

Due Diligence 2022, The 17th Annual Scorecard



While the paramount objective is to prevent OHS violations and injuries, nobody expects you to be perfect. Stuff happens. Your liability for the 'stuff' you fail to prevent will come down to whether you exercised due diligence to ensure compliance with the OHS law you broke. The problem is that due diligence is hard to judge until after the fact. The only way to know if you meet the standard is to get cited or prosecuted for an OHS violation and then mount a due diligence defence. The court or tribunal will then look at what you did and didn't do to ensure safety and avoid violations and let you know if it was enough.

Of course, being prosecuted or cited for an OHS offence is the last thing any company wants. Luckily, there is another approach to gauging whether OHS program is compliant: Look at the actual OHS cases involving other companies, determine why they did or didn't meet due diligence standards and draw appropriate lessons for your own OHS program. Of course, tracking down and analyzing cases from across the country requires time and specialized skills that you may not have; and hiring a lawyer to do it for you is pretty expensive. That's why OHS Insider has created and published an annual Due Diligence Scorecard every year since 2006.

The objective of this Special Report is to enable OHS coordinators to not only understand what happened in the key court cases that took place in 2022 but also draw practical

lessons from the rulings and take actionable, concrete steps to fortify their own OHS programs and compliance efforts.