Board Refuses to Suspend Order Requiring Hazard Assessment



A crew member on a scallop fishing vessel was seriously injured when a cable was severed. During an investigation of the incident, an OHS officer learned that this cable often broke. So he ordered the fishing company to have an engineer conduct a hazard assessment on the scallop fishing system used on the ship. The company appealed the order and asked the court to suspend its compliance during the appeal. The Labour Board refused. Suspending an order requiring a report on whether the vessel's equipment was hazardous could mean that the situation that led to or caused the cable to break would remain in effect, thus endangering the crew. And there was the evidence that cables had broken in the past and that the most recent break led to serious injury to a crew member. In addition, the company hasn't shown that requiring it to provide a report would damage its operations or cause it any expense (other than the cost of the report) [*Yarmouth Sea Products Ltd. v. Nova Scotia (Occupational Health and Safety)*, [2015] NSLB 163 (CanLII), Sept. 24, 2015].