

# Board Defers to Inspector in Refusing to Suspend Order



An employer was using a fabricated attachment on an excavator to hoist concrete panels from a truck onto a bridge deck. An MOL inspector concluded that the excavator wasn't intended to hoist materials in this manner and ordered the employer to stop the practice. The employer appealed and asked to have the order suspended in the meantime, relying on the opinion of a professional engineer. The Labour Relations Board said the MOL had raised a number of issues regarding the engineer's analysis and methodology, which were significant enough to raise questions about worker safety. In refusing to suspend the order, the Board said it's reluctant to second-guess the judgment of an 'Inspector who has had the opportunity to attend at the site and observe the operation with a focus on safety' [*Toronto Zenith Contracting Ltd. v. Health and Safety Act, 2013*, [2013] CanLII 57229 (ON LRB), Sept. 4, 2013].