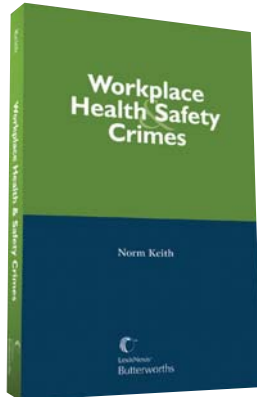


New!



Workplace Health and Safety Crimes

Norm Keith, B.A., LL.B., CRSP

Effective March 31, 2004, Bill C-45 (the "Westray Bill") is the law in Canada. This legislation establishes new legal duties regarding workplace health and safety, and a new offence of occupational health and safety (OHS) criminal negligence.

Written by Norm Keith, rated by Lexpert as the most frequently referred lawyer in Ontario for occupational health and safety law matters, this book takes you systematically through the implications of the legislation by:

- describing the history and responses to the Westray disaster
- tracking the legislative events that led to Bill C-45
- providing an overview of the law of criminal negligence
- presenting a section-by-section analysis of the Bill
- offering a general overview of Canadian OHS law including a discussion of the internal and external responsibility systems
- canvassing the salient cases and stages of the criminal prosecution process
- reviewing the legal rights that an accused has during the criminal prosecution process

A criminal conviction could result in penalties in the millions of dollars for organizations and a maximum jail term of life imprisonment for convicted individuals.

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Just exactly who is at risk of a criminal conviction?

Your organization, any person who directs how work is performed, or has the authority to do so, are all at risk if they breach the new OHS duty to take "reasonable steps" to prevent bodily harm in the workplace.

Through its section-by-section analysis of Bill C-45, **Workplace Health and Safety Crimes** provides you with the guidance necessary to avoid the potentially costly consequences of your organization, or you personally, becoming the subject of a criminal charge.

The book explains how Bill C-45 casts the net of potential criminal liability both deeper into the organizational structure (including "organizations" — whether they are incorporated or not, operate for profit or not, or are publicly listed or not) and wider to include individuals ranging from members of the board of directors and senior officers to managers and supervisors. This book also addresses how Bill C-45:

- establishes overarching legal duties to protect workers and the public
- determines what these duties entail and the standards that are required to be met
- defines the OHS criminal negligence-related criminal offences
- establishes a new list of criteria for sentencing organizations that must be considered by the sentencing judge
- adds broad new optional terms of probation specifically for organizations convicted of criminal offences
- amends the *Criminal Code* to quadruple the maximum fines against organizations for summary conviction offences

Where this new legislation is unclear or ambiguous, the author provides insight, comments and guidance on how the provisions are likely to be interpreted.



About the Author



Norm Keith is a partner at Gowling Lafleur Henderson, specializing in occupational health and safety (OHS) law, workers' compensation, corporate criminal liability, privacy law, labour and employment law and commercial litigation. He has extensive experience advising leading Canadian corporations on OHS risk management, in defending criminal and regulatory offences, wrongful dismissal litigation, breach of contract lawsuits, human rights complaints, labour arbitration hearings, judicial reviews, labour injunctions and fiduciary duty lawsuits. He has also assisted clients in a wide range of industries in developing their emergency response plans, employment contracts, health and safety policies, human resource policies and violence and sexual harassment policies. Mr. Keith leads Gowling's national OHS Team of lawyers and consultants providing multi-disciplinary training, consulting and legal services. Visit his website at www.gowlings.com/ohscourses.

A member of the Law Society of Upper Canada, Canadian Bar Association, Human Resources Professional Association of Ontario, Association of Canadian Registered Safety Professionals and Canadian Society of Safety Engineering, Mr. Keith has authored leading texts including *Canadian Health & Safety Law*, *Ontario Health & Safety Law*, *Creating an Effective Joint Health and Safety Committee* and *Human Resources Guide to Preventing Workplace Violence*. He was called to the bar in 1983 and received his Canadian Registered Safety Professional designation in 1998.

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