

# Constructor Found Liable for Swing Stage Outrigger Fall



This long running case began in 2013 when the outrigger of a swing stage fell as it was being moved from a penthouse roof and hit a construction worker on the ground 4 floors below. The victim survived but suffered catastrophic injuries. The construction manager, Aecon Construction, was charged as constructor with among other things failing to ensure that the swing stage and its components were properly disassembled, secured or stored. We weren't the constructor, we didn't commit a violation and even if we did, we exercised due diligence, Aecon contended. But the court rejected all 3 arguments. 1. Aecon was the constructor because it had control over work at the project including disassembly of the swing stage; 2. Aecon committed an OHS violation because the evidence clearly showed that the outrigger was improperly disassembled and not safely secured; and 3. Aecon fell short of the all-reasonable-steps required for due diligence because it failed to meet OHS requirements, industry standards or its own safety policies in moving the outrigger from the penthouse roof [[R. v. Aecon Construction Group Inc.](#), 2018 NSPC 22 (CanLII), June 25, 2018].