Lack of Safety Incidents ≠ Due Diligence



An OHS inspector inspected a retail store that used a conveyor to move inventory from one level to the other. The inspector issued a compliance order, requiring the store to ensure that all pinch points on the conveyor were guarded. The inspector also imposed a $500 administrative penalty, which the store appealed. The Labour Board upheld the penalty. Based on photos of the conveyor, it was apparent that a worker with long hair or loose clothing could become entangled, with very serious consequences. The fact that there hadn't been any safety incidents or injuries involving the conveyor isn't due diligence, explained the Board. The store simply never considered the possibility that it was operating potentially unsafe equipment, which it should've given that the conveyor had been in use for 18 years [*Red Apple Stores Inc. (Re)*, [2016] NSLB 138 (CanLII), April 21, 2016].