The Metron Construction Tragedy: Lessons Learned



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Speaker: Norm Keith, LLM., of Fasken Martineau

The most important construction disaster in Canada's recent history has had profound effects on OHS legislation and enforcement, across Canada. This webinar will cover five essential aspects of the Metron saga, with detailed recommendations on how to deal with its impact on employers, contractors, directors, officers and supervisors across Canada, including:

- The incident: a detailed review of the construction project, parties and particulars
- The multiple agency investigation and Charter of Rights and Freedoms issues
- Charges against Metron and its president
- Charges against Swing 'n Scaff, the supplier
- Charges against Kazenelson, the supervisor
- Bill 160 Changes to the *OHS Act* and the new 'Culture of Blame.'

Downloads

Slide Deck

Kazenelson Sentencing Decision

BFI Training Case

Duties of Suppliers Under the OHS Laws

About Norm Keith

Norm Keith is an employment, regulatory and white collar defence lawyer. He specializes in representing corporations, directors, officers and senior managers in occupational health & safety, environmental, wrongful dismissal, fiduciary duty, human rights, anti-bribery and corruption and white collar defence litigation.

Norm is an accomplished trial lawyer and a recognized leader. During his career he has appeared as counsel at all levels of courts including the Supreme Court of Canada. He has successfully defended over 1,000 charges under regulatory and criminal laws. He is counsel and trusted advisor to clients in the mining, construction, energy, health care, forestry, aviation, high tech, chemical, manufacturing, oil and gas, infrastructure, clean tech, and transportation industries. He has represented public emergency services and all levels of government from Municipalities to the Government of Canada. He advises clients in a broad range of Risk Management, EHS Compliance, Human Rights, Charter of Rights and Freedoms, Constitutional and Corporate Social Responsibility matters.

Norm is a leading occupational health and safety defence lawyer in Canada. He has authored numerous books on the subject including, *Canadian Health and Safety Law (Canada Law Book)*, which is updated annually. He authored *Canadian Emergency Management and Response Manual*. He has also authored

Workplace Health and Safety Crimes (Lexis Nexis) the leading text on the Bill C-45 amendments to the *Criminal Code.*

Norm is a co-founder of Fasken Martineau's White Collar Defence and Investigations practice group. He is the Canadian Representative on the White Collar Crime Committee of the American Bar Association. While completing his Master of Law degree in 2010, he researched White Collar Crime, Investigations, and Corporate Social Responsibility in Canadian law. He has written the leading text on corporate crime in Canada, *Corporate Crime and Accountability in Canada* (Lexis Nexis). He is the author of *Insider Trading in Canada* (Lexis Nexis) and represents clients throughout Canada and internationally. He teaches a course on Corporate Governance, Ethics and Social Responsibility at the University of Toronto School of Continuing Studies.

Norm represents clients in contract negotiation, licensing agreements, publishing agreements, and collective bargaining agreements. Norm coordinates complex civil litigation, merger and acquisitions, IT transactions, real estate transactions, corporate and tax advice as the relationship partner for domestic and international business clients.

Norm earned the Canadian Registered Safety Professional (CRSP) designation in 1998, making him the first practising lawyer in Canada to earn the CRSP designation. Norm is a highly sought after instructor and speaker at employer associations, bar associations, universities, and at international conferences. He is an instructor in the American Society of Safety Engineers Global Safety Management certificate course. He has authored 12 books including*, Canadian Anti-Corruption Law and Compliance, Human Resources Guide to Preventing Violence, Alcohol and Drugs in the Canadian Workplace* and over 200 articles in professional journals and trade publications.

Norm has lectured at University of Western Ontario and University of British Columbia law schools.

Norm recently completed the Chicago marathon (2015) and has completed four Ironman distance triathlons. He has worked as a hard rock miner, a career counsellor, a construction labourer, and a management trainee at a major Canadian bank. He was a judge for Canada's Safest Employer Awards for 2014 and 2015.

Honours and Awards

- *Legal 500 Canada* for Labour and Employment (2015)
- *International Who's Who of Business Lawyers* (2013, 2014)
- *International Who's Who of Management Labour & Employment Lawyers* (2012)
- *Who's Who Legal: Canada* (2012, 2014)
- *Canadian Legal Lexpert Directory* (2002-2012, 2014-2015)
- *The Best Lawyers in Canada* (2006-2014)

Membership/Affiliations

- Member, Ontario Bar Association
- Member, The Advocates' Society
- Member, Canadian Bar Association
- Member, American Bar Association
- Member, Christian Legal Fellowship
- Member, Transparency International
- Member, Law Society of Upper Canada
- Member, American Society of Safety Engineers
- Member, Canadian Society of Safety Engineering
- Member, Canadian Association of Counsel to Employers
- Member, Board of Canadian Registered Safety Professionals
- Member, Human Resources Professionals Association of Ontario
- Member, American Bar Association – White Collar Crime Committee
- Member, Association of Canadian Registered Safety Professionals