

# Material Handling: Employer Didn't Use Due Diligence to Prevent Overhead Crane Operator Injury



An employer was charged with 2 OHS violations after a 22-year-old assembler operating an overhead crane suffered serious head and shoulder injuries in a lifting incident. The Sask. court found the employer not guilty of the first charge, failing to ensure that a crane with a load rating greater than or equal to 5 tonnes is operated by a competent operator, because the operator had the education and training credentials required to be considered 'competent.' But the second charge, failure to provide and require workers to wear industrial protective headwear went the Crown's way. The employer didn't furnish the victim any head protection even though she was at risk of head injury. And the employer's contention that its strict overhead lifting safety policies proved due diligence failed because the policies addressed head injuries from falling loads but not the shifting of the crane's beam, which caused the incident in this case [*R v Brandt Industries Canada Ltd.*, 2022 SKPC 4 (CanLII), January 31, 2022].