

# New Trial Ordered in Unclear Death of Worker While Troweling



A worker died while troweling a newly poured concrete floor in an enclosed building. At the time, a gas heater was heating the space and wasn't properly vented. And a gas line to it was electrified. His employer was convicted of failing to properly supervise a worker and fined \$12,000. He appealed. Although the pathologist who performed the autopsy found that the worker died from electrocution, evidence was presented that he might have died of carbon monoxide poisoning. The trial court rejected this evidence. But the appeals court noted that the evidence as to the worker's cause of death was all circumstantial. It concluded that the evidence supported a reasonable inference that carbon monoxide poisoning could also have caused the worker's death. Thus, the appeals court ordered a new trial to determine whether the employer had failed to supervise the work with respect to the carbon monoxide hazard [*R v. Farnham*, [2014] SKQB 195 (CanLII), June 27, 2014].