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**THE EMPLOYER'S
HEALTH AND SAFETY
MANUAL**
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WHAT'S NEW IN THIS UPDATE:

This release updates Chapter 4—Inspections, Investigations and Orders by the Ministry of Labour and introduces a new § 5:8.5 Intervenors under Chapter 5—Appealing an Order under the Act and Chapter 7—BILL C-45: The Criminalization of OH&S.

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HIGHLIGHTS

- **Chapter 4—VIII. PROCEDURAL ISSUES IN INSPECTIONS AND INVESTIGATIONS—§ 4:38 Investigatory Powers of Inspectors**—In *Amos Earth Products Ltd. & Gordon Amos v. A Director under the Occupational Health and Safety Act*, 2025 CanLII 20175 (ON LRB), the OLRB considered a case where the issue was whether an inspector could enter a gravel pit which included a dwelling on the property. The owner of the dwelling asserted that the inspection contravened the *Trespass to Property Act*. The Board held that the Inspector did not take any actions that brought him near the dwelling actually being used as a workplace so as to require him to obtain the permission of the owner before he conducted his inspection. Since the Inspector did not enter the dwelling, he was not subject to any restrictions. The Board held that the *Trespass to Property Act* did not apply as the Inspector entered the property under the authority of his inspection powers under the *OHSA*.
- **Chapter 5—III. MAKING AN APPEAL—§ 5:8.5 Intervenor**—Non-parties seeking intervenor status will have to satisfy the OLRB that they have an interest in the proceedings and will make a meaningful contribution to hearing. The OLRB is not likely to grant intervenor status to those parties who are simply repeating the submissions of an aligned party: *The Ontario English Catholic Teachers' Association, Toronto Elementary Catholic Teachers, and Monica Cieslak v. Toronto Catholic District School Board*, 2025 CanLII 14600 (ON LRB).
- **Chapter 7—§ 7:11 Prosecution of Individuals Under Criminal Code Provisions—§ 7:12—Penalties Against Individuals under the Criminal Code**—In an Ontario criminal case: *R. v. Urgiles*, 2024 ONSC 3382 (CanLII), a supervisor was convicted of criminal negligence causing death. The Supervisor ignored safety concerns made by the deceased worker before his death about the mechanical condition of his truck. The Court held that his non-compliance represented a marked and substantial departure from the standard expected of a reasonable site supervisor.