

Board Rejects Due Diligence Defence and Attempts to Blame Workers



An OHS officer issued a compliance order and penalty to a company for failing to comply with the signage and traffic control requirements for street closures. The company appealed, arguing that it exercised due diligence. Its workers were properly trained and had access to the necessary road safety and traffic control equipment. If they violated the requirements, it was 'their fault and responsibility alone,' argued the company. The Labour Board, however, dismissed the appeal. The company had twice been told, only months before this incident, to ensure that its trucks carried road closure signage when attending jobs in Halifax and Dartmouth because a closure might be or become necessary at some point during the day. It had gotten this warning precisely because on those previous occasions, its employees had been caught short by a road closure that hadn't been anticipated [*Safety First Contracting (1995) Limited (Re)*, [2017] NSLB 11 (CanLII), Feb. 15, 2017].