

Employer's Supervision as to Fall Protection Failed Due Diligence Test



A safety officer saw two workers at a worksite installing roofing material. Although they were wearing fall protection harnesses, they weren't attached to lifelines. As a result, the employer was penalized for a fall protection violation. It blamed the workers, arguing that they were experienced roofers who'd been properly trained and had the appropriate fall protection equipment. The Tribunal agreed that the employer had properly trained the workers as to fall protection. But it didn't adequately supervise them. The employer had prior fall protection violations and so its system of spot checks clearly wasn't motivating workers to comply. The employer should've done more to ensure their compliance with the fall protection requirements, such as requiring non-compliant workers to get additional training. Thus, it didn't exercise due diligence, concluded the Tribunal [*WCAT-2013-03241 (Re)*, [2013] CanLII 79442 (BC WCAT), Nov. 21, 2013].