

# Alberta Supervisor Pleads Guilty & Ordered To Pay Fine For Serious Workplace Injury



Jeffrey Gross, a construction supervisor in Calgary, pleaded guilty on September 24, 2024, for an incident in which an employee was seriously injured after falling through a roof opening.

On December 10, 2021, an employee under Mr. Gross' supervision was working on the roof at a construction site when he slipped and fell 4.5 metres through an opening. The worker had been completing work on the roof when he removed a plywood covering to access a concealed work area.

Alberta's *Occupational Health and Safety Act* imposes a duty on supervisors to take all precautions necessary to protect the health and safety of the workers under their supervision. In this case, it was determined that Mr. Gross failed to ensure the temporary cover used to protect the hole had a warning or marking posted near or fixed to the plywood cover to indicate the nature of the hazard.

Mr. Gross was subsequently fined \$30,000, inclusive of the 20% victim fine surcharge. The other four charges against him were withdrawn. The employer and prime contractor involved in the

accident were also charged. Their trial will occur in the fall of 2024.

## **Takeaways for employers and supervisors**

Across Canada, occupational health and safety legislation places obligations on supervisors to ensure the health and safety of workers under their direction and supervision. Canadian Courts are seeing an increase in supervisors being held liable for their actions in workplace injuries and fatalities.

In 2023, a supervisor in New Brunswick was sentenced to three years in prison after being charged with criminal negligence causing death when it was determined that his actions were a marked and substantial departure from what would have been expected of a reasonable site supervisor in the circumstances. More information on that case can be found in our [previous blog post](#).

These decisions are a reminder to employers and supervisors to ensure worksites comply with all occupational health and safety requirements and standards. Supervisors must ensure they are aware of their own statutory obligations and those which apply to the worksite. Employers are also responsible for ensuring that supervisors are provided with the information and training necessary to carry out their duties as supervisors.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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