

Company & Directors Didn't Exercise Due Diligence as to Nip Hazard



A worker was injured when his hand came into contact with an unguarded pinchpoint near a hopper. The company and two directors were convicted of OHS violations and appealed. The appeals court upheld the convictions. The uncontroverted evidence showed that the hopper set-up gave workers access to an unguarded in-running nip hazard. A company policy of using foam sticks to clear jams in the hopper didn't negate the need for a guard. And there was insufficient training on that policy, resulting on workers using their hands to clear jams. In short, the appeals court agreed that neither the company nor its directors exercised due diligence as this hazard [*Ontario (Ministry of Labour) v. Pack All Manufacturing Ltd.*, [2012] O.J. No. 5311, Nov. 6, 2012].