

## Was Foreseeable Workers Would Climb Guardrail to Access Conveyor, Says Court



A sawmill's conveyor belt jammed. A worker went to clear it by climbing over a guardrail on a catwalk, standing on a motor guard and poking at the jam. A piece of wood came up and knocked him off the motor guard and to the floor below. As he wasn't wearing fall-arrest equipment, he sustained injuries that included broken bones. The sawmill was convicted at trial of one safety offence and appealed, arguing that the court's conclusion that it was foreseeable that workers would climb over the catwalk's guardrail was unreasonable. The appeals court noted that, at trial, three workers testified that sometimes they had to climb over the guardrail to clear a jam and that they were never told not to do so. In addition, there was evidence that jams were frequent and sometimes required workers to access the conveyor to clear them, but there was no safe work procedure for this process nor were workers trained on the use of fall protection when doing so. Thus, the appeals court found that the trial court's ruling was reasonable [*R. v. Tembec Inc.*, [2013] ONSC 4278 (CanLII), June 24, 2013].