

Trial Court Didn't Adequately Explain Reasons for OHS Convictions



While a worker was trying to fix a malfunctioning device, he was struck by a bale of recycled plastic and suffered a broken leg and two broken vertebrae. As a result, two companies were convicted of four OHS violations and fined \$230,000 and \$200,000 each. They appealed, arguing that the court's reasons for the convictions weren't adequate. The appeals court explained that reasonably clear and cogent reasons are important for not only the particular employer and affected workers but also as general guidance about responsibilities, standards and expectations. Here, the Reasons for Judgment don't explain the basis for the convictions in a clear manner that's reasonably intelligible. In addition, the appeals court had 'very real concerns' about whether the trial court applied the proper legal test in reaching the results in the case. So it ordered a new trial [*R. v. 629728 Ontario Ltd. (c.o.b. Entropex)*], [2015] O.J. No. 211, Jan. 16, 2015].