

# Proper Supervision Doesn't Require the Continual Presence of a Supervisor



A young worker at a car wash drove a vehicle into a bay, causing a chain of collisions that injured a co-worker. The worker had been told twice by a manager not to drive any vehicles, just clean them. At the time of the incident, there were no supervisors on hand. The car wash was convicted of two OHS violations, including failing to provide proper supervision. The trial court said the worker should've been 'contemporaneously supervised at all times.' But the appeals court disagreed and overturned the convictions. The *OHS* law doesn't require a supervisor always to be present for every task a worker does, calling that 'absurd.' And because it wasn't the worker's job to drive and there was no reason for the car wash to foresee that he would do so, it didn't have to provide him with information, instruction or supervision on the safe operation of vehicles [*R. v. 679052 Ontario Ltd. (c.o.b. Auction Reconditioning Centre)*, [2012] ONCJ 747 (CanLII), Nov. 30, 2012].