

Employers May Still Be Liable for OHS Violations when Workers Act Foolishly



An OHS inspector saw a worker on a roof without any fall protection and with no supervisor present. As a result, the roofing company was issued an administrative penalty of \$400, which it appealed. The company argued that it had exercised due diligence by training the worker on fall protection and providing adequate fall protection equipment. So it shouldn't be punished for the worker's failure to follow procedure. The Labour Board upheld the penalty. The fact the worker may be 'most obviously culpable' doesn't relieve the company of its responsibility to ensure compliance with the OHS laws. Penalizing an employer in a situation such as this one delivers the message to all employers that they're 'legally at risk when their employees behave foolishly,' which will only encourage greater diligence and accountability [*McCarthy's Roofing Limited (Re)*, [2015] NSLB 150 (CanLII), Sept. 2, 2015].