

High Court Upholds C-45 Jailing of Metron Construction Project Manager



On Christmas Eve 2009, a swing stage collapsed at a Toronto apartment building project run by Metron Construction sending 5 workers to the ground. Only one survived the 13-storey fall. The safety violations were so egregious that the Crown filed criminal charges under Bill C-45. One of the individuals prosecuted, the project manager, was convicted of 4 counts of criminal negligence and sentenced to 3.5 years in jail for allowing 7 workers to board the swing stage knowing that it was creaky and that there were lifelines for only 2 of the men. The manager appealed claiming, among other things, that the victims' own negligence contributed to the incident. But the Ontario Court of Appeal would have none of it upholding both the convictions and the sentence [*R. v. Kazenelson*, 2018 ONCA 77 (CanLII), Jan. 30, 2018].