

Administrative Penalty Properly Imposed on Company as Owner of the Site



A tree faller was struck by a section of a rotting dead fir tree and died. At the time, he was logging at a location within the area of a forest license owned by West Fraser Mills. But he wasn't a Mills employee—he was working for a contractor hired by Mills. An administrative penalty was imposed on Mills for safety violations. It appealed, arguing that it couldn't be penalized because it wasn't the faller's employer. The court noted that the health and safety of workers isn't exclusively a duty of employers. A determination that an employer may be subject to an administrative penalty for failing—as an owner—to take sufficient precautions for the prevention of work-related injuries at its workplace isn't patently unreasonable, concluded the court. Here, the Tribunal had reasonably concluded that the Mills had breached its obligation by failing to take sufficient precautions to prevent the faller's tragic death and, as a result, an administrative penalty was appropriately imposed [[West Fraser Mills Ltd. v. British Columbia \(Workers' Compensation Appeal Tribunal\)](#)], [2015] BCSC 1098 (CanLII), June 25, 2015].