

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"/>

ANNOTATED OCCUPATIONAL HEALTH AND SAFETY ACT Deanna Exner, Bruce Arnott, Jeremy Warning and Steven Succi Release No. 2, November 2025
--

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.

What's New in this Update:

- Of note amongst the new annotations are the following:
 - *R. v. Greater Sudbury (City)* (unreported, June 13, 2025, Ont. C.J., Sudbury, Restoule-Mallozi J.) The City was both the owner and an employer on the project for which it hired a constructor to do the work. Following an injury to a worker of the constructor, the City was charged with offences as an employer and its argument that its duties should be restricted to those of an owner was rejected.
 - *Award Fabricating & Machining Ltd., and Rob Butterworth v. Richard Jonathan McTague*, 2025 CanLII 20770 (Ont. L.R.B.). The parties had resolved an application and the Minutes of Settlement contained a non-disparagement clause. The Board determined the worker had made various disparaging statements about the employer after entering into the settlement and, in doing so, had violated the settlement and subsection 96(7) of the *Labour Relations Act*. The Board directed the worker to stop violating the settlement and to remove any negative or disparaging material from the internet and to remove any negative or disparaging stickers affixed by the worker or on his behalf.
 - *Ontario (Ministry of Labour, Immigration, Training and Skills Development) v. Apogee Ceramics Inc.*, 2025 ONCJ 418, *per* Bouchard J.P., at para. 28. A worker lost four fingers in an unguarded pinch point in equipment. The employer, a corporation with 37 to 39 workers, entered a guilty plea for not having a guard and was convicted. A joint submission for a fine of \$35,000 was rejected as not being in the public interest because it was based on “outdated” sentencing authorities and does not account for “the market realities of inflation”. The Court presumed that sentencing decisions that are over five years old are unreliable precedents because of inflation and finds that it is an error of law to fail to account for inflation. A fine of \$55,000 was imposed.