

Guardrail Order Against Construction Company Upheld



After an inspection of a construction project, the inspector issued the construction company a compliance order requiring it to ensure that guardrails meeting the requirements in the OHS laws are installed and maintained at all elevator shafts on all levels. The company challenged the order, claiming that it'd exercised due diligence by relying on advice from its safety consultant and the elevator installer. The Labour Board disagreed. The company didn't present any evidence from the elevator installer or the safety consultant, which undermines its due diligence defence. In addition, the inspector chose to impose the order on the construction company because he believed it was the entity most responsible for, and with the greatest control over, the safety program [[S.A. Construction & Renovations Limited \(Re\)](#), [2017] NSLB 43 (CanLII), March 29, 2017].