

# Lack of Written Safety Policy Kills Due Diligence Defence



After an Ontario worker was electrocuted while troubleshooting a machine, an employer was charged with an OHS violation of failing to provide him adequate safety instructions. The employer claimed due diligence, arguing that it took reasonable safety precautions but the worker didn't use a spotter as required by his training. But the court disagreed. The worker's training was unclear, it found, because it let workers decide for themselves whether to use a spotter when troubleshooting a machine. Rather than rely on workers' discretion, the company should have developed a written policy specifically telling them how to perform troubleshooting safely [*Ontario (Ministry of Labour) v. Linamar Holdings Inc.*, [2012] O.J. No. 2159, May 7, 2012].