

# Recent Case Is a Reminder that Safety Duties Extend Beyond Workers



Every safety professional knows that employers have a duty to take reasonable steps to ensure the health and safety of their employees. But it's easy to forget that this duty extends beyond the employer's own workforce to include others such as visitors. And failing to protect visitors can have tragic results.

That's the hard lesson a self-storage company in Ontario recently learned. The company renovated an old Bomarc missile site that was originally part of NORAD and consisted of 28 missile silos, which were converted to self-storage units.

One of the units was renovated by installing a wooden floor over the original concrete basement. At the back of this unit, an opening was left in the floor, measuring about four feet by nine feet, nine inches. It was framed in anticipation of adding stairs to the basement in the future. But the hole wasn't protected by any covering or guardrail.

A visitor came to that unit to examine a truck that was being stored there by the person renting the unit. The truck's rear wheels were close to the unguarded opening and the box of the truck partially extended over the hole. As the visitor bent down to examine the truck's rear wheel, he fell into the open hole about six feet to the concrete floor below and died from his injuries.

The storage company pleaded guilty to violating the *OHS Act* by failing to ensure that a hole in the floor of a storage unit was protected by a guardrail or floor covering. The Act applied in this case because there were workers at the site who were also exposed to the same hazard that killed the visitor. The court fined the company \$100,000 [*Seavale Inc.*, Govt. News Release, Jan. 29, 2016].

For more information on the duty to protect visitors to your workplace and tools to help you fulfill that duty, see these OHS Insider resources:

- How to create a visitor safety policy and a model policy
- Brief Senior Management: The Duty to Protect Visitors to the Workplace
- Spot the Safety Violation: Workplace Safety Goes Beyond Workers.