OHS Charge Dismissed Against Elevator Company Due to Reasonable Doubt



Two construction elevators were being installed at a construction site using a method that didn't comply with the installation manual. During the installation of one hoist, the drive unit fell while being lifted into position by a crane. A scaffold foreman was trapped under the drive unit and sustained a broken left femur and severe lacerations to his upper right leg. As a result, the elevator company was charged, as a contractor, with an OHS violation. It argued that the services it was hired for related to code compliance inspection only and didn't include any involvement in the installation process. The court dismissed the charge, ruling that the Crown hadn't proven beyond a reasonable doubt that the elevator company was at the construction site to supervise the installation of the hoists. The company's contract, its employee's activities at the site, the documentary evidence and the employee's uncontradicted recollection of the role the company was hired to perform in relation to the hoists created reasonable doubt [*R. v. Vertical Transport Elevator Consulting Ltd.*, [2016] NSPC 28 (CanLII), May 10, 2016].