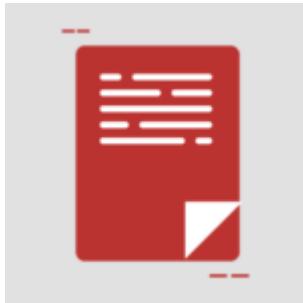


# When OHS Risk Leaves the Building How Supply Chains and ESG Are Reshaping Employer Liability in Canada



For most of the history of occupational health and safety, employers worried about what happened inside their own operations. Their machines. Their people. Their supervisors. Their site.

That boundary no longer holds.

In 2026, some of the most significant health and safety risks Canadian organizations face sit outside their direct control. They exist in supplier facilities, contractor crews, logistics networks, outsourced services, and downstream partners. At the same time, environmental, social, and governance expectations have pulled those risks back into the spotlight. What happens in the supply chain is no longer someone else's problem.

Canadian regulators, courts, insurers, and investors are converging on the same conclusion. If work is connected to your business, and you benefit from it, you cannot fully separate yourself from the health and safety consequences.

This article explores how supply-chain complexity and ESG expectations are reshaping OHS accountability in Canada, why traditional boundaries are eroding, and what employers must do

to remain defensible as risk shifts beyond their own site.

## Why Supply Chains Have Become an OHS Issue

Supply chains were once treated as commercial arrangements. If a supplier or contractor failed, the remedy was contractual. Health and safety responsibility stopped at the edge of the employer's property or payroll.

That approach is no longer aligned with how risk is evaluated.

Modern supply chains are tightly integrated. Production schedules, pricing, delivery timelines, and performance incentives all influence how work is done downstream. When safety shortcuts occur, they often occur under pressure created upstream.

Canadian regulators increasingly recognize this reality. Investigations now look beyond the immediate employer involved in an incident and examine how work was structured, rushed, or constrained by others in the chain.

From an OHS perspective, the question is no longer who issued the paycheque. It is who influenced the conditions that made harm more likely.

## ESG Has Pulled Health and Safety Into the Spotlight

Environmental, social, and governance frameworks have accelerated this shift. While ESG reporting is often discussed in the context of large public companies, its influence extends well beyond the boardroom.

The social component of ESG places worker health and safety front and centre, including in supply chains. Investors,

lenders, and procurement partners increasingly expect organizations to understand and manage labour risks beyond their own workforce.

In Canada, this expectation aligns closely with evolving legal and regulatory trends. When companies represent that they operate responsibly, ethically, or sustainably, those representations can shape how regulators and courts assess their conduct after an incident.

Health and safety failures in the supply chain are no longer reputational side issues. They are governance risks.

## **A Familiar Pattern After a Contractor Incident**

Consider a scenario that is becoming increasingly common.

A contractor suffers a fatal injury while performing work for a larger organization. The contractor is technically independent. Their own safety program is weak. Training is inconsistent. Supervision is minimal.

During the investigation, inspectors examine the contracting company's role. They ask how the contractor was selected. What safety requirements were imposed. Whether work timelines created pressure. Whether unsafe practices were known or tolerated. Whether anyone verified that controls were in place.

Even when charges are not laid against the principal employer, the scrutiny is intense. In some cases, orders are issued. In others, civil liability follows. In all cases, the assumption that contractor safety sits outside the organization's responsibility collapses quickly.

From an enforcement standpoint, supply-chain distance does not erase foreseeability.

# The Canadian Legal Context Behind the Shift

Canadian occupational health and safety legislation has always contained broad duties. Employers must take every reasonable precaution in the circumstances to protect workers. That obligation is not limited strictly to direct employees in all situations.

Courts have repeatedly emphasized substance over form. If an organization directs work, controls the workplace, or creates conditions that affect how work is performed, it may attract OHS obligations even when workers are not on its payroll.

This principle shows up in how prime contractor duties are applied on construction projects, how host employers are assessed in shared workplaces, and how federally regulated employers manage contractors under the Canada Labour Code.

Regulators such as the Ontario Ministry of Labour, WorkSafeBC, and other provincial authorities routinely examine whether employers exercised oversight and coordination in multi-employer environments.

Supply-chain complexity does not dilute duty. In many cases, it expands it.

## Why ESG and OHS Are Converging in Practice

What ESG has done is change how organizations talk about responsibility. Commitments to ethical sourcing, safe work, and social responsibility create expectations. When incidents occur, those expectations become benchmarks.

If a company markets itself as socially responsible while ignoring safety failures in its supply chain, regulators and

courts may view that inconsistency unfavourably. Governance failures often attract harsher scrutiny than operational mistakes.

From an OHS perspective, ESG commitments effectively raise the standard of what is considered reasonable. Employers who claim leadership on safety and responsibility are expected to demonstrate it consistently, not selectively.

## **The Risk Transfer Myth in Contracting**

Many organizations rely heavily on contracts to manage supply-chain risk. Safety obligations are pushed downstream through clauses, indemnities, and declarations. On paper, responsibility appears neatly allocated.

In practice, this approach has limits.

Canadian regulators do not accept contractual language as a substitute for due diligence. A clause requiring a contractor to comply with safety laws does not demonstrate that compliance was verified. Similarly, indemnities do not prevent orders, stop-work directives, or reputational damage.

Investigators focus on behaviour, not wording. They ask whether hazards were identified, whether expectations were communicated, and whether unsafe work was corrected when observed.

Contracts can support a defence. They cannot replace oversight.

## **Downstream Risk and the Pressure to**

# Perform

One of the most overlooked supply-chain risks is how upstream decisions shape downstream behaviour. Tight delivery windows, cost pressures, and performance penalties all influence how contractors and suppliers operate.

When timelines are unrealistic, safety often absorbs the pressure. Corners are cut. Fatigue increases. Supervision weakens. These outcomes are not accidental. They are predictable.

From an OHS lens, predictability matters. If an employer's business model or procurement practices foreseeably increase risk, regulators may expect those risks to be addressed proactively.

This is where ESG and OHS intersect most sharply. Governance decisions made far from the worksite can create safety consequences at it.

## What Regulators Look for in Supply-Chain OHS

When incidents occur, regulators increasingly assess whether the organization took reasonable steps to understand and manage supply-chain risk.

That assessment often includes how suppliers and contractors are selected, whether safety expectations are clearly defined, whether high-risk work is monitored, and whether there are mechanisms to intervene when conditions deteriorate.

Evidence of ongoing engagement matters more than one-time checks. A pre-qualification questionnaire completed years ago carries little weight if no follow-up occurred.

From an enforcement standpoint, ignorance is rarely persuasive

when risk was foreseeable.

## **Jurisdictional Differences That Matter in Canada**

While the overall trend is consistent, some jurisdictional nuances shape how supply-chain OHS is enforced.

<b>Jurisdiction</b>	<b>Key Supply-Chain OHS Focus</b>	<b>Practical Impact</b>
Ontario	Constructor and employer duties in multi-employer workplaces.	Principal organizations must coordinate and oversee safety.
British Columbia	British Columbia	Failure to manage contractors can trigger significant penalties.
Alberta	Employer control and hazard management.	Oversight expectations increase with influence over work.
Québec	Prevention emphasis under Bill 27.	Greater focus on upstream risk and shared responsibility.
Federal	Hazard prevention programs.	Contractors must be integrated into safety systems.

Across jurisdictions, the message is consistent. Distance in the supply chain does not eliminate responsibility when influence exists.

## **Documentation and Traceability in the ESG Era**

Supply-chain OHS failures are often compounded by poor documentation. Organizations may believe they exercised oversight but cannot demonstrate it.

In the ESG context, traceability has become critical. Employers are increasingly expected to show how safety expectations flow through the supply chain and how compliance is monitored.

Documentation does not need to be excessive. It does need to be credible. Records of contractor orientation, safety meetings, corrective actions, and follow-up provide evidence that responsibility was exercised rather than assumed.

## **Integrating Supply-Chain OHS into Prevention Programs**

The most defensible Canadian employers treat supply-chain safety as an extension of their prevention program rather than a separate compliance issue.

That integration may involve adapting hazard assessments to include contractor work, ensuring supervisors understand their authority in shared workplaces, and aligning procurement practices with safety expectations.

When supply-chain OHS sits inside the prevention program, it benefits from the same continuous improvement cycle as internal safety risks. Hazards are identified. Controls are evaluated. Gaps are corrected.

From a due diligence standpoint, this coherence matters.

## **A Final Reality Check for Canadian Employers**

Supply-chain complexity is not new. What is new is how clearly health and safety consequences are being traced through it.

ESG has accelerated a shift that was already underway. Canadian regulators and courts are increasingly comfortable

looking upstream when harm occurs downstream. Organizations that continue to treat supply-chain safety as someone else's problem are finding themselves exposed.

OHS risk no longer respects organizational boundaries. Prevention programs that do not reflect that reality are starting to look incomplete.

For Canadian employers in 2025 and beyond, the question is no longer whether supply-chain health and safety matters. It is whether the organization is prepared to show how it managed the risks it helped create.