Ministry Of Labour Sued For Hiring Allegedly Incompetent Inspector

The Ontario Ministry of Labour is facing a negligence suit by the lone survivor of the Christmas Eve, 2009 scaffold collapse that resulted in Metron Construction being fined $750,000.00 for safety violations.

In the lawsuit against the MOL, Dilshod Marupov, along with other plaintiffs, alleges that the MOL failed to enforce statutory requirements for safety; failed to properly train its employees to inspect the scaffolding and enforce the statutory safety requirements; and hired employees who were incompetent and did not use the requisite care in inspecting the premises and the scaffolding, as well as other allegations. The allegations have not been proven in court.

At examinations for discovery in the lawsuit, the MOL refused to answer certain questions including questions about the education, training and experience of its inspector assigned to the job site and about changes in certain MOL policies after the incident. The plaintiffs brought a motion to the court, and Master Dash ordered the MOL to answer most of the refused questions.

The court noted that “core policy” decisions of government are protected from lawsuits, but governments can be liable where government agents are negligent in carrying out their duties. The court noted that “it is an open question whether discretionary decisions by inspectors as to when or whether to inspect and frequency of inspections are core policy decisions” of the government or whether they are operational decisions of employees that may form the basis of a lawsuit for damages.

As we noted in a previous post, another lawsuit was filed against the MOL alleging “negligent inspection” of the Algo Centre Mall which collapsed in Elliot Lake.

Marupov et al v. Metron Construction Inc. et al, 2014 ONSC 3535 (CanLII)

For more information, visit our Occupational Health & Safety Law blog at www.occupationalhealthandsafetylaw.com

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Last Updated: August 1 2014

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