

The Top 13 OHS Compliance Cases of 2025 & 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 13 most significant OHS compliance cases 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 Not Enough to Convict Corporate Officers of C-45 Criminal Negligence

Prosecutions against corporations under what's still referred to as "Bill 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 Bill 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 didn't display the devil-may-care attitude toward safety as the Westray directors. 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 C-45 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 – Robust Safety Training & Documentation Enables British Columbia Employer to Avoid \$528,000 Fine

A worker at a hydro dam construction site suffered serious injuries after falling from an elevated ladder deck. The victim was wearing proper fall protection equipment but didn't tie himself to an anchor before descending. WorkSafeBC hit the employer with a \$528,631 administrative monetary penalty (AMP) for 6 OHS violations. But the BC Workers' Compensation Appeals Tribunal ruled that the employer exercised due diligence and dismissed the AMP, citing the company's "very robust training and safety program" that provided for both new worker and refresher training. The victim received that training and passed a written test. The company also had workers go over their site-specific fall protection plan each day before the start of work and that

plan specifically addressed the circumstances which led to the worker's fall, namely unguarded openings and improper use of fall protection [[A2102115 \(Re\)](#), 2025 CanLII 74913 (BC WCAT), June 5, 2025].

Takeaway & Impact on You: *One of the first things a government OHS inspector visiting your workplace will ask you is whether you provide your workers with required safety training. This is especially true if the officers are responding to a safety incident or complaint. They'll also demand proof that you not only delivered training but also took steps to verify that workers understood it. Being able to satisfy this demand saved the BC company over \$500,000; regrettably, most employers lack the necessary training documentation and pay the price. The key to compliance: Carry out an [OHS Training Compliance Audit](#) as part of a broader [OHS Safety Training Records & Documentation Compliance Game Plan](#).*

4 – Crane Fatality Results in Ontario's Biggest OHS Fine of the Year

With Canada in a construction boom, it's not surprising that crane violations accounted for many of 2025's highest reported OHS fines, including Ontario's top fine for the year. The problem began when a construction worker suffered fatal injuries after being hit by heavy waste concrete blocks that fell from a crane while being hoisted in an improper and dangerous manner. After trial, the Ontario court found the victim's employer guilty of failing to ensure: i. that the waste concrete was hoisted using attachment points suitable for that use; and ii. that workers were adequately trained and supervised on the hazard of using embedded rebar for hoisting. The result was a fine of \$600,000. Two supervisors were also convicted of OHS violations resulting in fines of \$10,000 and \$15,000 [*Limen Group Const. (2019) Ltd.*, [MOL Press Release](#),

June 25, 2025].

Takeaway & Impact on You: *Given the nationwide spike in crane accidents and fatalities, crane safety has become a priority for OHS enforcement. Crane accidents tend to be catastrophic and the penalties for committing crane violations correspondingly high. Earlier this year, Alberta imposed a total of over \$1.2 million in fines against 3 companies for a crane fatality. 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.*

5 – Québec Employer Can't Blame Operator for Crane Tip-Over

Crane safety was the focus of another important 2025 case due not to the size of the fine involved but the light it sheds on OHS laws, namely, the difficulties of using due diligence to avoid liability for an OHS violation, even where a worker is at fault. The case involved a crane rental company charged with using unsafe loading methods leading to a mobile crane tip-over blamed the operator for the accident. The operator himself admitted that he was entirely at fault and made a “bad call” by choosing to bypass the crane’s limitation system. But the Québec court still rejected the due diligence defence, reasoning that the company could and should have foreseen and taken steps to prevent the operator’s negligence. Instead, it deferred to his senior status and gave him “carte blanche” to do what he wanted. “It would be illogical and contrary to the objectives of the Act if the presumption of liability did not apply because of the wrongful act of a worker,” the court reasoned [[CNESST v. Location de grues Gaétan Roy ltée](#), 2025 QCCQ 1852 (CanLII), May 23, 2025].

Takeaway & Impact on You: *It’s hard to blame workers for OHS violations. In legal parlance, the simple fact that a worker does something wrong isn’t enough to prove due diligence if*

the worker's error or misconduct was "reasonably foreseeable." Use the [OHSI Due Diligence Scorecard](#) and accompanying [Case Summaries Scorecard](#) and [Takeaways Analysis](#) to draw other important lessons that you can use to assess whether your own OHS program meets the standards of due diligence.

6 – Alberta High Court Upholds Broad Reading of “Workplace” Where OHS Duties Apply

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 and accidentally ran over the coworker that he didn't notice was standing in front of the vehicle. The employer and supervisor denied committing any violations claiming that the incident location wasn't a “workplace” where OHS duties applied. But the court disagreed, finding that the area where the truck was stopped was one in which a worker “was likely to be engaged in work” and rejecting the defendants' due diligence defence since they didn't implement safe work procedures for using a parked truck to shield another worker. The case went all the way to the Alberta Court of Appeal, which sent the case back down on a technicality affecting what constitutes “powered mobile equipment” and not related to due diligence [[R v Volker Stevin Contracting Ltd.](#), 2025 ABKB 244 (CanLII), April 17, 2025; [R v Volker Stevin Contracting Ltd.](#), 2025 ABCA 285 (CanLII), August 15, 2025].

Takeaway & Impact on You: *The first moral of the case is that the definition of “workplace” where OHS duties apply is very broad and not limited to the 4 corners of a company's*

physical plant or facility, especially when workers normally perform job duties off the premises. This is the reason that, at least in most provinces, OHS laws require employers to protect workers who telecommute from home or other remote location. The other lesson is the need to implement safe work procedures and procedures for trucks and other powered mobile equipment.

7 – General Fears of Catching COVID Don't Justify 'Frivolous' OHS Work Refusal

As usual, the parameters of workers' OHS rights to refuse dangerous work was a key issue in several of this year's cases. One of the most instructive of these was the case involving the federal worker ordered to return to the office at least twice a week after the pandemic. Rather than comply, the worker initiated a work refusal citing fears of catching COVID. The employer, JHSC and government OHS investigator found no danger, but the worker wouldn't back down and took his case to court. After losing at trial, he appealed to the Federal Court of Appeal, which upheld the ruling that the refusal was "frivolous" and based on "speculative and hypothetical" fears that ignored the employer's infection control measures. The Court also noted that the worker didn't claim "that his workplace was subject to any specific [COVID] risk greater than the risk elsewhere in the government or society in general" [[*Juzda v. Canada \(Attorney General\)*](#)], 2025 FCA 181 (CanLII), October 7, 2025].

Takeaway & Impact on You: *While the Juzda case involves COVID-19, these principles apply equally to influenza, measles or any other infectious illnesses that may lead to an OHS work refusal. Infection can occur any time a person leaves home and goes to work. To justify a work refusal, the risk of infection must be "undue," such as where an employer doesn't implement adequate and necessary infection*

controls. Go to the OHS Insider site for an [explanation of the ground rules](#) that courts and regulators use to determine whether an infectious illness work refusal is justified.

8 & 9 – Workers’ Compensation Boards Split on Mental Stress Benefits for Workload Anxiety

In these challenging economic times, many companies are demanding more of their workers. Is the stress that workers experience when their work hours or workload increases compensable under workers’ compensation? There were 2 reported cases addressing this potentially enormous issue in 2025 resulting in opposite outcomes.

Saskatchewan Worker Wins: The first case came from Saskatchewan where a worker claimed workers’ comp benefits for the depression and anxiety she 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].

Nova Scotia Worker Loses: A call centre recruiter claimed she suffered stress as a result of being overworked when the

company cut recruitment staff from 15 to 6. Adding to the stress was the '3CX' app that the centre used to enable candidates to call and text the recruiter at any time, which they often did, along with sending emails to her personal address. Some disappointed candidates even criticized her personally on the centre's Facebook page; others complained because she didn't speak French. But the Nova Scotia WCB denied the recruiter's claim citing WCB policy stating that workers' comp doesn't cover gradual onset or traumatic mental stress resulting from an employer's decisions or actions relating to the work or the worker's employment. The anxiety the recruiter experienced in this case stemmed from the centre's poor management decisions rather than direct action to intimidate, harass or bully her. The recruiter appealed but to no avail [[2025-48-AD \(Re\)](#), 2025 CanLII 49712 (NS WCAT), May 28, 2025].

Takeaway & Impact on You: *While it might seem like one of many hundreds of workers' compensation 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](#).*

10 – 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 crime 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.*

11 – OK to Ban Safety-Sensitive Workers from Not Only Usingbut Possessing Cellphones at Work

After a ban on cellphone use proved unfruitful, a residential care facility for mentally ill disabled persons unilaterally adopted a rule banning patient care attendants from keeping cellphones in their personal possession during work hours. The union claimed the ban was abusive and unreasonable. But the Québec arbitrator disagreed and dismissed the grievance, noting that the ban wasn't company-wide but limited to a

particular facility. The arbitrator cited other cases upholding workplace cell phone bans for safety, security and other legitimate purposes and emphasizing the vulnerability of the residents the rule in this case was designed to protect. Moreover, the evidence suggested that staff wasn't complying with the previous ban on cellphone use making it necessary to extend it to cellphone possession [[Union of Health and Social Services Workers of the Lower St. Lawrence – CUPE, Local 5007 \(FTQ\) v. Integrated Health and Social Services Centre of the Lower St. Lawrence](#), 2025 CanLII 104231 (QC SAT), October 15, 2025].

Takeaway & Impact on You: *It's hard to maintain safety when workers are constantly checking their personal cellphones or tablets. Personal device distractions may be especially dangerous for workers that perform safety-sensitive jobs such as operating heavy equipment or caring for vulnerable medical patients or residents. But seeking to ban or even restrict possession or use of cellphones in the workplace is apt to stir a hornet's nest of protest and union grievances. Moreover, these challenges may be legally valid when the cell phone rules are unreasonable or invasive of workers' rights under privacy laws or a collective agreement. One way to solve the problem is to implement an effective [Mobile Devices in the Workplace Policy](#).*

12 – At Home Drug Use Is Grounds for Discipline When It Makes Workers Unfit for Duty

Among the year's many cases challenging discipline for drug and alcohol use was the federal ruling involving a safety-sensitive worker who got sent home after smashing his forklift into a heavy platform. Three hours later, the company called him back to work for post-incident drug testing. The tests came back positive for marijuana and the

worker got fired. The worker admitted that he smoked pot at home after the incident but insisted he was totally sober when the incident occurred. But the federal arbitrator rejects the union's grievance. The forklift crash was justification for post-incident testing. And the company specifically told the worker that it expected him to return to work for testing. Combined with the worker's previous drug-related discipline, admission to regular marijuana use, failure to claim a dependency requiring accommodation and only 5 months of service, there was just cause to dismiss [[Alstom Transportation Canada Inc. v Teamsters Canada Rail Conference Maintenance of Way Employees Division](#), 2025 CanLII 84715 (CA LA), July 18, 2025].

Takeaway & Impact on You: *The takeaway from this case is that doing drugs or drinking at home is grounds for discipline and termination if it renders the worker unfit for duty when they're working. That's why the key to controlling workplace intoxication is to create a [Substance Abuse & Fitness Duty for Policy](#) at your workplace. **Bottom Line:** Fitness for duty is a more legally sound basis for drug discipline than zero tolerance.*

13 – Company Must Dismantle AI-Based Driver Monitoring System Due to Privacy Concerns

Many AI-based OHS systems rely on personal monitors, scanners, and other technologies that gather and analyze extensive personal data to measure how workers carry out their job duties. While this output may yield significant safety improvements, it may also raise concerns under privacy laws. Things often come to a head when companies use AI-based surveillance cameras inside company vehicles to ensure safe driving. In August, a federal arbitrator ruled that the privacy harm inflicted by a newly installed AI-based Samsara

system outweighed the safety improvements. Moreover, the AI system's remote real-time viewing and other features allowed the company to use the system to gather and access data for purposes other than safety. Result: The company had to stop using the system within 90 days and pay \$100 in privacy damages to each affected driver [[STT de Coach Canada – CSN v Newcan Coach Company ULC \(Coach Canada\)](#), 2025 CanLII 96672 (CA SA), August 29, 2025].

Takeaway & Impact on You: *Before you invest all that money in purchasing and deploying AI-based HR systems, you better be sure to consider the legal ramifications first. Find out about [the 11 ways you can use Artificial Intelligence to improve workplace safety and OHS compliance without trampling on workers' privacy rights](#).*