Compliance Order Suspended While Related OHS Prosecution Is Pending



An MOL inspector issued a compliance order against a city. The MOL also laid OHS charges against the city and a company relating to the violations that were the subject of the order. The city appealed the inspector's compliance order to the Labour Relations Board. But the MOL asked the Board to adjourn that appeal while the prosecution was pending. The Board agreed that the appeal of the compliance order should be adjourned, ruling that the issues in that appeal overlapped with the issues in the prosecution. Letting the appeal proceed first could interfere with the prosecution or result in inconsistent decisions on the same issues. Also, the compliance order had already been suspended pending the outcome of the appeal. So the Board adjourned the appeal for one year, subject to possible further extensions if the OHS prosecution wasn't completed within that year [*City of Greater Sudbury v. A Director under the Occupational Health and Safety Act,* [2016] CanLII 67485 (ON LRB), Oct. 3, 2016].