

Employer Violated Industry Standard by Not Using Engineered Solution



A worker at a well site was engaged in a process in which a drilling pipe is removed from the well and disconnected piece by piece. He was hit in the head by rotating equipment, suffering fatal injuries. The court convicted his employer of two OHS violations. The Crown argued that the appropriate standard of care required an engineered solution to the problem of table torque induced by the driller. The employer argued that industry practice at the time didn't mandate nor was it reasonable to require an engineered solution given its administrative procedures. The court noted that the goal of engineered solutions is to avoid the sort of human error that occurred in this incident. Here, the evidence was clear that an engineered solution was used by other industry competitors. And the employer itself engineered the same or a similar solution when specifically ordered to do so. Moreover, the solution was cheap, quick and easy'and it was effective. So the court concluded that the appropriate standard of care required 'nothing more than applying a small bit of common-sense engineering to a known problem' [*R. v. Precision Drilling Canada Ltd.*, [2015] ABPC 115 (CanLII), June 1, 2015].