

Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

THE EMPLOYER'S HEALTH AND SAFETY MANUAL Ryan J. Conlin, LL.B Stringer LLP, Management Lawyer Release No. 1, June 2024

Publisher's Special Release Note 2023

The pages in this work were reissued in September 2023 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2023 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

WHAT'S NEW IN THIS UPDATE:

This release consists of summaries of two important sentencing cases involving workplace fatalities and an analysis of the ground breaking decision of the Supreme Court of Canada in *R. v. City of Greater Sudbury*. We have also removed older sentencing cases that are no longer particularly relevant.

THOMSON REUTERS®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

HIGHLIGHTS

In *Ontario (Ministry of Labour, Immigration, Training and Skills Development) v. Limen Group Const. (2019) Ltd. and two supervisors*, a worker was fatally injured when a concrete block being lifted by a crane came loose and fell on him. Following a trial, the Limen Group Const (2019) Ltd. was found guilty for having failed, as an employer, to ensure to take the reasonable precaution of ensuring that the concrete block was hoisted by attachment points suitable for that use contrary to section 25(2)(h) of the Act, failing as an employer to take the reasonable precaution of ensuring that workers engaged in the movement of concrete blocks were adequately trained and or supervised contrary to section 25(2)(h) of the Act and failing as an employer. Both supervisors were convicted of failing as supervisors to take the reasonable precaution of ensuring that workers engaged in the movement of concrete blocks were adequately trained and or supervised contrary to section 27(2)(c) of the Act.

In *R. v. Eastway Tank, Pump and Meter Limited and Neil Greene* was one of the worst workplace accidents in Canadian history. In this case, six workers died, and one was catastrophically injured when flammable vapours near a recently built ignited and caused an explosion during a testing process. The diesel fuel used in the testing process was contaminated with gasoline which caused the explosion. The explosion would not have happened if the gasoline wasn't present. The corporation pled guilty to failing to take the reasonable precaution that diesel fuel was not used for "wet testing" contrary to section 25(2)(h) of the Act and failing as an employer to ensure that workers were adequately trained on safe fuel storage and handling procedures contrary to section 25(2)(a) of the Act. One of the Directors pleaded guilty for failing to take all reasonable care to ensure that diesel fuel used for wet testing was not contaminated with diesel contrary to section 32 of the Act.