

Jail Time for Health and Safety Violations

On March 6, 2014, a supervisor employed with J.R. Contracting Property Services Ltd. (“Company”) was sentenced to forty five (45) consecutive days in jail for failing to take every reasonable precaution to protect a worker. In particular, as a supervisor, Ms. Lootawan failed to provide an adequate form of fall protection to a worker who was exposed to a fall hazard of falling more than three (3) meters.

On October 15, 2008, two (2) workers were sent to remove shingles from the roof of a house into a bin on the back of a truck. While removing the loose shingles, one of the workers stepped back, slipped and rolled off the roof falling onto the walkway that led to the front door of the house. The worker was paralyzed below the waist as a result of the fall. A Ministry of Labour investigation followed the accident.

The worker testified that no fall protection equipment was provided to him on the roof of the home, nor was any supplied in the work vehicle. The worker testified that no harness, no hardhat, only steel-toed safety boots were provided by the Company. The worker added that his co-worker was not using any fall protection equipment either.

It was further revealed that the worker was not trained in the use of fall protection equipment, and had never used it in the past.

In arriving at the jail sentence, the court took into consideration the supervisor’s previous history of failing to comply with prior court orders as well as her lack of expression of any remorse for the accident. This sentence was handed down even after the worker admitted to consuming three (3) beers prior to going up on the roof.

In addition to the supervisor’s sentence of forty five (45) consecutive days, the Company was fined \$75,000 and an employee was fined \$2,000 for obstructing the Ministry of Labour’s investigation by refusing to answer any of the inspector’s questions.

While jail sentences are still a rare penalty, this decision serves as a reminder for employers in all provinces across Canada to ensure that the health and safety program in your workplace is up to date and in accordance with the occupational health and safety requirements in your province.

Please contact e2r Solutions® should you have any questions regarding the foregoing.