

Order to Provide Training for Competency to Inspect Scaffolding Upheld



A worker fell from a scaffold and broke both heels. The scaffold belonged to another contractor on the job. But the employer had a supervisor onsite who was responsible for ensuring the scaffold was safe for its workers to use. The supervisor had visually inspected the scaffold and saw a green tag on it, which he assumed meant it was safe to use. The employer was ordered to ensure workers were properly trained to be competent to inspect scaffolding. It appealed the order. The Labour Board noted that the OHS law required scaffolding to be inspected by a 'competent person.' The employer had a duty and full opportunity to prove that the supervisor was a competent person and that it'd done everything reasonably within its power to ensure that he met the definition of a competent person. But it failed to do so. Thus, because the officer correctly identified a lack of evidence to support the supervisor's competency, the order that the employer provide training to establish such competency was a reasonable corrective response [RKO Steel Ltd. v. Director of Occupational Health and Safety](#), [2014] NSLB 7 (CanLII), Jan. 29, 2014].