

Quarterly OHS New Laws & Cases Briefing



Forget the usual summer lull. June 1, to September 30, 2026, was a very active period on the Occupational Health and Safety (OHS) compliance front. Here's a briefing of the most important OHS new laws and cases during the quarter.

Top 5 New OHS Laws

Ontario, British Columbia, and the federal government adopted important new safety regulations during the third quarter. Meanwhile, the escalating trade war with the U.S. is having potentially major ramifications on the workplace safety of Canadian workers.

1. Transportation of Dangerous Goods Regulations Changes Take Effect

Significant [revisions](#) to the *Transportation of Dangerous Goods Regulations* (TDGR) took effect on June 4. The deadline to comply with the new rules is June 4, 2027. That's less than nine months away. Companies most affected by the TDGR amendments include chemical manufacturers and distributors, petroleum and fuel companies, companies that ship dangerous goods by rail or air, companies making substantial Canada-U.S. shipments, and handlers of radioactive materials.

At A Glance: TDGR Amendments/Who They Affect/What to Do

TDGR Change	Who's Most Likely to Be Affected	What To Review
Updated classification and shipping-name requirements	Manufacturers, shippers, consignors	Product and shipping databases
New/updated dangerous-goods marks	Shippers, warehouses, carriers	Labels, placards, UN numbers, and procedures
Updated packaging and containment standards	Manufacturers, distributors, rail operators	Packaging and means of containment specifications
Canada-U.S. harmonization	Cross-border shippers	Canadian-U.S. shipping procedures
Updated air-transport rules	Air shippers and companies using air carriers	TDGR Part 12 procedures and documentation
Limited-access/remote-location provisions	Remote operations and air carriers	Classification, packaging, and carrier procedures
Rail buffer-car requirements	Rail shippers and operators	Rail transportation arrangements
New or revised Canadian General Standards Board containment standards	Rail and specialized dangerous-goods operations	Existing means of containment
Equivalency-certificate changes	Companies relying on ECs	Existing ECs and corresponding TDGR provisions

Special cases and exemptions	Companies relying on quantity or activity-based exemptions	Applicability and conditions
Residue requirements	Shippers, carriers, tank/Intermediate Bulk Container operators	Shipping documents and containment procedures

What To Do: Go to the OHS Insider website for a detailed summary of the key changes and a [TDGR Amendments Compliance Game Plan](#) you can implement to comply with them.

2. Ontario Proposes Extensive New OHS Regulations for Rope Access Work

Rope access is a method that enables workers to perform work while accessing heights and hard-to-reach structures, buildings, geologic features, or spaces by using ropes as the primary means of support, work positioning, and fall prevention. Even though it's extremely hazardous, Alberta, British Columbia, Manitoba, and Nova Scotia are currently the only provinces that specifically address rope access work in their OHS regulations. Ontario will soon become the fifth member of that group. The Ontario Ministry of Labour (MOL) recently ended public consultations on proposed regulations that, when finalized, will be the strictest in Canada.

What To Do: Ontario OHS coordinators should go to the OHS Insider website for a briefing on what they need to know about the [new rope access requirements](#) and when they're likely to take effect.

3. BC Proposes New OHS Workplace Violence & Harassment Prevention Requirements

In August, WorkSafeBC [proposed](#) important new OHS (Part 4.1)

Regulations requiring employers to implement workplace harassment and violence programs that include written policies and procedures for dealing with harassment and violence, training workers on the risks, recording incidents, and implementing or modifying control measures to eliminate or minimize risk of recurrence. While public comments on the regulations were put on hold pending the outcome of the provincial election, the agency will very likely move forward with the long overdue requirements regardless of who wins.

What To Do: If they don't already have one in place, employers in BC should start thinking about establishing their prevention programs. The good news is that the BC requirements are in line with what most other jurisdictions already require. Find out how to implement an effective [Workplace Violence & Harassment Compliance Game Plan](#) at your site.

4. New Rules for Tight-Fitting Respirators Take Effect in BC

Revised [OHS requirements](#) for use of tight-fitting respirators officially take effect in BC on November 6. The new rules eliminate the term "clean shaven" and replace it with new language requiring employers to ensure that nothing is allowed to intrude between the skin of a worker's face or neck and the respirator seal, or otherwise interfere with the proper functioning of the respirator.

What To Do: Recognize that requiring workers who use tight-fitting respirators to be clean shaven can expose you to discrimination liability risks when shaving would violate a worker's religion. This is true in not only BC but all parts of Canada. Find out more about workers' rights to safety policy exemptions and other reasonable accommodations and [how far you must bend PPE rules to accommodate workers' religion](#).

5. New U.S. Tariffs Create OHS Compliance Challenges for Canadian Companies

One of if not the biggest stories of the third quarter is the recent escalation in the trade war with the U.S. All of this will have an impact on not only the Canadian economy but also the safety of Canadian workplaces. That's because how companies respond to tariffs may change the risks their workers face on the job. Canadian safety directors must be tuned into and prepared to deal with the potential impact of tariffs on their OHS program.

What To Do: Get a briefing on the safety ramifications of the trade war and the [seven steps you should take to ensure that U.S. tariffs don't compromise your OHS program.](#)

Top 5 OHS Cases

The case highlights of the third quarter were the year's highest OHS fine and two significant not guilty verdicts. While big fines are par for the course, acquittals on OHS charges are relatively rare. So, when two of them happen in a three-month period, it's a big story, especially when they come from Ontario and Alberta, provinces that are among the most active in enforcing their OHS laws.

1. British Columbia Socks Hotel with Year-High OHS Fine for Asbestos Violations

What Happened: WorkSafeBC inspectors observed mould, lead paint debris, and asbestos-containing material at a hotel renovation site. They also found that renovation workers weren't certified in asbestos abatement and weren't using respiratory protection. The price tag: administrative monetary penalties of \$624,051 against the hotel owner [*Northland*

Properties Corporation].

Significance: This is the highest OHS penalty reported so far this year—not just in British Columbia but all of Canada.

What To Do: Because of the dangers involved, asbestos violations carry massive penalties. Find out how to implement an [Asbestos Exposure Compliance Game Plan](#) to ensure they don't happen to you.

2. Ontario Owner Who Notifies Contractor of Site Hazards Not Guilty of OHS Violations

What Happened: The front wheel of a mobile elevating work platform used by a contractor sank into an old, covered drinking fountain service box causing the basket to tip over and crash to the ground with a worker inside. The site owner was found guilty of two OHS violations for allegedly not telling the contractor about the presence of underground structures at the site. But the Ontario appeals court found that it exercised due diligence and overturned both convictions [[Ontario \(Ministry of Labour, Immigration, Training and Skills Development\) v. Greater Sudbury \(City\)](#), 2026 ONSC 3671 (CanLII), July 10, 2026].

Significance: Hiring contractors to carry out projects at your site doesn't relieve you of responsibility for injuries and safety incidents that occur during the work, especially when those injuries and incidents are the result of hazardous conditions on the property. The owner was able to avoid liability by proving that it exercised due diligence in warning the contractor of the danger.

What To Do: Find out how to take the steps necessary to meet the standard of due diligence when entering into [contractor agreements at](#) your site.

3. Strong OHS Program Leads to Alberta Trucker's Acquittal on All 10 Charges

What Happened: A trucking company was charged with OHS violations after a 5,000-pound machine shaft rolled off the forks of a telehandler and fell from the upper deck of a trailer killing a worker on the ground. The Alberta court found the company not guilty on all counts. The company's OHS program was comprehensive and compliant with all provisions of the law, the court reasoned [[R v Stephenson's Rental Services Inc.](#), 2026 ABCJ 125 (CanLII), July 31, 2026].

Significance: OHS laws don't demand perfection but reasonable efforts to comply, aka due diligence. The takeaway from *Stephenson's* is that having a systematic OHS program is the minimum necessary to meet due diligence standards. The court was clearly impressed by the trucking company's OHS program, citing its regular safety audits, training programs, and "formal tracking of all key metrics of accidents, injuries, trends in worker behaviour, root causes of injuries, and general accident rates in the industry."

What To Do: Use the [OHSI Due Diligence Scorecard](#) and accompanying Case Summaries to draw other important lessons that you can use to assess whether your own OHS program meets due diligence standards.

4. WestJet Settles Flight Attendants' Workplace Harassment Class Action for \$4.5 Million

What Happened: A BC court approved a \$4.5 million settlement of a workplace harassment class action lawsuit against WestJet filed by approximately 3,400 current and former flight attendants. As part of the settlement, WestJet will have to hire an independent third party to evaluate workplace harassment prevalence, underreporting, and the effectiveness

of its current reporting channels [[Lewis v WestJet Airlines Ltd.](#), 2026 BCSC 1547 (CanLII), August 10, 2026].

Significance: In addition to being a class action, the case is noteworthy because the claims were based not on OHS or tort law but breach of the airline's **contractual** duty to ensure flight attendants a harassment-free workplace. WestJet talked a good game about preventing harassment but didn't make the necessary efforts to deliver on those promises, the plaintiffs claim. And if you don't deliver your workers a harassment-free workplace, you could also be at risk of contractual liability.

What To Do: Don't assume workers will tell you if they're being harassed. Use the OHS Insider [Assessment Questionnaire template](#) to uncover hidden harassment, bullying, and stalking problems at your workplace.

5. No Grounds for Post-Incident Drug Testing of Pipeline Workers, Says Saskatchewan High Court

What Happened: SaskEnergy ordered nine safety-sensitive union workers who were involved in two unrelated pipeline installation incidents to undergo drug and alcohol testing. The union claimed the company didn't have just cause to perform post-incident testing. The Saskatchewan arbitrator agreed and SaskEnergy appealed to the province's top court. The Court of Appeal sided with the union, finding that the arbitrator committed no obvious error in concluding that the incidents didn't qualify as a "significant work-related incident" or "high potential incident" triggering the SaskEnergy's right to test under the company's post-incident testing policy [[SaskEnergy Incorporated v Unifor Local 649](#), 2026 SKCA 94 (CanLII), August 26, 2026].

Significance: Workplace drug testing cases are often determined based not on what a testing policy says but how

it's implemented. This is especially true of post-incident testing where the issue is whether the injury or incident is enough to justify testing under the policy.

What To Do: Find out how to implement a legally sound and enforceable [Drug and Alcohol Testing Policy](#) at your workplace.