

Top 5 OHS Cases of July 2026



One of the primary functions of OHS coordinators is to keep CEOs and corporate leaders apprised of new workplace safety laws. While new legislation and regulation garner most of the attention, it's often court and tribunal rulings that have the most direct impact on OHS compliance. But because these cases are hard to find, let alone read and analyze, they tend to fly under the radar. One advantage of OHS Insider membership is that we provide you a monthly briefing of the key cases you need to know about, their potential impact on your OHS program, and what to do to address the issue the case involved. Here are the five most significant cases that came down in Canada last month.

1. Biggest OHS Fine of the Month—Alberta Warehouse Fined \$350,000 for Forklift Death

What Happened: Marble slabs being moved by a forklift unexpectedly dislodged and fatally crushed the worker operating the machine. The victim's employer was fined \$350,000 after pleading guilty to failing to prevent the unsafe movement of a forklift load, including via requiring or enforcing safe procedures for moving a load. [*LX Hausys Canada Inc.*, [Govt. Press Release](#), June 2, 2026].

Significance: This was the biggest reported OHS fine in Canada during the month and the fourth highest of the year. And it's

no aberration. Forklift and powered mobile equipment has become a priority for OHS enforcers across the country.

What To Do: Implement a [Powered Mobile Equipment Compliance Game Plan](#) to prevent forklift injuries, incidents, and violations at your workplace.

2. Ontario Shells Out \$60 Million to Settle Sexual Abuse Class Action

What Happened: An Ontario court approved the \$60 million settlement of the class action lawsuit against the province filed by thousands of individuals for the physical, sexual, and psychological abuse they suffered while placed in provincially operated juvenile detention and reform facilities, aka “Training Schools”, between 1953 and 1984. The Ontario government issued a public acknowledgment and expression of regret. Eligible class members will receive compensation ranging from \$5,000 to \$100,000, depending on the severity of the harm they suffered [[Brown v. His Majesty the King in Right of the Province of Ontario](#), 2026 ONSC 2880, May 21, 2026].

Significance: Although *Brown* didn’t happen in a work setting, it’s an important reminder of why preventing workplace harassment, abuse, and violence has become an essential part of OHS programs.

What To Do: You can’t deal with psychological harassment and abuse unless you know it’s happening. Don’t assume workers will tell you if they’re being harassed; most harassment victims stay silent because they don’t want to be seen as a troublemaker. That’s why you need to take active measures to get the true picture of what’s going on. Use the OHS Insider [Assessment Questionnaire template](#) to uncover hidden harassment, bullying, and stalking problems at your workplace.

3. Alberta Says OHS Inspectors Don't Need "Imminent Danger" to Issue Stop-Work Orders

What Happened: After an assessment concluded that a consulting firm wasn't qualified to conduct indoor hygiene testing, OHS officials issued an Order requiring it to stop performing airborne concentration measurements of harmful substances and hazardous materials inventory assessments in Alberta unless and until the Order was lifted. The firm appealed contending, among other things, that the government had no authority to issue the Order because there was no proof of "imminent danger." The Labour Relations Board upheld the Order finding that nothing in the *OHS Act* expressly limits the discretion of inspectors to issue stop work orders only to situations involving imminent danger [[11184903 Canada Corp. operating as Pure Air Solutions Services Ltd. v Occupational Health and Safety](#), 2026 ABOHSAB 9, June 24, 2026].

Significance: This is an important case for Alberta employers because it interprets the statutory authority of OHS inspectors to issue stop-work orders broadly including situations where there's no imminent danger.

What To Do: OHS stop work orders and monetary penalties can be tough to take, especially when you believe you've done nothing wrong and that the OHS inspector is punishing you unfairly. But OHS appeals also carry potentially significant costs and risks. Find out about the factors you should consider in [deciding whether to appeal an OHS order](#).

4. British Columbia Says Relying on Experienced Supervisor Doesn't

Prove Due Diligence

What Happened: WorkSafeBC inspectors fined a siding contractor nearly \$20,000 after observing workers at a height without fall protection even though fall protection equipment was available and their supervisor was right below them on the ground. The contractor claimed due diligence. We trained the crew in fall protection, we gave them the necessary equipment, and we appointed an experienced person to supervise them—what more could we have done? But the BC Workers' Comp Appeals Tribunal (WCAT) wasn't impressed, noting the company's history of fall protection violations. Relying on its experienced supervisor to ensure compliance was also a nonstarter since there was no evidence that the company regularly monitored and tested supervisors' competency and ability to abide by the safety rules. "Due diligence requires that an employer have a reasonable basis to assume that its site supervisor will supervise a work activity safely, responsibly, and in accordance with legal requirements," the WCAT reasoned [[A2501668 \(Re\)](#), 2026 CanLII 60152 (BC WCAT), June 11, 2026].

Significance: Relying on experienced supervisors isn't enough to prove due diligence, especially if your company has a history of OHS violations. Given the company's track record, it should have "treated fall protection requirements with a heightened level of scrutiny."

What To Do: Due diligence requires "reasonable steps" to prevent violations and comply with OHS laws. The best—and only way—to determine what "reasonable steps" are required is to look at cases where courts had to apply these principles to actual situations. The [OHSI Due Diligence Scorecard](#) and accompanying Case Summaries draws these real-life lessons that you can then use to assess whether your own OHS program meets the standards of due diligence.

5. Federal Court Nixes Pre-Employment Drug Testing of New Trainees More than Once

What Happened: After extensive hearings, a federal arbitrator ruled that three parts of a railway's drug and alcohol testing policy were unreasonable: i. Requiring newly hired trainees for safety sensitive positions to undergo both pre-employment drug testing and a later second drug test before completing their training; ii. A minimum 28-day cannabis ban; and iii. Reducing oral fluid drug testing thresholds from 10ng/ml to 4ng/ml and 2ng/ml. However, the arbitrator upheld other provisions challenged by the union as not unreasonable [[Teamsters Canada Rail Conference – Maintenance of Way Employees Division v Canadian Pacific Kansas City Railway Company](#), 2026 CanLII 60171 (CA LA), June 19, 2026].

Significance: Although this case turned on the reasonableness of the terms of the policy, workplace drug testing cases are often determined based not on what a testing policy says but how it's actually carried out.

What To Do: Implement a legally sound [Drugs and Alcohol Testing Policy](#) at your workplace.