

# Excavation Contractor's Violation of OHS Trenching Rules = Manslaughter



A worker doing sewer repair work was killed in a trench collapse. The Crown blamed the incident on the excavation contractor's violation of OHS trench safety regulations. But it also considered the offence too egregious to treat as a routine OHS violation. So, it charged the contractor not only with criminal negligence (under erstwhile Bill C-45) but also manslaughter. The contractor denied the allegations and claimed that equating an OHS violation with manslaughter was illegal. But the court refused to dismiss the charges. And now the Court of Québec has found the contractor guilty on both counts [[R. c. Fournier](#), 2018 QCCQ 1071 (CanLII), March 1, 2018]