

Employer Doesn't Deserve Maximum OHS Fine for Double Fatality



Two BC quarry workers were killed when their truck flipped over while speeding down a steep slope at high speed. Although it wasn't clear what it could have done to prevent the incident, the employer pled guilty to one OHS mining regulation violation 'allowing workers to operate a vehicle on a steep road grade. The only question left was how big the fine should be. The Crown asked for the maximum \$100K but the court settled on \$20K + a \$50K donation to a charitable organization that supports the families of workers killed on the job called Threads of Life. True, two workers were dead. But maximum fines are reserved for deliberate violations. The Crown never showed exactly what the employer did wrong, let alone prove that it made a deliberate decision to commit the violation, the court reasoned. The employer's sincere remorse and history of compliance were also factors calling for a smaller fine [*R. v. Broda Construction Inc.*, 2019 BCPC 31 (CanLII), March 13, 2019].