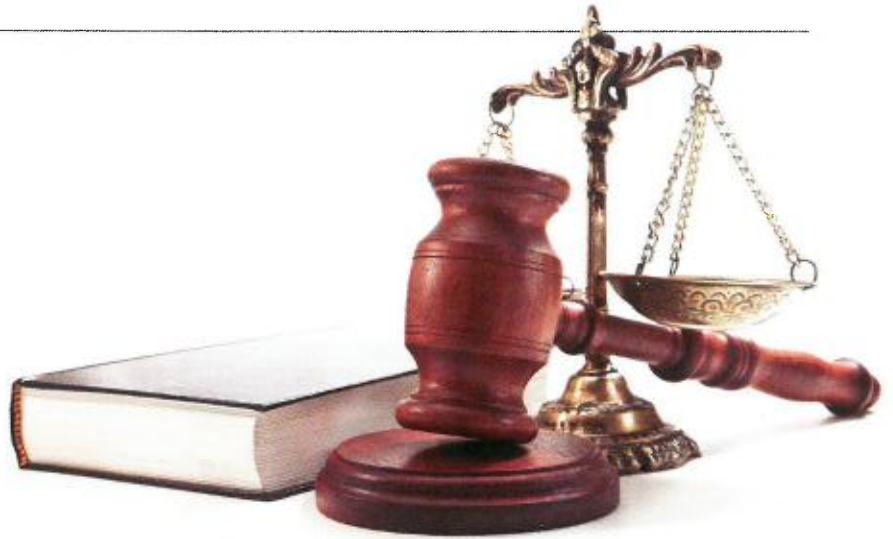


WORKPLACE HEALTH AND SAFETY: THE LEGAL PERSPECTIVE



Protecting the health and safety of Canada's workforce is a responsibility shared by every employer. Yet not only is incident prevention key to preventing needless injuries and fatalities, it's also critical to protecting a company's well-being in the case of litigation.

Understanding this, ORBA dedicated part of its conference to discussing the legal implications of workplace injuries. In her presentation, *Occupational Health and Safety: Does your program have what it takes?*, Carissa Tanzola of Sherrard Kuzz LLP led attendees through the ins-and-outs of workplace safety liabilities and the consequences of failing to uphold them.

"We like to think that every employer, every company, and every contractor has a culture of health and safety, but as we actually know, sometimes budget and other considerations get in the way of that," she said.

Tanzola added that road building is considered a "high risk" sector. As such, it's important both employees and employers understand the role they play in making workplace health and safety an ongoing priority. It's also important to recognize the potential penalties one faces if found to be negligent in those duties. These include individual fines of \$24,000 and 12 months jail time for individuals, and \$500,000

and possible criminal charge per corporation, as well as an additional 25 per cent victim surcharge.

With fines increasing, and employers being held more accountable for the well-being of their workers, Tanzola urged road builders to practice due diligence in all aspects of their health and safety practices. This requires up-to-date policies and procedures; proper training and education; competent supervisors; flawless documentation; and consistent monitoring, enforcement and reporting.

Beyond this, employers must make health and safety awareness an integral part of their corporate culture. And that, said Tanzola, begins with asking the right questions: "Does your program pass? It's about asking the right questions, like do you have a health and safety policy? Is it updated? Are your workers trained on your policy? How is it discussed in your workplace, and do your supervisors and sub-trades take it seriously? These are the things you need to be discussing."

In closing, she added that while investing in safety training and due diligence comes at a cost, that price-tag will always be preferable to the financial and human costs incurred in the event of an injury or death, suggesting, "Think of the money you can spend now, versus the money you may have to spend on lawyer fees and fines down the road." ■