Motel Guest Drowns in Pool



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].

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