

When Hit with a Safety Order, Do You Comply or Complain?



Across Canada, government officials are stepping up OHS inspections. They're hiring more inspectors and targeting industries, such as construction, and specific safety requirements, such as those for fall protection. And with these increased inspections comes an increase in the number of safety orders being issued.

When hit with a safety order, you have two choices: comply with it or challenge it. We recently asked if you've ever challenged an OHS inspector's order. The results were a mixed bag:

- No, we were in violation of OHS law. (47%)
- Yes and we won. (27%)
- No, it wasn't worth the time and money. (13%)
- Yes, but we lost. (13%)

Appealing a safety order can be a hassle. So it's no surprise that so many people decided not to bother challenging an order.

But one thing is clear—you can't simply ignore the order, even if you think you're in the right. If you do just toss it aside, you're likely to get hit with a second order for violating the first one.

And the government doesn't go easy on people who violate or disregard safety orders.

Example: An MOL inspector issued a stop work order to a steel fabrication company that was using isocyanates, a designated substance under the *OHS Act*, without conducting a risk assessment or putting proper controls in place. But the company ignored the order and continued using the substance. The company and a director pleaded guilty to failing to comply with an inspector's order. The court fined the company \$28,000 and the director \$8,000 [*Smith Steel & Fabrication Inc. and Leonard Eagle*, ON Govt. News Release, Dec. 10, 2009].

To learn about the appeals process, see "Dealing with Inspectors: How Do You Appeal an Order from a Safety Official?"