Owners: Ignore Safety Warnings from Workers at Your Own Peril



Although criminal charges can be laid in workplace safety incidents, they're rare in both Canada and the US. But both countries have recently seen more cases in which criminal charges have been brought against companies and individuals for their roles in safety incidents, usually those involving fatalities.

For example, in Brooklyn, NY, the owner of a construction company and his businesses were just indicted on manslaughter and other charges after a wall collapsed at an excavation site, killing one young worker, Fernando Vanegaz, and injuring two others.

Michael Weiss was charged by the Brooklyn District Attorney's Office with 14 offences, including second-degree manslaughter, criminally negligent homicide and second-degree reckless endangerment. He faces up to 15 years in prison if convicted of the top count.

Weiss and his companies were replacing a one-story building with a five-story building. He ordered several workers to excavate in the rear of the lot in an area not permitted by the approved plans and without knowledge of other professionals involved in the project.

Throughout the excavation, several workers complained to Weiss

that the excavation was unsafe because the adjacent walls were unstable, especially the rear concrete masonry wall because it had a crack. Weiss repeatedly refused to provide any materials to shore up the wall and refused a request to hire experienced workers. Instead, he allegedly told workers they were working too slowly and ordered three workers to work in the rear excavated pit.

When the wall collapsed, masonry blocks and other debris fell on three of the workers, killing 18-year-old Vanegaz and seriously injuring two others.

The lesson: The criminal charges against this owner should serve as a warning to others that no building is worth a life, that cutting corners on the job has very real consequences and that if you fail to protect your workers, the government will likely come after you.

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