

DOS & DON'TS [X]: Don't Ignore Safety Alerts & Bulletins



Many different groups, such as OHS regulators, industry associations, manufacturers and safety organizations, occasionally issue safety alerts and bulletins. For example, if a manufacturer has found a flaw in machinery it makes, it may issue an alert warning customers of the problem and telling them what to do to address it. If you become aware of a safety alert or bulletin that applies to your workplace or equipment, make sure to take appropriate steps in response to it, such as implementing its advice. If you ignore the alert or bulletin and someone gets injured as a result of your failure to address the hazard it identified, you could be held liable.

Look what recently happened to an elevator maintenance company in Ontario. The hydraulic cylinder of an elevator failed, injuring five people. The company was convicted of violating the *Technical Standards and Safety Act* and fined \$400,000. It appealed.

The appeals court upheld the convictions and the fine. An industry safety bulletin had indicated that 'any unexplained loss of oil indicates cylinder leakage from corrosion and requires this elevator be immediately removed from service.' The company was aware of this alert and the unsafe condition it identified. But despite this knowledge, a company worker added 100 litres of oil to the elevator's cylinder without being able to account for the oil loss. This unexplained loss of a large amount of oil should have indicated to the company that the safety of the elevator had been compromised. It then should've taken steps to address this issue, such as determining the cause of the oil loss as soon as possible and diligently monitoring the oil level in the elevator. Instead, it didn't re-inspect the elevator again until *after* the elevator had

failed, over six months later [*The Technical Standards and Safety Authority v. Fujitec*, [2013] ONSC 497 (CanLII), Jan. 22, 2013].