

# MOL Can Force Inspector to Testify in Lawsuit Regarding Order He Issued



An OHS inspector issued an order to a food store, requiring it to remove items stored on top of a freezer. A worker fell through a drop ceiling while removing items from this area and died. His family sued the MOL, arguing that it negligently enforced the OHS laws. The inspector wasn't sued but his actions form the basis of the claim against the MOL. So the MOL ordered him to testify on its behalf or be subject to discipline. The union filed a grievance, asking the court for an order saying the MOL couldn't force the inspector to testify. The Ontario Grievance Settlement Board ruled that there was nothing improper or illegal in the MOL's direction to the inspector to testify, especially given that the MOL will be defending a challenge to the integrity of his order [*Ontario Public Service Employees Union v. Ontario (Ministry of Labour) (Rouatt Grievance)*, [2013] O.G.S.B.A. No. 51, April 2, 2013].