

The Transpavé Inc. Case: a Quebec Company Pays for its Negligence

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On March 17, 2008, the Court of Québec fined Transpavé Inc. \$110,000 after it pleaded guilty to a charge of criminal negligence causing the death of one of its employees. This is a first in Canada since the Criminal Code was amended so that an organization could be found guilty of criminal negligence in occupational health and safety matters.

Transpavé Inc. operates a plant that manufactures concrete slabs and blocks. While trying to clear away boards that were jamming a conveyor, an employee lost his life when he was crushed by a pallet loader's grappling hook. When the accident occurred, the safety system had been disabled, without the knowledge of Transpavé or its senior officers.

To summarize, the Transpavé Inc. ruling clearly shows us that criminal law now plays a role in the protection of workers' health and safety. In making this the case, did Parliament go too far? Did it try to fill a gap in the regulatory regime governing occupational health and safety? Is the repressive effect of criminal law really necessary to ensure that occupational health and safety standards are respected? The debate is wide open.

However, it is important to remember that criminal law gives organizations and their senior officers another good reason to increase their efforts in matters of accident prevention, in order to avoid consequences as dramatic as the death of an employee.