

# No Proof that Excavator Contractor Violated Waterside Safety Regulations



The shovel of a hydraulic excavator being used to break thick ice at the edge of a frozen canal slid into the icy water dragging the operator along. The operator managed to get out with only minor injuries, but CNESST charged the employer with violating Construction regulations requiring special safety precautions for 'work above or near water.' After hearing CNESST's case, the Qu bec court dismissed the charges for lack of proof. The agency didn't prove that the work was carried out less than 2 metres from a body of water or watercourse, the distance at which the requirements contained in the regulations apply [[CNESST c. Excavation S. Allard inc.](#), 2021 QCCQ 4600 (CanLII), June 2, 2021].