

OHS Tribunal Tosses Inspector's Order for Being Vague and Untrue



After noticing workers on a roof wearing but not tying off their safety harnesses, an OHS inspector issued an order (under Sec. 145(2) of the *Canada Labour Code*) requiring an employer to take measures to correct safety violations constituting a 'danger' to workers. The employer claimed the order was invalid because it just listed the violations but didn't explain why they were dangerous. The OHS tribunal agreed and set the order aside. While listing violations may be enough to adequately explain a danger, the alleged contraventions in this case were either untrue or unsubstantiated. The employer did have a hazard prevention program and rescue plan, it did furnish workers adequate fall protection equipment and there was no engineering or other evidence to support the finding that anchor points weren't adequately secured [*Madysta Tłłcom Ltł*, Case No. 2017-34, Oct. 3, 2018].