Eye Contact Didn’t Mean Anything

We’re taught to make eye contact to signify our intentions – such as when crossing the road on a crosswalk. But, as the following case shows, eye contact can’t always be trusted.

A worker in Ontario who was supervising the removal and grinding of tree parts at a road construction project was struck by an excavator and later died in hospital. Just before the incident the worker had approached a “tub grinder” to watch the operation. An excavator operator made eye contact with the worker twice, to signal an intention to move a log into the grinder.

Thinking the worker understood, he moved the excavator into position and struck the worker, who was discovered under the machine’s right track. An Ontario Ministry of Labour investigation found that the tub grinder was very loud, preventing workers from hearing one another. A combination of eye contact and hand signals was a normal method of communication among workers.

The investigation found that there was no adequate standardized system of communication in place to ensure that the excavator operator and worker were able to know one another’s intentions with certainty.

Sittler Environmental Inc., a recycling and waste management company based in Elmira, ON, pleaded guilty in the Ontario Court of Justice to a charge of failing to take the reasonable precaution of ensuring an adequate, standardized system of communication between workers was established and maintained at the worksite.

The company was fined $95,000, plus a 25 percent victim fine surcharge.