

Employer Not Liable for Experienced Crew's Rigging Accident



A crew was installing a heavy metal boom stick onto a side boom Caterpillar tractor, using a sling held by a tractor to move the stick into position. Suddenly, the sling fell from the hook and caused the stick to fall on a crew member's foot amputating 4 of his toes. The Crown charged the employer with 8 different OHS violations but was able to prove only one beyond a reasonable doubt: failure to adequately train the crew. But the court still found the employer not guilty of that charge via due diligence. It wasn't 'reasonably foreseeable' that this experienced crew needed training on using a sling long enough for safe sling angles and using a choker to make the lift safer. Although they never took a formal rigging course, the workers got the knowledge they needed from their work experience. 'They took this basic rigging practice with them from one pipeline job to the next,' the Alberta court explained. The same was true of using a sling long enough for safe angles [[R v Midwest Pipelines Inc](#), 2019 ABPC 118 (CanLII), June 24, 2019].