

Prime Contractor Failed to Properly Supervise Painting Contractor



At a residential construction site, two workers employed by a painting contractor were injured in a fall from a ladder. The prime contractor was issued an administrative penalty for OHS violations and appealed, arguing that the painting contractor was at fault and it had exercised due diligence to ensure the contractor complied with the OHS laws. The Tribunal disagreed. The prime contractor, as owner of a multiple employer worksite, had to have not only a generally effective system in place to oversee the contractors, but also specific systems relevant to that particular workplace and contractor. The prime contractor had a general oversight system, but failed to effectively oversee this worksite and the painting contractor. It simply told the painting contractor what his duties were but didn't otherwise supervise him, assuming he would comply. The Tribunal concluded that although the painting contractor was obviously at fault, the prime contractor's failure to adequately supervise him reflects its breach of its own safety obligations [WCAT-2013-03358 (Re), [2013] CanLII 80101 (BC WCAT), Nov. 29, 2013].