

# Trap to Avoid: Ignoring Your Own Safe Work Procedures



## **SITUATION**

Writing safe work procedures for employees to follow when performing hazardous tasks can prevent injuries and shield your organization from liability for any injuries that do occur. But simply having a safety procedure that isn't followed not only doesn't help but can actually increase your liability risks.

### **Company Fined \$75,000 for Not Following Its Own Procedure**

An Ontario mining company learned that lesson the hard way. A miner working alone 1,768 meters below ground was hit on the leg by a large rock that came loose from a side wall. Although he was able to use a lamp cord to stem the bleeding, the miner had no radio and the nearest phone was 488 meters away. After more than 3 hours, he was finally discovered and taken to the hospital.

The miner should never have had to wait that long for help. The company's written safety procedures required that miners working alone underground be checked at least every 2 hours unless radio contact had been established. But nobody had realized that the miner was working alone. As a result, the procedure wasn't followed. So, even though the company had a good safety record, it ended up pleading guilty to violating the Ontario OHS law and was fined \$75,000 [*R. v. Falconbridge Ltd.*].

### **Why Failing to Follow Your Own Safety Procedures Is So Risky**

Although the Ontario company may have made other mistakes, but failing to effectively implement its own safety procedure is probably the one that caused its attorneys the most grief. Understanding why might help you keep your organization from making the same mistake.

Incidents and injuries can happen—even when we try hard to prevent them. Once injuries do occur the question becomes whether the employer is legally responsible. To answer that question, investigators, prosecutors, judges, and juries must compare what an employer in its position, knowing what it knew, should have done to what it actually did. To make this judgment, they need a standard. Sometimes the law furnishes that standard. For example, the law might require that miners working alone be checked at least once an hour.

But, when as is often the case, there's nothing in the law addressing the exact

situation, the standard has to come from somewhere else—like the organization's own safety policies and procedures. After all, these policies and procedures represent what the organization itself considers safe and prudent for that particular work site and operation. So it's fair to use them to judge the organization's safety efforts.

**Bottom Line:** If you establish a safe work procedure, make sure it's followed. If you don't and an injury occurs, it'll be fairly easy to saddle you with liability.