

Most Safety Professionals Moderately Concerned about Personal Liability



Most safety professionals focus their attention on ensuring that their company complies with the OHS laws so workers don't get injured (or worse) and the company doesn't get fined for a safety offence. They don't spend a lot of time worrying about their own potential risk of liability for safety violations.

But the fact is that safety managers, directors, coordinators, etc. *can* be personally held liable for OHS violations. And this reality is of some concern.

When we recently asked if safety professionals were worried about being held personally liable for safety violations or incidents:

- 53% said they're moderately worried
- 24% are very worried
- 20% aren't worried at all
- 3% are so worried it's making them sick.

The more than 75% of safety professionals who are very or moderately worried about their personal liability have reason to be concerned. After all, it was just a few years ago that a Nova Scotia safety coordinator was convicted of an OHS violation.

To the best of our knowledge, there haven't been any other successful prosecutions of safety professionals in Canada since that case. But don't assume that the agencies enforcing the OHS laws have forgotten about this group of workplace stakeholders.

In fact, a safety manager in the US was recently jailed for 78 months for falsifying injury reports.

And if you think the 3% of people in the poll who said the stress of worrying about their personal liability was making them sick were an aberration, think

again.

An Ontario school board supervisor in charge of handling asbestos removal projects developed an anxiety disorder from her fears of being fined by the MOL if those projects were done improperly. And when she was ready to return to work, she asked for a position that didn't involve any risk of OHS liability, which the school board failed to provide.

The Human Rights Tribunal ruled that because there were other positions that the school board could've given to the supervisor that didn't involve potential OHS liability, it violated its duty to accommodate her by not assigning her one of those positions [*Fair v. Hamilton-Wentworth District School Board*, [2013] HRT0 440 (CanLII), March 14, 2013].