

Supervisor in Québec Pleads Guilty to Criminal Negligence for Workplace Incident



On Feb 10, 2005, Alain Daoust, a mechanic at a car dealership in Québec, suffered second and third degree burns while removing gasoline from a tank that needed repair. He was using compressed air and a handmade “gas guzzler” because the actual guzzler had been broken for years. Another worker suffered minor burns to his hands.

The CSST fined Gabriel Volkswagen \$15,000 as a result of the incident. Daoust filed a complaint with the police, which resulted in criminal negligence—or so-called C-45—charges against Mark Hritchuk, the garage supervisor.

At a preliminary hearing, Daoust explained that a “law of silence” with respect to health and safety violations prevailed in many garages in Québec and that this silence needed to stop to prevent future injuries.

As reported by La Presse on March 13, 2012, just as Hritchuk was about to begin a jury trial, he pleaded guilty to one count of criminal negligence causing bodily harm.

During the plea, the judge noted that Hritchuk was merely delegating the work to a mechanic and relied on his experience to perform it. (Daoust had worked at the garage for 22 years.) The Crown prosecutor explained that Hritchuk’s liability lay in his omission, as service manager, to ensure that the mechanics were working with equipment that was safe. Hritchuk, who has no criminal record, will be sentenced in June.

For more information on other cases involving criminal negligence and how to protect your company, its senior management and supervisors from facing C-45 charges, go to the C-45 Compliance Center.