First Creative Sentence Imposed in Manitoba for an OHS Violation



A worker was operating an edger when a partially processed log got stuck. He reversed the edger to free the log, not knowing that a piece of wood had been thrown onto the conveyer belt on the other side of the machine. This piece shot into the worker's left groin and exited through his right buttock. His employer pleaded guilty to failing to have a safe work procedure for the reverse operation of the edger. At sentencing, the government and defence both recommended a $5,000 fine and $20,000 additional penalty or 'creative sentence.' The court noted that the additional penalty provision in the OHS law had never been used in Manitoba. But considering the employer's strong safety culture, no prior record and exemplary efforts after the incident to correct the problem, it concluded that imposing a creative sentence was appropriate here. So the court fined the employer $5,000 and ordered it to pay $20,000 to Safe Work Manitoba to educate the public on matters relating to workplace safety and health [*R. v. Spruce Products Ltd.*, [2015] MBPC 40 (CanLII), Sept. 25, 2015].