

Is Following an Industry Standard the Same Thing as Due Diligence?



Accidents can happen. But as long as you exercise due diligence, that is, take all steps reasonable in the circumstances to follow OHS laws, you won't be held responsible for them.

It all sounds so simple. There's just one little problem: The law doesn't explain what 'reasonable steps' are. Some companies assume that following an industry standard amounts to due diligence. But is that true? To find out, the Insider looked at actual cases from around Canada. We found six key rulings in which an employer tried to fend off liability by arguing that its safety practices met industry standards and thus constituted due diligence—three cases from Ontario, two from Alberta and one from Nova Scotia. Employers lost four of the six. Still, the rulings are important because they show how a court decides whether following industry standards amounts to due diligence. Understanding this can help you determine how to incorporate industry standards into your own safety program.