

Company Acquitted of OHS Charges for Incident Resulting in Foot Amputation



A relatively inexperienced worker for a company that produced machined metal products was making modifications to a spindle. As he was using an overhead crane to rotate the spindle, it fell off its stand and onto his foot, which had to be amputated. The company was charged with two OHS violations. The court found that the Crown had proven the charges beyond a reasonable doubt but the company had exercised due diligence. It was unforeseeable that the worker would've rotated this large piece on his own. He did so in violation of his training and using a tool not intended for that purpose. In short, the company took all reasonable precautions and appreciated the seriousness of the potential hazard, which is reflected in the orientation session it provided, the overhead crane training and the protocol for the movement of large new pieces by junior workers, concluded the court [*R. v. ABS Machining Inc.*, [2015] ONCJ 213 (CanLII), April 10, 2015].