

Use The 2021 Annual Due Diligence Scorecard To Measure Your Own Ohs Compliance



While 'due diligence' is technically the name of a legal defence used in an OHS prosecution, people in our industry typically use the term as a practical standard for real-world compliance. Typical question: 'Does my OHS program meet due diligence?' The idea of using due diligence to measure compliance is 100% on target; the problem is translating the concept to real-life situations like fall protection, safety training, machine guarding, etc.

Since there are no specific definitions, the only way to figure out what due diligence means on the ground is to see how courts apply the concept in actual cases. Each case tells a story of an OHS breakdown and whether the employer or other defendant did enough to prevent it. Looking out how the case turned out and what the defendant did right or wrong and translating the lessons to your own situation enables you to measure and improve the compliance of your own OHS program.

For 16 years, OHS Insider has published an Annual Due Diligence Scorecard that does precisely that. As is always the case, winning on a due diligence defence was extremely tough in 2021—only 1 in 5 employers who tried it were able to pull it off. The 2021 Scorecard breaks down the long-term trends in due diligence litigation in terms of results, industry, type of violation and OHS program breakdown. There's also a summary of all reported due diligence cases decided during the year explaining not just who won and lost but why.