EMPLOYEE SAFETY AND WORK-RELATED INJURY: Recent Trends in the Law and Managing Your Risks

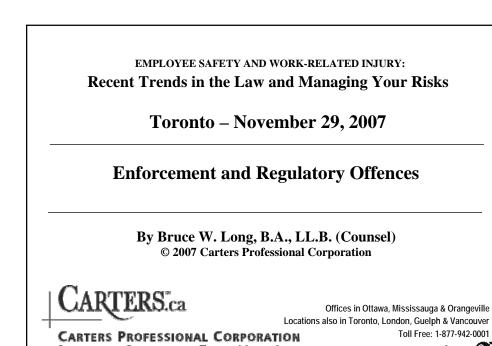
Toronto – November 29, 2007

Enforcement and Regulatory Offences

By Bruce W. Long, B.A., LL.B. (Counsel) © 2007 Carters Professional Corporation

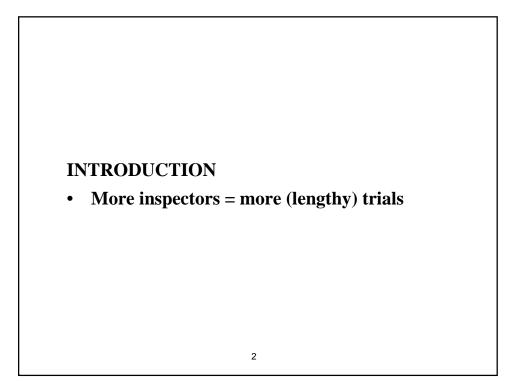






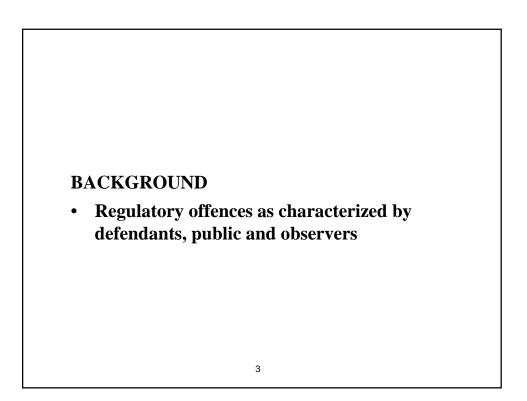
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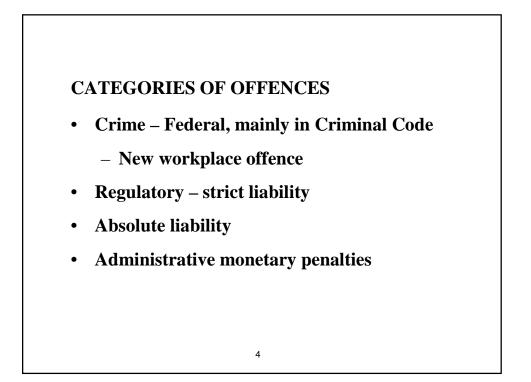
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REGULATORY OFFENCE – AN EXAMPLE

- Requirement to test water
- Inspection of system and search for records
- Difference between an inspection and an investigation
- Replies and production of documents are often required

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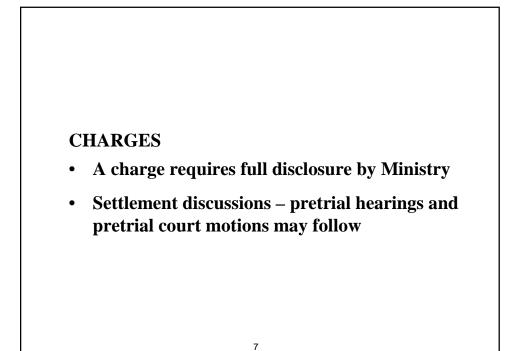
CAUTION

- Charter rights may arise if subject to quasicriminal investigation
- People have more rights than organizations

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TRIAL

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- Are pros and cons to a trial
- For a trial must have
 - Proof beyond reasonable doubt
 - Defences such as due diligence
 - Fines are increasing
- Against a trial
 - Publicity
 - Internal systems revealed
 - No fine reduction
 - Costs

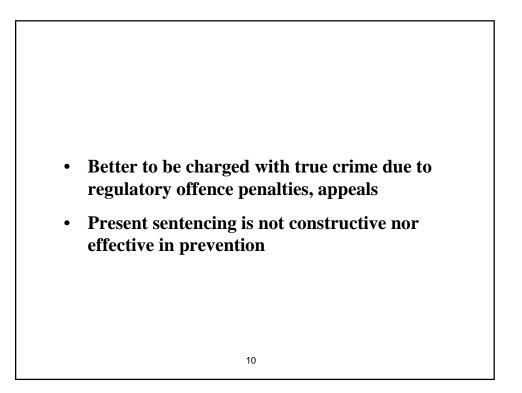
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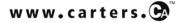
PENALTIES

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- Ontario favours fines large fines!
- Other consequences
 - Lost revenues
 - Suppliers
 - Employees
 - Reputation
 - Capital
 - Shareholders
 - Confidence

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