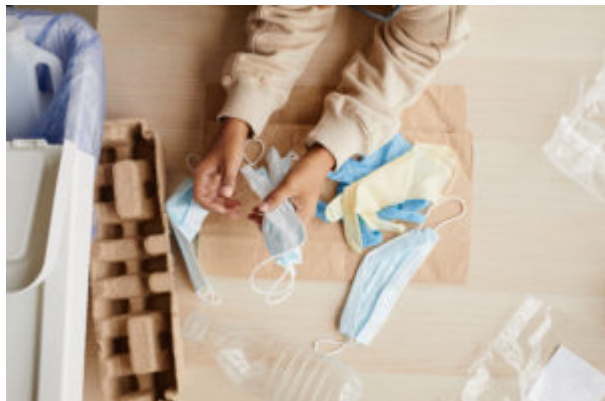


Ontario Company Fined \$125K For COVID-19 Outbreak And Fatality



In a significant first, an employer in Ontario has been prosecuted for a COVID-19 related death.

On June 6, 2022, Scotlynn Sweetpac Growers Inc. (“Scotlynn”) pleaded guilty and was convicted of failing to take every precaution reasonable during a COVID-19 outbreak at its farming operation that led to one fatality, according to a bulletin from the Ontario Court of Justice.

Scotlynn was fined \$125,000 plus a 25% victim surcharge pursuant to the *Provincial Offences Act* (Ontario) for violating subsection 66(1) of the *Occupational Health and Safety Act* (Ontario).

Outbreak Saw Three Workers Hospitalized

The first COVID-19 case at Scotlynn was identified early in the pandemic on May 28, 2020. The next day, the Haldimand Norfolk Health Unit declared an outbreak after 196 of 216 workers tested positive. Three workers were hospitalized and one died as a result of a COVID-19 infection.

Workers at the farming operation lived together in bunkhouses that accommodated between eight and 50 people. Despite the shared living accommodations, Scotlynn did not take steps to isolate symptomatic workers from other workers. Before being hospitalized, the worker who later died was bedridden for several days in a bunkhouse with other workers. The workers had symptoms typical of COVID-19 but were not isolated.

The employer was convicted of failing to take the reasonable precaution of isolating COVID-19 symptomatic workers from other workers to prevent the spread of the virus at the workplace, contrary to s. 66(1) of the *Occupational Health and Safety Act* (Ontario).

Employers Must Remain Vigilant

It is important to note that this outbreak took place early in the COVID-19 pandemic when information on the disease and its transmission was at its lowest.

However, this decision reinforces that employers should continue to remain vigilant and consider the precautions they can take to protect workers from the

transmission of COVID-19. Protocols should be made specific to the requirements of your workplace and should take into consideration the greater knowledge and information on the disease at this point in the pandemic.

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