

# Court of Appeal Upholds Convictions in Calf Roping Machine Fatality



During a client party, a tech company's worker was killed while operating a calf roping machine. The company was acquitted of two OHS violations at trial. But on appeal, the verdict was overturned. The appeals court ruled that the trial judge's rulings were unreasonable, finding that the company didn't exercise due diligence. And the Court of Appeal agreed. The danger creating by having someone reach into the machine to release a hook was reasonably foreseeable in the circumstances. The trial judge's verdict was unreasonable because it was inconsistent with the evidence that the company knew the machine wasn't working properly and wasn't intended to require the operator to reach into the machine to manually detach this hook. Armed with this knowledge, the company didn't take sufficient steps and certainly didn't do all that was reasonably practicable in the circumstances to avoid the reasonably foreseeable risks, concluded the Court of Appeal [*R. v. XI Technologies Inc.*, [2013] ABCA 281 (CanLII), Aug. 13, 2013].