

Company Officers Get Fitted for Orange Prison Jumpsuits!

In a recent Ontario decision, two officers of the Ontario-based furniture company NewMex Canada Inc. have been ordered to serve 25 days in jail after pleading guilty to safety violations that contributed to the death of one of their workers. In addition to the jail time, the Company was also fined \$250,000.

Following the unfortunate death of one of NewMex's workers, who at the time was operating an improperly modified forklift machine without fall protection or safety shoes, the Ministry of Labour was called in to investigate. The Ministry found multiple violations of the *Occupational Health and Safety Act* and *Ontario Regulation 851* (which governs industrial workplaces). In particular, there had been absolutely no health and safety training provided to the workers and the workers were not instructed to wear fall protection equipment nor instructed on how to properly work from a height. The investigators also found a number of other hazards in the workplace. The two directors, along with the Company, were subsequently charged under the *Occupational Health and Safety Act*. Both the company and the two directors ultimately plead guilty to the charges and last week the two directors were sentenced to jail.

The directors in this case were not the first directors to receive jail time due to health and safety violations, however, there is the sense that our courts and tribunals are taking these matters far more seriously and it would not be surprising to see an uptick in the number of jail sentences levied for such violations. The significant punishments associated with health and safety violations, particularly those contributing to the death of workers, emphasizes the importance of complying with occupational health and safety legislation, providing adequate training/instruction and supplying required protective equipment. Health and safety is a matter that should be taken seriously by all employers, regardless of industry or jurisdiction.

If you have any questions about this case or your general health and safety obligations, including the recent amendments in Ontario requiring employers to provide general health and safety training to their workers, please speak to an e2r® Service Provider.