

OHS Year In Review: THE OHSI Compliance Awards for 2018



MOST IMPORTANT CASE OF THE YEAR

Goes to the Alberta Court of Appeal for rejecting the OHS prosecutor's argument that the mere fact that an incident occurred was proof that the employer didn't take all the 'reasonably practicable' measures required to prevent it. Imagine the power prosecutors would wield over employers if incidents were enough to prove an OHS violation.

MOST PROGRESSIVE NEW LAW

Goes to federal Bill C-65, the new standard in workplace violence and harassment whose cutting edge provisions include the worker's rights to have violence and harassment complaints investigated and, if necessary, resolved by a neutral third party turning what's universally recognized as a best practice into a legal obligation.

WISEST RULING OF THE YEAR

Goes to the Ontario judge for holding that forklift operators who used a cell phone while sitting in the driver's seat improperly 'operated' the equipment even though the forklift

was stopped and not actually moving. Simply *having* the cell phone on them while operating a forklift was a violation, the judge reasoned.

THE MAYBE NOT SO WISEST RULING OF THE YEAR

Is awarded to the Ontario arbitrator who reinstated a catering attendant with a long service record after she was fired for bullying and harassing co-workers and not showing up for her disciplinary hearing. Apparent message: The attendant's 21+ years of service trumped her deplorable behaviour.

SCARIEST CASE OF THE YEAR

The Qu bec ruling convicting an excavation contractor of a worker's death in a trench collapse of not just criminal negligence (under what was once known as Bill C-45) but also manslaughter, a form of homicide.

BEST CANNABIS LEGALIZATION RESPONSE BY A GOVERNMENT OHS AGENCY

Hats off to the Northwest Territories/Nunavut WSCC which has been in front of the issue from the start and which recently adopted Canada's most complete and intelligent workplace impairment regulations requiring, among other things, that employers perform a hazard assessment and implement a written workplace impairment policy setting out measures taken to deal with identified hazards.

TRENDIEST NEW LAW

Cyber bullying laws allowing victims to sue those who publish

or post intimate images of them online without consent, which have been adopted by a number of jurisdictions in the past year'and rightly so!

THE GOOD GUYS WIN IN THE END AWARD

Is a tie between the Ontario paramedic who, after years of litigation, won his workers' comp case for the arm injuries he sustained while delivering life-saving emergency while off duty and the PEI government worker who won his 5-year quest to get back the 3.5 hours of pay he was docked because he wouldn't drive to the office through a life-threatening snow storm.