The Top 11 OHS Compliance Cases of 2025 (So Far) & Their Impact on You

While written statutes and regulations provide the general rules, they're not the only source of OHS laws. Every year, courts, arbitrators, and tribunals hand down crucial rulings applying the laws to actual situations on the ground. For purposes of OHS compliance, these rulings are where the rubber meets the road because they illustrate not only what the laws say but what they **actually mean** in real life. Here are what we believe to be the 11 most significant OHS compliance cases from the first 6 months of 2025 and, most importantly, an explanation of how they may affect your own OHS program and what you should do to protect your company.

1. ## Ordinary OHS Violation Doesn't Make Corporate Officers Guilty of Criminal Negligence

Prosecutions against corporations under what's still referred to as "C-45," which makes it a crime for persons who control work to not take measures to protect those who do or are affected by the work from bodily harm remain a rare event. So, when they do happen, it's big news. That's what happened in Québec where prosecutors charged a mining company and its executives with criminal negligence resulting in serious injuries to an operator who got hit by a chain that broke free

from a shuttle conveyor. The Crown was able to show that the defendants violated their OHS violations. But it lost the case because it couldn't prove another key element of C-45 beyond a reasonable doubt, namely, that the reason the person in control of the work didn't take the necessary steps was "wanton and reckless disregard" for safety. Ordinary negligence isn't enough; to convict for criminal negligence, the Crown needed evidence showing that the executives "deviated markedly and significantly from what a reasonable person in the same circumstances would have done" [*R. v. ArcelorMittal Mining Canada*, 2025 QCCQ 1178 (CanLII), April 7, 2025].

> ***Takeaway & Impact on You:*** *The point of C-45, aka, the "Westray law," is to hold companies accountable for egregious safety violations, a la the operators of the Westray mine whose indifference to methane gas hazards cost 26 Nova Scotia miners their lives. The company in this case was negligent, but it wasn't in the same class as Westray. Still, it's important for OHS coordinators to take steps to manage criminal negligence risks under C-45 and protect corporate officers and directors from liability.*

2. New Brunswick Supervisor Guilty of Criminal Negligence in Confined Spaces Death

Those who "control work" under C-45 include not just corporations and executives but also managers and supervisors, like the construction supervisor charged with criminal negligence for the confined space drowning death of an 18-year-old worker under his immediate charge. At trial, the supervisor admitted to not having read the safety manual for confined space work and proper use of the rubber plug for stopping the flow of liquid from the pipe into the space. Even so, he was convicted for letting the worker enter what he knew

was a confined space without ensuring that the plug was installed. The supervisor appealed, claiming that he wasn't trained for supervising this type of work. But the New Brunswick Court of Appeal was unswayed and upheld the conviction and 3-year prison sentence. The dangers of the situation were "obvious and required no specialized knowledge to appreciate," the high court reasoned [*King v. R.*, 2025 NBCA 12 (CanLII), January 23, 2025].

> ***Takeaway & Impact on You:*** *Ironically, supervisors get prosecuted—and convicted—for C-45 negligence much more often than do corporations and their principals. That's why OHS coordinators should take 5 steps to manage supervisor liability risks. The other moral of the King case is the need for confined spaces safety and compliance measures to prevent these kinds of tragedies.*

3. Ontario High Court Upholds Due Diligence Acquittal of Greater Sudbury

A big headline is the apparent ending of what, over the past several years, has been the most important OHS case in not only Ontario but all of Canada: the prosecution of the town of Greater Sudbury. It began when a road grader struck and killed a pedestrian crossing an intersection at a municipal construction site. The Canadian Supreme Court ended Act I of the drama by ruling that the city could be charged as an employer for an OHS violation (failing to ensure that a signaler was in place) even though it hired a constructor to oversee the work. The case then went back down to trial for Act II, which would determine if the city was actually guilty. The Ontario court ruled that the city exercised due diligence and dismissed the case. Although the required traffic control measures at the intersection were wanting, it was the constructor and not the city that exercised control over the

situation. The city did conduct quality control inspections to ensure that the constructor was complying with the safety requirements contained in the contract. But, the court concluded, "such inspections didn't constitute control over the workplace and the workers on it." The Crown appealed but the Ontario Court of Appeal refused to take the case, leaving the due diligence verdict to stand [*Ontario (Labour, Immigration, Training and Skills Development) v. Greater Sudbury (City)*, 2025 ONCA 329 (CanLII), March 31, 2025].

> ***Takeaway & Impact on You:*** *Greater Sudbury and similar cases cast light on a question that all OHS coordinators should ask themselves: Does our company's OHS program meet the standards of due diligence? You can make a better informed judgment on that crucial question by checking out OHS Insider's Annual Due Diligence Scorecard for 2024, which breaks down all of the year's OHS court rulings, explaining what employers who won did right, employers who lost did wrong, and how to apply these real-life lessons to your own OHS program. Of course, Greater Sudbury will also appear in the 2025 Scorecard that we'll create when the year ends.*

4. Saskatchewan Okays Workers' Comp Benefits for Workload Anxiety

A worker submitted a workers' comp claim for the depression and anxiety she allegedly developed as a result of her excessive workload and stressful interpersonal incidents at work. As in most provinces, workers' comp in Saskatchewan covers psychological injury as long as a psychiatrist or psychologist provides a proper diagnosis and the worker is exposed to a traumatic event at work. The worker in this case had a proper diagnosis, so the key issue was whether she experienced traumatic events. The normal stress that employees experience in doing their jobs isn't considered trauma. However, the evidence showed that the worker's workload and

work-related interpersonal incidents were “excessive and unusual in comparison to pressures and tensions experienced in normal employment.” So, the WCB Appeal Tribunal ruled that the worker had a valid claim for psychological injury [*25-8995-37 (Re)*, 2025 SKWCBAT 337 (CanLII), March 12, 2025].

> ***Takeaway & Impact on You:*** *While it might seem like one of many hundreds of workers’ comp appeals that get resolved without fanfare each year, this case has scary implications, especially in this time of tariffs and financial uncertainty. As companies reduce costs and staff, they’ll be relying on employees to carry ever growing workloads exposing them to ever growing levels of fatigue and stress. There will be staggering bills to pay if the resulting burnout is deemed compensable under workers’ comp. The best way to protect your company is to persuade your CEO to support measures to protect workers from harmful stress such as by implementing a Workplace Fatigue Risk Management System.*

5. Alberta Companies Fined $1.2 Million for Crane Fatality

In March, Alberta fined 3 companies a total of $1.243 million for OHS violations leading to the death of a heavy equipment technician who fell after being hit by a piece of equipment suspended from a crane while conducting shovel maintenance duties. Suncor Energy Services Inc. was fined $495,000 after pleading guilty to failing to ensure that sharp edges on loads being hoisted were guarded to prevent damage to the rigging. Mining equipment company Joy Global was fined $374,000 for failing to ensure the worker’s health and safety. NCSG Crane & Heavy Haul Services Ltd. was also fined $374,000 for failing to ensure a hazard assessment was repeated when a new work process was introduced [*Suncor Energy Services Inc., Joy Global (Canada) Ltd., and NCSG Crane & Heavy Haul Services Ltd.*, Govt. Press Release, March 28, 2025].

Takeaway & Impact on You: *The collective $1.2 million in penalties imposed is, by far, the largest OHS fine reported in Canada this year. Given the nationwide spike in crane accidents and fatalities, it's hardly surprising that crane safety has become a priority for OHS enforcement. Use the OHS Insider Cranes/Hoists/Lifting Device Compliance Game Plan to prevent crane fatalities and 6-figure fines for crane violations at your own workplace.*

6. Alberta High Court Upholds $420,000 Fine for Preventable Truck Fatality

A construction supervisor doing inspections at a residential neighborhood stopped his flatbed truck behind a catch basin on the road next to the curb and put the vehicle in park intending to make it a shield for his coworker who had stepped out to inspect the catch basin. A few moments later, the supervisor drove the truck forward a few metres to clear the space without noticing that the coworker was standing in front of the vehicle. **Result:** He hit the worker causing fatal injuries. The Crown laid 30 OHS charges against the employer and supervisor, most of which were withdrawn. But the court did convict the defendants for 2 offences apiece. The appeals court upheld 2 of the 4 convictions, finding among other things, that the lower court was reasonable in rejecting the defendants' claim that the incident location wasn't a "workplace" where OHS duties applied. The area where the truck was stopped was one in which a worker "was likely to be engaged in work" and the victim was doing just that in inspecting the catch basin when he got run over. The appeals court also affirmed the lower court's ruling that the incident was "reasonably foreseeable" and that the defendants didn't use due diligence to prevent it, such as by implementing safe work procedures for using a parked truck to shield another worker. It also upheld the fine amounts of $420,000 against

the employer and $60,000 against the supervisor [*R v Volker Stevin Contracting Ltd*., 2025 ABKB 244 (CanLII), April 17, 2024].

> ***Takeaway & Impact on You:*** *Forklifts and powered mobile equipment have accounted for several of the year's biggest OHS fines, not just in Alberta but across the country. Powered mobile equipment injuries and fatalities are also on the rise. Most of these incidents involve some kind of SNAFU in how the equipment is operated. You can prevent these kinds of tragedies and massive OHS penalties by implementing an effective Powered Mobile Equipment Operation Policy at your workplace.*

7. Court Draws New Line on Employer's Duty to Investigate Harassment Complaints

Employees can't sue companies for which they don't work for "negligent investigation" of their workplace grievances. That's the punch line of an important new ruling from Saskatchewan's highest court upholding the dismissal of a money damages lawsuit by a SaskTel employee against the City of Saskatoon for failing to investigate the complaint she submitted to the City's Ombudsman about the company's CEO creating a toxic work environment. It'd be one thing if the employee actually worked for the City. But the City didn't have an employment or any other kind of legal relationship with her that would impose a duty of reasonable care to investigate her complaints of workplace harassment [*Hollinger v SaskTel Centre*, 2025 SKCA 40 (CanLII), April 11, 2025].

> ***Takeaway & Impact on You:*** *This is the second recent case I've seen holding that the OHS duty to investigate workplace violence and harassment complaints doesn't extend to complaining employees who no longer work for the company. In*

February 2024, the Ontario Human Rights Commission came to the same conclusion in a case called Rougoor v. Goodlife Fitness Centres Inc., 2024 HRTO 312 (CanLII). Even so, it's crucial for employers to implement an effective workplace violence and harassment compliance game plan that provides for prompt, thorough, and fair investigation of worker complaints.

8. BC Government Fines Itself $783,000 for High-Risk Traffic Control Violations

Pop Quiz: Who would you guess would be on the receiving of the year's biggest reported OHS fine against a single employer? The surprising answer is the BC government. Even more surprising was that the violations resulted in no deaths or injuries. But they were ultra high-risk. What got the government into such hot water was assigning untrained personnel to take over traffic control duties from properly trained traffic control persons at a music festival. The untrained government traffic control persons were also not given specific directions, competent supervision or appropriate devices while carrying out their duties from an unsafe position on the highway [*Provincial Government*].

Takeaway & Impact on You: *It may be comforting to know that provincial governments hold themselves strictly accountable for complying with the same OHS laws that apply to private companies. The more immediate lesson is the importance of complying with traffic signaling and control requirements and implementing effective policies to protect traffic control personnel.*

OHS Inspector Doesn't Need a Search Warrant to Gather Crane Safety Information

An important case from Ontario involved an MOL inspector's authority to take pictures and gather evidence during his second visit involving an incident where a steel rack weighing 500 lbs. fell on a worker's foot. The employer claimed that the inspector violated its Charter search and seizure protections by seizing evidence to use against it in a criminal proceeding without a warrant. This would have been valid had the inspector already decided that the employer had committed a criminal violation before he arrived for the second visit. But the inspector contended that he didn't need a warrant because he gathered the evidence to ensure that the employer had complied with the orders he issued after the first visit and not to investigate a criminal crane violation. The Ontario court agreed and nixed the employer's Charter claim [*Ontario (Ministry of Labour, Immigration, Training and Skills Development) v. The Econo-Rack Group Inc*., 2025 ONCJ 190, April 8, 2025].

> ***Takeaway & Impact on You:*** *Although cases about government inspector's powers can be dry and technical, they often have direct ramifications on your OHS program. This case is significant because it addresses a key issue that often arises during OHS inspections, namely, when government inspectors do and don't need a warrant to search and seize evidence during the inspection.*

10. OHS Inspector's Bias Undermines Validity of Safety Violation Citation

There was another important OHS inspection case, but this one went in the employer's favour. It involved an OHS officer inspecting a school construction site who repeatedly told the

superintendent that he was looking for a violation to cite and then apparently found what he was looking for when he observed 2 workers not wearing safety glasses. He was also unhappy that the site's written traffic control plan wasn't available online. But he also praised the contractor for running an excellent site. After finishing his tour, he offered the contractor a deal: you can take either the safety glasses or traffic plan citation. The contractor went with the first option because the workers not wearing safety glasses weren't their employees. But the OHS officer didn't know this and issued the citation for the traffic control plan. The contractor appealed the charge, claiming that the officer didn't base his decision to issue the citation on reasonable evidence. The adjudicator ruled that the violation was legitimate regardless of the officer's intentions. The case then went to the Saskatchewan Labour Relations Board, which held that the officer's intention to find a violation to cite was, in fact, relevant to determine whether his opinion was based on reasonable, credible and documented evidence and that there was, in fact, a written traffic control plan for the site [Wright v Govt of Sask (OH&S), 2025 SKLRB 12 (CanLII), March 24, 2025].

> ***Takeaway & Impact on You:*** *The officer's actions in this case were unconventional and highly unusual. Even so, OHS inspectors aren't perfect. If and when they do screw up, it can get the company off the hook for violations cited. But to protect yourself you need to understand the inspection process and implement an OHS inspections policy so you're prepared when inspectors show up at your door.*

11. Ontario Employer Wins the RTW Substance Battle but Loses the RTW Process War

The union had no complaints about how the hospital sought to

accommodate the part-time cleaner the first 2 times she had to take leave due to a work injury. It grieved because the hospital didn't do the same thing on the third occasion where she had to miss work as a result of the third injury, which was less severe and not work-related. The hospital should have held return-to-week meetings like it did on the first 2 occasions, the union complained. The Ontario arbitrator tossed the claim, noting that the evidence showed "beyond any doubt" that the worker was incapable of performing the essential duties of her position through no fault of her own. But the arbitrator hit the hospital with $600 in general damages for not doing a better job of communicating, including failing to have return-to-week meetings [*Unity Health v Canadian Union of Public Employees, Local 5441*, 2025 CanLII 119 (ON LA), January 3, 2025].

> ***Takeaway & Impact on You:*** *The hospital in this case had and had executed an effective return to work program in the past but the process somehow broke down when the worker suffered her third injury. The case is an illustration of just how important it is to not only have but consistently implement a legally sound Return to Work Compliance Game Plan for injured workers.*

'Disagree With Our Choices?

Drop me a line at glennd@bongarde.com and let me know what you think were the biggest OHS cases of 2025.