Doctor Connors. She had been unconscious on and off for four days. Bonnie was fortunate that the bullet had missed all major arteries although it had severed her spinal cord. Doctor’s kept telling her she was lucky to be alive.

When Bonnie regained all consciousness it was September 30th. The doctors, her mom and dad all stood at the end of her bed and broke the news: she was a high-level quadriplegic. The bullet had resulted in a neck-level injury. This meant the only body parts she would be capable of moving were her head and shoulders. She would need help with mundane daily tasks, everything from taking a bath to using the toilet, eating and even brushing her teeth before bed each night.

Furthermore, she was told that she had partially lost function in her breathing muscles and therefore it would be necessary to use a respirator. She may need the respirator short term or long term, depending on her recovery. She would need to get use to the plastic tube that had been inserted down her throat.

The next night, Bonnie woke up close to midnight needing to use the toilet. She instinctively tried to get out of her hospital bed. Bonnie used all her might in the attempt to swing her left leg out of
the bed like she had done a million times before. It didn't move. Tears started streaming out of her face for the first time since the incident happened. Finally, this was starting to feel real.

For the next week, Bonnie was emotional and snappy with her friends and family. That single bullet took away all independence that life was about to throw her way. Suddenly, she had become fully dependent on others and would never be able to go back. All for a menial minimum wage job.

QUADRIPLEGIA

The word quadriplegia comes from Latin and Greek decent. Quad means “four” in Latin, and plegia means “inability to move” in Greek. Quadriplegia can be caused from a variety of sources. A spinal cord injury can result in varying degrees of impairment. This is largely dependent on the portion of the spinal cord injured and the degree of damage done.

The spinal cord and brain are the primary aspects of the central nervous system. The central nervous system is responsible for sending messages throughout the body. Therefore, in the case of a spinal injury where there is a break in communication, sensation and movement can be affected in addition to breathing.

There are multiple forms of quadriplegia, the worse being complete quadriplegia. With complete quadriplegia, the individual cannot move any part of his or her body. This may include the neck depending on each individual situation. With complete quadriplegia, no nerves are left intact, so no messages can get from the brain to the body.

INITIAL COMPLICATIONS

In time, Bonnie experienced many of the standard complications to quadriplegia. Pressure sores were common for Bonnie. She was fully immobile, and therefore the pressure from the weight of her body often caused her to develop sores on her skin. She soon learned to ensure she requested to be turned at regular intervals. She purchased a special mattress and unique pillows designed to help prevent pressure sores.

Bonnie continued to experience respiratory problems. However, two months after being placed on a ventilator, the doctor discussed installing a pacemaker, which would allow her to breathe regularly. She agreed and the surgery was scheduled for a week later. The surgery was a success and Bonnie no longer had to worry about her breathing.

One morning as Bonnie was doing her morning exercises, she felt her legs jerk. Bonnie and her mother both called out to the doctors in excitement. “I’m regaining movement!!” Bonnie yelled. However, when the doctor came in he looked at Bonnie in the eyes and explained that she had been experiencing spastic muscles. The muscle spasm had caused the leg to jerk, a symptom of the spinal cords inability to relay nerve signals to the brain. He indicated this may happen from time to time, but was not a sign of regaining sensation or movement. Bonnie and her mother were devastated for that brief moment they had thought this would all work out.
REHABILITATION

The next several months were filled with doctor visits and specialist appointments. Bonnie was warned of the many complications that a spinal cord injury could present. Issues such as osteoporosis, fractures, pneumonia and neuropathic pain were some of the most prominent, but the list went on. She spent six months in the hospital and another six months at a specialty rehabilitation clinic.

Rehabilitation consisted of not only learning how to deal with Bonnie’s new limitations, but also learning how to use much of the technology available to her such as her new wheelchair. The wheelchair was set up to be triggered by the head (see appendix E). The gears were mounted behind Bonnie’s head and attached to the headrest.

Bonnie was informed the wheelchair instructions were simple: push the left side of the headrest to go left, push the right side of the headrest to go right, and push the back of the headrest to go frontwards. To reverse, Bonnie must use her head to activate a switch and push the back of the headrest again. Bonnie must then use her head to activate the switch a second time to revert back to going frontwards.

The doctor suggested maintaining optimal health in her new condition. In a sense, this gave Bonnie comfort. So many things were now out of her control, but her eating habits and dedication to rehabilitation were something she could control. At that second, Bonnie made a promise to herself that she would remain health conscious, focusing on eating well and keeping herself in a good headspace.

The doctor outlined that other forms of treatments for quadriplegia were still in the developmental and/or experimental stages. This gave Bonnie hope and she immediately signed up for more information. She was willing to try anything. She also began to look into getting her degree in journalism. She looked at educational institutions that could offer the program she wanted to complete, and more importantly could accommodate her special needs and ensure success.

IMPACT ON THE CITY

The small suburb of Russell County and neighboring cities were initially shocked by Bonnie’s story. Bonnie was so young, and the incident had been such a random encounter that soon the stories reached grew and began to send shockwaves throughout the whole country. Traditionally, those who got shot generally either knew the gunman, had a troubled past with him or her, or did something to prompt vengeance. However, this was different – it was random and no one could be expecting it. It was also a “school girl” working alone in a store late in the evening.

A manhunt was underway to find the culprits. Reporters showed up at the hospital Bonnie was housed, the rehabilitation centers she later visited and even at her home. Signs and flowers appeared on her front lawn, inspirational letters were received and even celebrities were sending their well wishes through video messages and visits to the hospital.
Headlines about Bonnie appeared in newspapers for weeks. Titles were direct and meant to provide shock value. For example “Unprovoked and Horrifying Attack Results in Quadriplegia for Schoolgirl Who Posed No Threat to Armed Assailants”. Furthermore, newspapers began publishing information on her settlement.

Bonnie was eligible for WSIB benefits as she had a worker-employer relationship with Clearly Convenient who was covered by the WSIB. She was also eligible because she had an injury directly related to her work. Therefore, she was awarded the replacement of earnings she would lose while being disabled by the workplace injury.

Bonnie received a lump sum of $10,000 and was awarded $600 per month for the rest of her life. This was the maximum amount she could be awarded as per provincial legislation, since Bonnie was a part-time worker and a student. If she was a full time employee, she would be entitled to $80,000 per year for the rest of her life.

The community began uniting for her. A fundraising page was set up for her and numerous celebrities called out to their fans to donate. Bonnie’s recovery was expensive, and she needed all the help she could get. The general public raised over $200,000 for Bonnie.

**THE TRIAL**

A few weeks later, Bonnie received a phone call from the Russell County Police Department. They had found the four bandits responsible for her injury, all of which were Russell County residents. Bonnie was speechless and her heart was pounding. She didn't think this day would ever come.

Bonnie was wheeled down to the station. Standing behind tinted glass were the culprits. With their black masks removed, the men were just regular civilians. Bonnie thought she would be angry, hurt, devastated but she didn't feel anything. As her eyes went from one man to the next, she stopped, her mouth opening in shock.

The youngest culprit, Curtis White was from her English class. She had gone to school with him all her life. Now, she felt sadness. She felt sad that he had thrown away not only his life, but done this to hers. Two young lives forever changed.

The men went through a six-month trial and were eventually convicted of the crime. They were charged with armed robbery and attempted murder. They were all jailed and given varying sentences. When Bonnie thought it was over, two of the men appealed. The case ended up with the Supreme Court of Canada.

**CONCLUSION**

Bonnie saw her situation as an opportunity to enact change. Truly, she believed the situation endured not only gave her the opportunity, but the obligation to step forward. Ontario was making great strides in legislation; including the Accessibility for Ontarians with Disabilities Act (AODA) which required the province to move to full accessibility by 2025. Bonnie was passionate about this and believed it was achievable if the government kept all its promises about the legislation.
As Bonnie thought about the autobiography she wanted to write, the assailants crossed her mind. This was rare, she almost never thought about them. She made an effort not to dwell on anything she could not change. She did on occasion think about Michael and Raj, who were both heavily fined for their parts in her injury. Bonnie then closed her eyes, cleared her mind and started writing.

**QUESTIONS**

- What could have been done to prevent this situation? How did management’s leadership have an impact on her shooting?
- Is it reasonable to expect that small businesses may have fewer safeguards to protect employees than large organizations?
- Can small businesses afford not to make changes? Why or why not?
- Whose responsibility is health and safety in the workplace? Were all parties in this situation fulfilling their obligations?
- What specific health and safety preventative measures may Steve have recommended for a small business like Clearly Convenience?
- Draft up a cost-benefit analysis of up front training costs for employees versus the back end costs of litigation, significant additional medical costs, loss of earning potential and loss of business (see appendix E for cost estimates)
APPENDIX A:
ORGANIZATIONAL CHART
# APPENDIX B: HEALTH AND SAFETY LOG

<table>
<thead>
<tr>
<th>Date Observed</th>
<th>Infraction Observed</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 12th</td>
<td>Light burnt out at pump 2</td>
<td>March 16&lt;sup&gt;th&lt;/sup&gt;: Light replaced</td>
</tr>
<tr>
<td>June 16&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Customer fell after we mopped the floor</td>
<td>Will start using wet floor sign</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Customer not very hurt</td>
</tr>
<tr>
<td>December 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Customer fell on ice in the parking lot</td>
<td>December 28&lt;sup&gt;th&lt;/sup&gt;: Contracted out parking lot maintenance for all locations to prevent future occurrences</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Infraction Observed</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 4&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Sarah cut finger when stocking shelves with inventory</td>
<td>Bandage provided to Sarah</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No further action needed</td>
</tr>
</tbody>
</table>

## 2009
No safety infractions
APPENDIX C:
IN CASE OF INJURY AT WORK POSTER
APPENDIX D:
HEAD ACTIVATED WHEELCHAIR

Source: www.atandme.com/
## APPENDIX E: WORKERS COMPENSATION COSTS / TRAINING COSTS / INVESTIGATION AND LEGAL COSTS

### Preventative Costs

| Grocery And Convenience Stores - Workers Compensation Costs | 2.09 per $100.00 payroll |
| 17 employees | Average Salary $12.00 per hour |
| Annual Payroll for WSIB purposes | $170,000 |

### Training Costs Required before the Robbery Event and Not Completed

| Worker Orientation: | 1.0 hour per employee time plus $25.00 on-line training per employee |
| Health and Safety Training | 1.0 hour per employee plus $35.00 on-line training |
| WHIMIS training | 1.0 hour per employee plus $25.00 on-line training |
| Worker Representative training one per store | 1.0 hour per employee plus $99.00 on-line training |
| Workplace Violence Training | 1.0 hour per employee plus $25.00 on-line training |
| Robbery protection training program | 1.0 hour per employee plus $15.00 on-line training |

### Accident Costs

| Accident Investigation Costs (consultants and additional training) | $12,450 |
| Ministry of Labour charges: the company | $15,000 fine for not taking every reasonable precaution |
| Ministry of Labour – Charges – Owner (Raj) and (Michael) Manager and Supervisor responsibilities | $3,000 for Raj and $4,500 for Michael |
| Legal Fees for Clearly Convenience and Managers | $42,000 |
| Legal fees – Bonnie’s parents attempt to sue Michael for the additional medical and Bonnie’s future loss of income, however could not sue since Bonnie considered by the courts to be an employee and entitled to workers compensation benefits | $75,000 legal fees |

### Costs for Long Term Care

| 24 hour in home care (2 shifts 7 days per week) | $400 per day 7 days per week |
| Modifications to house: Ramps, washrooms, special medical appliances | $75,000 |
| Modified Van for transportation | $78,000 |
| Education: 4 year degree in US with special modifications | $80,000 per year for 4 years plus accommodation and travel costs to earn a communication degree to become a special assignment reporter |
| Increased health care costs due to quadriplegia | $35,000 per year for clothing, additional medication, food supplements, etc. |

### Business Financials

| Average Gross Sales | $3,500 per day per store |
| Profit after costs | 11% per store |