

MOL Being Sued for Negligence over Christmas Eve Scaffolding Collapse



The only survivor of the infamous Christmas Eve scaffolding collapse and others have sued the MOL for negligence, claiming, among other things that that it failed to enforce safety requirements and properly train its employees. In preparation for the trial, an MOL representative refused to answer certain questions about the education, training and experience of the inspector assigned to the job site and changes in certain policies after the incident. The plaintiffs asked the court to order the MOL to answer these questions. The court did order the MOL to respond to most of the challenged questions. It also explained that although government can't be sued over 'core policy' decisions, it can be liable when its agents are negligent in carrying out their duties. Whether decisions by inspectors as to when or whether to inspect and the frequency of inspections are core policy decisions or operational decisions by employees and whether there was negligence as to inspections of this particular scaffolding were issues of fact to be decided at trial [*Marupov v. Metron Construction Inc.*, [2014] ONSC 3535 (CanLII), June 13, 2014].