Employer Failed to Supervise Workers Operating Its Leased Crane



An employer supplied a crane, along with an operator and rigger, to a prime contractor. The prime contractor directed the employer's workers to operate the crane outside the safe zone established by the employer. While doing so, the crane came into contact with an energized power line. WorkSafeBC imposed an administrative penalty on the employer of more than $66,000 for failing to provide adequate supervision. It appealed, arguing that the prime contractor had assumed the duties of an 'employer' under the law at the time of the incident. The Tribunal found that the employer didn't take adequate steps to confirm that the prime contractor was qualified to assume responsibility for supervising its workers operating its crane or to clearly communicate who would be responsible for supervising them. Thus, the employer failed to exercise due diligence when it largely abdicated its responsibilities for supervision once the crane was rented by the prime contractor, concluded the Tribunal [*WCAT-2014-01871 (Re)*, [2014] CanLII 42633 (BC WCAT), June 20, 2014].