# Court Releases Reasons for Sentences in Scaffold Tragedy



On Dec. 24 2009, a swing-stage scaffold collapsed, killing four workers and seriously injuring another. Their employer pleaded guilty to criminal negligence causing death under the *Criminal Code*; the company's sole owner/director pleaded guilty to four OHS violations. The court fined the employer $200,000 and the president $90,000. In its recently released sentencing decisions, the court noted that for almost two months, the use of the scaffold violated several OHS regulations. Although the company did provide safety training to workers on the project, the owner failed to ensure that non-English-speaking workers got written material in their native languages and failed to maintain required training records. But while the court noted that the case involved "serious breaches of health and safety legislation with horribly tragic consequences," neither the company nor the owner had a prior record of safety violations [*R. v. Swartz*, [2012] ONCJ 505 (CanLII), July 13, 2012; *R. v. Metron Construction Corp.*, [2012] O.J. No. 3649, July 13, 2012].