

The 13 Most Important OHS Cases of 2022



Technically, courts and legislatures are supposed to make the laws while courts, arbitrators and tribunals (which we'll refer to collectively as 'courts') are supposed to simply interpret it. This is particularly true of OHS, environmental and other bodies of law that come primarily from statutes and regulations. However, in the real world, courts make laws all the time. The most dramatic example of this in the OHS context was the creation of the due diligence defence, which came not from any province's OHS Act but rather a Canadian Supreme Court case called *R. v. Sault Ste. Marie* decided in 1978.

While new laws and regulations draw most of the attention, case law generates many if not most of the significant new developments in OHS law each year. Such was the case in 2022. Major issues in OHS litigation during the year included due diligence, PPE, drugs and alcohol testing and, of course, COVID-19 workplace restrictions.

Here are what we at OHS Insider believe to be the 13 most significant cases of 2022, along with a practical lesson you can take from the case to address the health and safety issue of the particular case and apply it to your own workplace.