

Court Was Wrong to Convict Excavation Contractor for Fall Protection Violation



In an unusual move, the Québec Superior Court ruled that the lower court judge was wrong in finding an excavation contractor guilty of a fall protection violation and quashed the conviction. True, there was no guardrail or fall protection for workers at one of the staircases. But the judge's finding that the contractor's workers were likely to work near that staircase was based on a misreading of the type of work the contractor performed. Fall protection is required only when workers are 'at risk of falling,' which clearly wasn't the case for workers doing their job at the bottom of an excavation [*Armatures Bois-Francis inc.c. CNESST*, 2021 QCCS 2672 (CanLII), June 28, 2021].