

A FAMILY'S LIFE CHANGED TODAY, FOREVER

Bulldozer overturned in water-filled pit

by Pamela Baker



James Baker

James Wallace Baker: a son in a family of six children, a father to six children, a grandfather to two, a loving husband, a son-in-law, a best friend.

James was a family man whose children meant the world to him. He attended basketball games, pageants, school concerts; he taught them to drive, he taught them to fire a gun. He would send so many text messages ... he was in constant contact with them all.

He loved farming from his quaint vegetable stand in Tilley, New Brunswick. He loved the peacefulness of the country life and he loved meeting new people. He loved to laugh and he enjoyed life.

He loved hunting and the best memory I have is of the final moose season just before he left us. Jim and I had three days together to hunt for that one big moose. He was like a kid with a new toy. He was out doing what he loved, out in nature, getting to experience the ultimate hunt in our area. We did get a massive moose with huge antlers, which hang in my bedroom now. Never did I believe I would

have moose antlers hanging in my bedroom, but they seem to belong there. Jim was ecstatic and proud of his accomplishment. Little did I know that would be the last hunt with my best friend. He was just beginning to become interested in bow hunting, and he spent some of his spare time practicing his shots – I have a garage door where his arrows went all the way through to prove it. I haven't had the heart to repair those holes yet.

He was a man who would pick up the guitar once in a while and if we were ever so lucky he would sing a tune and often make you laugh with the words he would sing.

He was a man the settlement loved. He lived in Tilley his whole life, worked at the family farm and only went back out in the workforce as a bulldozer operator when things got tough – and things cost more to raise a family of six children. He was not used to being away from home or his family. At first it took us a long time to adjust. We would have tears, even my Jim. We were a very close family and him being away broke our circle.

On October 26, 2014, my daughter and I drove our Jim to meet with his supervisor for a four-hour drive to Carouquet, where they were finishing up a job that should have been done but the three different companies had many differences which caused the project to take longer than expected. His last job was in a pit where they hauled old dirt from the highway and stored new dirt used to construct the new highway. Jim was not looking forward to the pit work, but he knew that was the last job and then he would be home.

On October 27 Jim texted me at lunch time, as he did sometimes. We exchanged a few texts and then it went quiet. I did not think of anything being wrong. Mondays were generally busy and after lunch I would not hear from him till later in the evening.

So, on this day, what we thought would be a regular Monday: school times, work days. In the evening I had my regular house cleaning chores and my daughter Heather who was still in grade 12, had just arrived home from school activities.

At approximately 8 pm, two police cars entered my driveway. At first I was not alarmed. The three police officers asked to come in and asked if I was Pamela Baker. They told me there was a fatal accident and that Jim's bulldozer had overturned in a body of water. It was not making sense to me at all. I was in total disbelief. People talk about the body purging fluids when one dies – this is what happened to me on the evening of October 27, 2014. This is what happens when one dies, and that's why I say a part of me died that night the RCMP told me our Jim was taken from us.

Somehow I had to get myself cleaned up, manoeuvre to the phone, call my parents, and figure out how to get to my children before the social media went on a frenzy. We had one child in Grand Falls, three in Fredericton at different universities, and one in college in Saint John. And the clock was ticking – the accident had happened between 12:30 and 2 pm, we were not notified until 8 pm.

After the shock of hearing the news, we somehow planned a funeral and I walked around numb and knowing nothing but wanting to know everything.

I had so many things to take care of financially and legally. Jim and I were not prepared for this. We lived in an old farm house which was in his family for 100 years. How was I

going to take care of everything plus all the children?

Somehow, I would put my feet on the floor, take care of things, continue to work, learn how to plow, do maintenance around the house and cry as I did it. But I had to. I found the strength to do each task as Jim did and continue to do all my tasks as well. All our life dreams were no more; all of our children's issues were not our issues, but my issues.

Trying to get my children back to their colleges and universities and trying to make sense of it all at the same time. My daughter asked me "what is the sense of it all, why should we carry on or go back?" Deep down, I had no answer, but being a mother I looked at her and answered with all the strength I could "I am not sure, Hannah, but I do know that by going back you are going to help someone or affect someone's day which will make a difference in someone's life someday..." They all went back and then in a short time they were home for Christmas. We didn't really have Christmas that year. There was no joy to bring to them, but we did put a tree up in the cemetery ... so I guess we had a family gathering, just a little different than what we were used to.

Grief is a terrible battle, especially dealing with such a tragedy. I not only had my grief to deal with but the grief of the six children and that is a treacherous road itself to have to go down. It's an ongoing battle because our Jim is so missed in our lives. He was one of the good guys who still should be here.

What happened that day? We know Jim was working his bulldozer to fill a hole in the pit which had accumulated approximately 10 feet of water. We know he was working alone in that area. We know that we truly do not know exactly what happened in those final hours, other than a tragic accident.

The owner of the pit brought concerns to the three companies involved about dangers of the water hole and he wanted it corrected. But no one listened. A pipe had been installed underground to drain the pit but it was not installed properly or deep enough, which led to the pit being as full as it was especially after a weekend of severe rain storms. This made the pit very unsafe, and the ground where the bulldozer was operating even more unsafe due to the contents of the soil that had been dumped there and there was reason to believe berms were not properly in place.

We know that the RCMP would not go in to the site. We know the ambulance would not go in, nor the fire fighters. We know there was no rescue plan, and we know these companies were not prepared.

“ Jim lived in Tilley his whole life, worked at the family farm and only went back out in the workforce as a bulldozer operator when things got tough - and things cost more to raise a family of six children. He was not used to being away from home or his family.

The investigation and court proceedings lingered on and were very draining. We would have to travel to Carleton Place and there would be delay after delay. We are an English-speaking family, however the company chose the proceeding to be in French so a lot of times we would have to guess what was being said. The court proceeding went on until February 2017. Two companies pleaded guilty and were fined, and the third was found not guilty. In March 2018, an inquest recommended increased supervision for construction sites more than a kilometer apart from each other, and more oversight by WorkSafeNB of all construction sites, gravel pits and quarries. The chief coroner also recommended changes to regulations that would require the water depth to be posted at sites with water nearby, and require a joint health and safety committee on any construction site with two or more employers.

Jim and I chose to have a big family, but we chose that together, and what occurred that day took away our future. He won't be here for the birthdays or Christmases to come. He won't be here for the weddings to come. His

four daughters will have to walk down the aisle without their father. All the grandchildren to come that he could have been crawling on the floor and playing with, we and they won't get to experience any of that because

our Jim was taken from us. That day took all that away and so much more. My children were robbed of a very big part of their lives and their futures, and I was robbed of my best friend.

Our two sons returned to college and are finding their paths in this world. Three of our daughters are still in university. With counselling they have done quite well and are on track with their education. Our other daughter, with her two children are moving forward. We are living. We are learning to move forward without our Jim by our side.

We are learning to live with the pain of not having such a wonderful person in our lives but learning he watches over us daily. I still work, and have become a stronger person because I had to. Through my volunteer work, I hope to make changes to benefit families, so they have a better understanding of the system and they don't feel alone. Every time I hear of another life lost in the workplace, I get a gut-wrenching feeling in the pit of my stomach and I always say aloud "another family's life is changed today, forever".



Pam, centre, with Pam and Jim's children