

Air Ambulance Operator Used Due Diligence to Prevent Deadly ?Copter Crash



Did an air ambulance operator use due diligence to protect workers who died when their helicopter crashed as a result of pilot error? No, said the Crown because it didn't furnish the crew night vision goggles (NVGs). To prove due diligence, an employer's operation must be 'all but spotless' safety-wise, it argued. Nonsense, said the court. Due diligence requires reasonable, not spotless care. And the claim that the operator didn't act reasonably because it didn't provide NVGs didn't hold water, the court reasoned, noting that use of NVGs in this situation was mandated by neither aviation regulations nor industry standards. Maybe there were other things the operator could have done to prevent the accident but providing NVGs wasn't one of them [*R. v. 7506406 Canada Inc. (Ornge)*, 2017 ONCJ 750 (CanLII), Nov. 10, 2018].