

# Court Upholds Convictions of Contractor & Supervisor But Not Government



A blast at a road extension project sent rocks raining down on a nearby trailer court. The Yukon government, a local contractor and a site supervisor were convicted of permitting an unsafe blast and failing to immediately report the incident. On appeal, the court ruled that the government wasn't the "constructor" on the project and so vacated its conviction. But the court upheld the convictions of the contractor and supervisor. It agreed with the trial court that the *OHS Act* was designed encourage safe practices in the workplace to protect both workers and members of the public near the workplace. In addition, the damage from the blasting incident was foreseeable. And the contractor didn't exercise due diligence because there was no system in place before blasting to ensure safety [*Director of Occupational Health & Safety v. Government of Yukon*, [2012] YKSC 47 (CanLII), June 11, 2012].