



## Court Cases Involving UTRAC

### OIL & GAS

- An operator with Gulf Canada Resources lost his arm during a pipeline pigging accident. UTRAC was used as part of the defense for proving competence (circa 1998).
- Burlington Resources had 2 fatalities due to H<sub>2</sub>S gas. Fines were going to be in the multiple millions of dollars. Because they contracted to use UTRAC, a method of showing due diligence in health and safety compliance, their fines were reduced to less than 1 million dollars. This occurred in 2004.
- ConocoPhillips had 2 injury accidents in 2005 and 2006. UTRAC was used to prove competence in both cases.
- In January 2009 a major environmental spill from a train car carrying liquid petroleum products is being investigated by Transport Canada. UTRAC is part of the defense, outcome not yet determined.

### HUMAN RESOURCES

- There have been five cases of internal investigations where the results of UTRAC were used to determine lawful or unlawful dismissal and fitness for duty within a major municipality police service. Each case resulted in UTRAC proving competence. One notable example - a World ICU staff member served as a subject matter expert in a non-formal judicial hearing.
- World ICU helped a police force determine who the best candidates are to promote into specialty units such as the TAC team, drug team, high-tech crime unit, etc.
- World ICU helped to determine the fitness-for-duty of officers who have been off work for a considerable length of time or have been injured and are returning from light duty to regular duties.
- A fire department is using the process to determine which volunteer, on-call or part-time firefighters should be deployed to various situations.

### CONSIDERATIONS

- UTRAC has proven competence by having an individual state that they are confident in their abilities and having a third party (Validator) state that the individual is competent.
- Written tests are not an accurate measurement of competence
- Training does not necessarily result in competence. Only 12% of individuals who are trained can actually perform what they have been trained to do in a real situation. The other 88% require coaching and on-the-job experience before they can work independently.