

Court Acquits Defendants as to Supervisor's Death at Construction Site



Workers for a subcontractor at a construction site were using a crane to move a platform from the 23rd to the 22nd floor. To do so, they removed safety fencing on the 23rd floor. The crane knocked a heavy piece of cast iron pipe off the 23rd floor, striking a supervisor for a plumbing company standing below and causing fatal head injuries. The MOL charged the constructor, a site supervisor employed by the general contractor, the subcontractor, the plumbing contractor and its site foreman with OHS violations. The subcontractor pleaded guilty, while the others went to trial and were acquitted. The court found that the subcontractor was primarily, if not solely, responsible for the incident. One of its workers who was supposed to guide the crane from below was out of position and the other shouldn't have told the crane operator to go ahead before ensuring there was nothing in its path. The court found that the Crown had failed to prove the charges against the other defendants and alternatively that they'd exercised due diligence in any event [*Ontario (Ministry of Labour) v. Bay Grenville Properties Ltd.*, [2014] ONCJ 349 (CanLII), July 21, 2014].