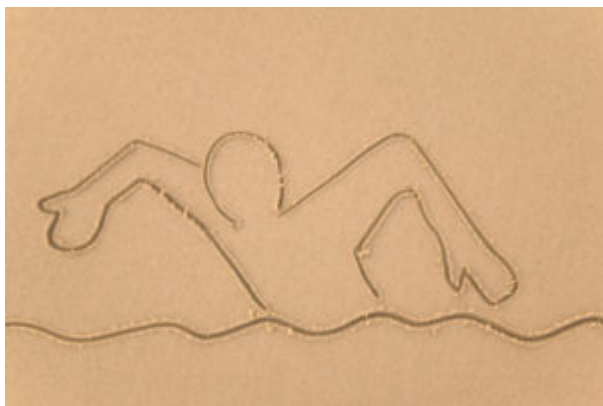


# Motel Guest Drowns in Pool

written by Rory Lodge | March 14, 2013



**Ontario Court: Duty to Report *Work* Injuries**

**Doesn't Cover Drowning of Motel Guest**

If you're an employer in Ontario, you can exhale now. A new court ruling has relieved you of what could have been an enormous burden under OHS laws. The question involved: Does the OHS duty to report work injuries to the MOL and WSIB cover individuals who are not employees?

The answer, fortunately, turns out to be no. Here's a look at the case.

## **How Far Does the Duty to Report Work Injuries Extend?**

In May 2011, an Ontario court ruled that the OHS law obligation to report workplace injuries applied to a hotel guest who drowned in the pool. But now the Court of Appeal, the highest court in the province, has reversed the case.

Employers need only report injuries/fatalities to *employees*; extending the duty to non-employees would stretch the law beyond what's necessary to protect workers, the Court reasoned. The duty to report applies only to injuries that occur *at the workplace*, the Court added. Caveat: "workplace" includes not just the actual facility but any area employees might reasonably be expected to work in the ordinary course of their employment [*Blue Mountain Resorts Ltd. v. Ontario (Labour)*, 2013 ONCA 75 (CanLII), Feb. 7, 2013].

## More Recent Ontario OHS Cases Affecting HR

- [OK to Fire Employee for Forklift Daredevilry](#)