

Worker Who Tries to Keep Co-Worker Safe Gets Assaulted Instead



Most OHS laws require workers to take reasonable care to protect not only their own health and safety but also that of co-workers and other people in the workplace. So if a worker sees a co-worker about to, say, trip over materials on the floor, he should warn his colleague about the hazard.

You'd think a worker would be happy his co-worker has his back. But that's not always the case, as one unfortunate co-worker in Newfoundland learned.

As a worker was loading an excavator onto a float, a co-worker approached and told him to get off the excavator because what he was doing was unsafe. The worker told the co-worker to mind his own business and go back to his truck. The co-worker refused.

The worker ran down the excavator track and struck the co-worker two or three times in the head, knocking him to the ground. The worker then kicked him in the head and body with his steel-toed work boot and stepped on his arm.

Due to the attack, the co-worker:

- Sustained permanent brain injuries
- Suffered a stroke
- Can't lift his right arm over his head
- Has impaired co-ordination
- Is severely impaired verbally and cognitively.

The co-worker also lost his drivers' license and mechanics' license. As a result, he can't work, has no income and no hope of retraining. His condition also seriously impacted his family.

The worker was arrested and pleaded guilty to aggravated assault and two other charges. In sentencing the worker, the court noted that he didn't have an

extensive criminal record, although he did have a prior assault conviction from 1999. In addition, he did take responsibility and plead guilty.

But the court observed that the worker had intentionally caused serious injuries in an unprovoked assault upon a co-worker 'who was acting out of concern for [the worker's] safety and the safety of the workplace' when he spoke to the worker. Given all of the circumstances, the court sentenced the worker to four years' jail [*R. v. Parker*, [2013] CanLII 64243 (NL PC), Oct. 15, 2013].

Luckily, such incidents are the exception and shouldn't dissuade workers, supervisors, safety professionals and others in the workplace from taking steps to keep others safe.

But you can go to the Workplace Violence Compliance Centre for tips on preventing workplace violence, warning signs to look out for and more information on this safety hazard.