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**ANNOTATED OCCUPATIONAL HEALTH
AND SAFETY ACT**

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What's New in this Update:

- Of note amongst the new annotations are the following:
 - *R. v. All Together Now Entertainment Inc.*, (March 21, 2017), Duncan J. (Ont. C.J.), reversing (November 24, 2015), Amenta J.P. (Ont. C.J.), in which the court addressed the scope an employer's obligation to provide information, instruction and supervision. In the decision, the court found that, where there was a sufficient nexus between the tasks a worker was authorized to perform and the task giving rise to the danger, there was an obligation on the employer to provide information, instruction and supervision for the safe execution for that task. However, the trial judge failed to appreciate the evidence that the worker would not be expected to perform the task in issue, and an acquittal was entered on appeal.

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- *R. v. 1137740 Ontario Limited o/a Pro-Teck Electric*, 2018 ONCJ 502, addressed the potential liability of a corporate director for the fine imposed on the corporation. The case involved an appeal in a prosecution under the *Electricity Act*, the reviewing court held that a Justice of the Peace hearing a *Provincial Offences Act* matter has the authority to pierce the corporate veil in sentencing an individual defendant. In this case, the fines levied against the corporate defendant may be recovered from the individual. As *Occupational Health and Safety Act* offences are also provincial offences, this case suggests that, where the circumstances warrant, a similar ruling could be imposed.
- *West Fraser Mills Ltd. v. British Columbia (Workers' Compensation Appeals Tribunal)*, 2018 SCC 22, in which the Supreme Court of Canada found that a regulation that required the owner of a forestry operation to ensure safe work practices was a reasonable exercise of the delegated power to make regulations in relation to occupational health and safety and, therefore, not *ultra vires* of the occupational health and safety provisions of the *Workers' Compensation Act* of British Columbia. The safety related duties of owners are not restricted to those set out in the Act.