

Lesson from Recent Case: Spend on Safety Now or Pay the Price Later



As a safety professional, one of your challenges is getting management to spend sufficient money on safety in the workplace. There are several ways to make a convincing argument for investing in safety. But a recent case from Alberta shows very starkly how failing to spend on relatively inexpensive safety measures now can cost employers a lot more down the road.

A worker for a small, family-owned cabinet making company was seriously injured when he stumbled and put his hand into running equipment to break his fall. His right wrist was broken and needed to have pins surgically implanted in it. In addition, the flesh was peeled back from the heel of the palm of his hand to his fingertips. Due to his injuries, he still suffers some minor ongoing loss of feeling in his hand, intermittent residual pain in his hand and wrist, and his ability to lift or move certain heavy items with the injured wrist and hand has been affected.

An investigation of the incident found that the safety mat for the equipment hadn't worked for about three years before the incident and had been disconnected so the equipment could still be used.

The company pleaded guilty to an OHS violation. In determining the appropriate sentence, the court noted that it would've cost about \$7,500 to fix the safety mat, which even for this company wasn't 'a particularly onerous sum.'

But instead of making this relatively small investment, the company opted to address the situation by implementing a safety protocol on the operation of this machine. Workers were trained on the protocol and knew the safety mat didn't work. And a notice that the safety mat wasn't operational was posted by the equipment.

However, the court said that although the safety protocol may have protected workers operating the equipment, the company didn't consider the 'potential for accidents that might arise just from being in the vicinity of the machine,' such as the incident in this case. 'All the training and safety information in the world does not address this situation; the safety mat was designed to do that,' explained the court.

The court did note that the company didn't have prior safety violations and that it properly trained its workers, was remorseful and cooperated in the investigation. So the court concluded that a \$75,000 fine was appropriate [R. v. The Kitchen Centre Ltd., [2016] ABPC 12 (CanLII), Jan. 15, 2016].

Lesson: Failing to spend \$7,500 to fix the broken safety mat resulted in a fine of \$75,000'10 times the repair cost!