

Crown Gets Another Shot to Hold Employer Liable for Repair Worker's Death



A tire repair worker ordered the driver of a semi-truck with a flat tire to inch his vehicle forward on the platform, not realizing that another worker was underneath jacking up the front wheels. The Crown claimed the shop owner didn't take 'reasonably practicable' measures to protect the victim but the court accepted the owner's due diligence defence and tossed the charge. Both workers were experienced and properly trained and the owner had clear lockout procedures. The incident was the result of a series of errors, miscommunications and terrible bad luck that were too bizarre to reasonably foresee, the court reasoned. But now the Alberta Court of Appeal has found that the issues in the case are so important and so complex as to warrant an appeal to the province's highest court [*R v. Kal Tire*, 2019 ABCA 44 (CanLII), Feb. 4, 2019].