

Construction Contractor Didn't Use Due Diligence to Prevent Fall thru Opening



A residential construction worker fell 20 feet through a second-floor opening fracturing his hips, pelvis and 7 ribs. The employer was charged with 2 OHS violations: Charge 1: Failure to securely cover the opening with a covering capable of supporting a load of 360 kg per square metre. Ruling: Not guilty. Complying with the covering requirement was impracticable. When asked how a hole of that size could be covered, the OHS officer responded, 'I honestly don't know.' And if an experienced OHS officer didn't have a solution, it would be unfair to hold the employer responsible. Charge 2: Failure to provide a guardrail and toeboard around the opening. Ruling: Guilty. Although the employer was in the process of installing these precautions, the court rejected its due diligence noting that for hours it left the workers exposed to the kind of fall that eventually happened without having any interim fall protections in place [*R v Norred Construction Ltd.*, 2019 SKPC 15 (CanLII), Feb. 11, 2019].