

OHS Legal Issues With Due Diligence Defenses – Special Report



Is Following an Industry Standard Enough to Show Due Diligence'

One of your most important responsibilities as a safety coordinator is to ensure that your company exercises due diligence. The problem is that due diligence is a legal concept, not a blueprint of how to run an OHS program. In addition, due diligence gets decided after the fact. In other words, your company won't know for sure if the workplace measures it took are enough to show due diligence unless and until a judge decides the issue in a prosecution. And you want to avoid that experience at all costs. So the best thing a safety coordinator can do is look at cases involving other companies and apply those lessons to their own OHS programs. Yes, every case is different. But at the same time, every case is relevant. Regardless of the industry, province or hazard involved, there are some common mistakes that companies make in running their OHS programs that ultimately doom their atte