



# Year in Review: Occupational Health and Safety 2021

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# OHS and Workers' Compensation: 2021 Year in Review

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## Agenda

- Vaccination policies
- Noteworthy cases and sentencing trends
- OHS considerations in remote work
- Ontario regulatory changes
- Workers compensation update
- Western update
- Question and answer

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# Vaccination

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## Mandatory Vaccination

- Many questions for employers
  - Is it required by law, regulation, directive or order?
  - Is it a reasonable precaution?
  - How do you balance worker rights with safety obligations?
  - What reasonable accommodations should be available?
  - What to do with unvaccinated employees?
    - Unpaid leave
    - Termination
      - Cause?
      - Without cause

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## ▼ Mandatory Vaccination

- Early support for mandatory vaccination
  - Saskatchewan Court dismissed an application for injunction relief on the basis that the province's vaccination policy is in violation of Charter rights (*Friessen and al v Attorney General*, September 30, 2021)
  - BC Human Rights Tribunal ruled that distrust of the vaccine is not enough to exempt someone from following provincial health orders or rules (*Complainant v Dr. Bonnie Henry*, 2021 BCHRT 119)
  - Courts have ordered that children 12 or over be vaccinated in parental disputes based on the vaccinations being in the child's best interest

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## ▼ Mandatory Vaccination

- Rise (and fall) of injunctions against mandatory vaccination policies
  - *Blake v University Health Network*, 2021 ONSC 7139
  - *Amalgamated Transit Union, Local 113 et al. Toronto Transit Commission*, 2021 ONSC 7658
  - *Canadian Union of Postal Workers and Canada Post Corporation*, unreported, November 30, 2021

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## ▼ Mandatory Vaccination

- Trends from injunction cases:
  - Union challenges should be decided in arbitration
  - Loss of employment is not irreparable harm
  - Balance of convenience may favour implementation, if there is a provable safety justification

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## ▼ Mandatory Vaccination

- On the merits, success has been mixed:
- *UFCW Canada Local 333 and Paragon Protection Ltd.*
  - Mandatory vaccination policy upheld
  - Collective agreement article 24.05:
    - If an employee is assigned to a site where specific vaccination and or inoculation is **required by law or where the conditions** of contractors having **access** to the site stipulates specific vaccination and inoculation requirement, **the employee must agree to receive such vaccination.**
    - [...] any costs [...] will be borne by the company. In addition, employees [...] shall be paid in accordance with the call in provisions [...]
    - Where an employee refuses [...] the company shall reassign the employee

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## ▼ Mandatory Vaccination

- *UFCW Canada Local 333 and Paragon Protection Ltd.* (cont'd)
  - “The Company, by introducing its Vaccination Policy and Vaccination Exemption Policy has taken “every precaution reasonable” to satisfy its obligations and responsibility
  - Policy was consistent with collective agreement, and human rights legislation

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## ▼ Mandatory Vaccination

- *PWU and Electrical Safety Authority*
- Mandatory vaccination policy not upheld
  - “Management does have the right and the legal obligation to protect the health and safety of their employees in the workplace environment. An employer may institute a reasonable rule or policy requiring disclosure of medical information to ensure that the employee is fit to perform work or safely attend at the workplace. However, any such rule or policy must be reasonably necessary and involve a proportionate response to a real and demonstrated risk or business need.”

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## ▼ Mandatory Vaccination

- *PWU and Electrical Safety Authority (cont'd)*
- Mandating vaccination not reasonable when:
  - A disclose status or be tested policy was working
  - No evidence of outbreaks or uncontrolled dangers or hazards
  - Most work done effectively remotely and collective agreement right to continue working remotely
  - No significant site access, travel, or other issues that interfered with operations

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## ▼ Mandatory Vaccination

- *PWU and ESA (cont'd)*
  - “As I stated at the beginning, this award should not be taken as a vindication for those who choose, without a legal exemption, not to get vaccinated. Those individuals are in my view misguided and acting against their own and society’s best interests. These individuals may also be placing their ability to earn a living in jeopardy. These individuals should not construe this award as a victory. “

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## ▼ Mandatory Vaccination

- *PWU and Ontario Power Generation - Vaccinate or test policy upheld*
  - Testing the unvaccinated was reasonable precaution in circumstances
  - Employer should pay testing costs
  - Employees were not entitled to be paid for testing time at home
  - Refusing employees could be suspended without pay
  - Prohibiting gym access by unvaccinated was reasonable

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## ▼ Mandatory Vaccination

- PWU and Ontario Power Generation (cont'd)
  - Termination for cause might be upheld:
    - “I think it is important for them to understand that, in my preliminary view, in the context presented by this global pandemic, when lives of co-workers are at risk, **unvaccinated individuals who refuse to participate in reasonable testing are, in effect, refusing of their own volition to present as fit for work and reduce the potential risk they present to their co-workers.** The Company has made it clear that termination of employment at the end of the 6-week period will typically occur. It is important for those individuals who are fired for choosing to not be tested to understand that **they are very likely to find the termination of employment upheld at arbitration. Effectively, employees who refuse testing will likely will have made a decision to end their career with this Company.**

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## ▼ Mandatory Vaccination

- Is it reasonable?
  - Do you deal with a highly vulnerable population or provide an essential service?
  - If so, can the risk be mitigated by requiring that population be immunized?
  - Is there evidence to suggest that masking will not be sufficient to protect against the spread of the virus?
  - Is there an inability to socially distance or have other safety protocols in place?
  - What evidence is there around efficacy, transmission rates when vaccinated, etc.?
  - Are there policies around requiring visitors to be vaccinated?
  - Does it impact all employees or only new hires?
  - Are there exemptions/accommodations?
  - What would be the consequences if an employee still refuses to be vaccinated?

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## ▼ Noteworthy cases and sentencing trends

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## ▼ Constructor-Employer Interpretation

### ***Ontario (Labour) v Sudbury (City)*, 2021 ONCA 252**

- A woman died after being struck by a road grader in downtown Sudbury.
- The City of Sudbury and the contractor were charged with violations of *Construction Projects*, O. Reg. 213/91, contrary to s. 25(1)(c) of the *OHSA*.
- The City was charged on the basis that it was both a “constructor” and an “employer” within the meaning of the Act.

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## ▼ Constructor-Employer Interpretation

### ***Ontario (Labour) v Sudbury (City)*, 2021 ONCA 252**

- At trial, the contractor was found guilty and the City was acquitted.
- The trial judge concluded that the City owed no duties under the Act since it was neither an employer nor a constructor.
- The Crown’s appeal was dismissed.

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## ▼ Constructor-Employer Interpretation

### ***Ontario (Labour) v Sudbury (City)*, 2021 ONCA 252**

- Issue: is the City an employer?
- The definition of employer under section 1(1) the OHSA applies to
  - a person who employs workers; and
  - a person who contracts for the services of workers.

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## ▼ Constructor-Employer Interpretation

### ***Ontario (Labour) v Sudbury (City)*, 2021 ONCA 252**

- Held: The city is an employer under the OHSA.
- It is possible for one person/entity to fall under the definition of several workplace parties and to be required to assume the duties of each of those parties at the same time.
- The section 1(3) exemption does not preclude an owner from becoming an employer.

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## ▼ “Supervisor” Definition – GMJ Electric Inc.

- *Interpretations of “Supervisor”*
- *R. v. Adomako*, a 2002 OCA decision, held that a supervisor must be someone who has hands-on authority and that “authority” is commonly defined as a power or right to enforce obedience

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▼ *It is the authority, not the exercise of the authority that matters*

“[I]t is clear that the question of whether or not one is a supervisor, within the terms of the Act, should be the subject of an objective test based on the actual powers and responsibilities of the individual. Whether or not the person in question thought he was a supervisor or was given the title of supervisor is of no import.”

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▼ ***Ontario (Ministry of Labour) v. Bartram***

- “The evidence indicates that, although he was the head of the hierarchy and delegated much of his power and authority to others beneath him, he had the ultimate responsibility for “charge of the workplace and authority over the workers.” He may not have given direct orders to the workers, but he was responsible for those who did. He also was ultimately responsible for the nature of the equipment and the condition of the workplace”

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▼ ***Ontario (Ministry of Health and Long-Term Care, Land Ambulance Programs) v. CUPE, Local 2974***

- OLRB found that a non-natural person was a supervisor for the purposes of the OHSA
- “[t]he fact that a corporation would need to appoint individuals to discharge some of its responsibilities as a supervisor, and that the individuals appointed might also be considered supervisors of the workers in question, is not a reason to conclude that a corporation cannot be a supervisor”

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## ▼ ***Ontario (Ministry of Labour) v. GMJ Electric Inc.***

- General contractor subcontracted with GMJ, a small electrical contractor.
- This work was carried out by two worker employed by GMJ, White and Bailey and Bailey was critically injured
- GMJ and its owner, Martignago, were charged

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## ▼ ***GMJ Electric***

- Its owner, Martignago, met the statutory definition of supervisor. While Mr. Moore may have occasionally been authorized to direct Mr. Bailey to perform particular tasks, and while Mr. Martignago may not have thought of himself as Mr. Bailey's supervisor, his authority over the worksite was "unquestioned."

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## ▼ “Supervisor”

- The trial justice found that the exercise of site authority by others did not exclude Martignago from supervisory obligations.
- “There is no statute or jurisprudence limiting the number of potential supervisors at a worksite. A supervisor's liability cannot be deflected by evidence that other persons at the site may also have had a supervisory role”

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## ▼ Sentencing trends in Ontario

Penalty Imposed	Description of Offence
\$700,000	<ul style="list-style-type: none"><li>• <b>Upper Crust</b>, a wholesale commercial bakery.</li><li>• Two workers were killed in separate incidents a year apart. One worker was fatally injured after being struck by a tractor-trailer that was backing up; another worker was pinned against moving machinery.</li></ul>
\$200,000	<ul style="list-style-type: none"><li>• <b>Consbec Inc.</b>, a company that provides mining contracting services.</li><li>• A worker was fatally injured while performing drilling work at a quarry when the drilling unit began to slide down the outcrop rock face.</li></ul>
\$75,000	<ul style="list-style-type: none"><li>• <b>Dolphin Fiberglass Pools Canada</b>, a company that manufactures fiberglass pools.</li><li>• Worker fatally injured after driving forklift at high speed around a sharp 90-degree corner, causing the forklift to tip on its side.</li></ul>

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- R. v. First Nickel Inc. (unreported, February 20, 2018, Ont. C.J., Sudbury, Stone J.) \$1,300,000

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## Remote Work – OHS Considerations

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## ▼ Remote Work – OHS Considerations

- Work from home has become the “new normal”.
- New health and safety challenges for employers.
- Employee’s home may be considered extension of workplace and requirements and duties set out in OHS statutes may apply.
- Recommend a risk management approach to remote work.

## ▼ General Considerations


- Assess and report risks and hazards
- Ergonomic considerations
- Procedure to report work-related incidents or injuries
- Provide appropriate training for managers and employees
- Develop protocols in the case of emergency



# Ontario Regulatory Changes

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## Changes to reporting requirements (O. Reg. 420/21)

- Ontario Regulation 420/21: Notices and Reports under Sections 51 to 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents (“O. Reg 420/21”) came into effect on July 1, 2021.
- Applies to all workplaces covered under the *OHSA* (exemption for accidents resulting from highway collisions).
- Consolidates reporting requirements.
- Incorporates the “critically injury” definition.
- New record retention requirement of 3 years (used to be 1 year).

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## ▼ **Changes to Industrial Establishments Regulations (O. Reg. 434/21)**

- O. Reg. 434/21 amends the Industrial Establishments Regulation in relation to the section 7 pre-start health and safety review requirements.
- Streamlines and clarifies PSR requirements.
- New column in Table to list exemptions.
  - Two new exemptions (Item 1 and 8 in Table).
- In force January 1, 2022.

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## ▼ **Health and Safety Requirements Relating to Tower Cranes**

- On July 14, 2021 MLTSD launched a Consultation on Improving Health and Safety Requirements relating to Tower Cranes.
- The consultation process is aimed at modernizing and clarifying the existing regulatory requirements for the operations of tower cranes in Ontario.

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# Workers' Compensation Update

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## WCB Benefits and COVID-19 Claims

- COVID-19 generally considered to be work-related if:
  - Nature of the employment created a risk of contracting the disease that was greater than the ordinary exposure risk to the public; and
  - Worker was diagnosed with COVID-19
- Duty to report if criteria are met or if employee thinks it is work-related or if requested by WCB.

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## ▼ WCB Benefits and COVID Vaccines

- Workers may be entitled to WCB benefits if:
  - Adverse reaction to a vaccine; and
  - Vaccine was a mandatory requirement of employment or continued employment.
- If vaccine was entirely voluntary – may not be entitled to benefits.

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## ▼ Workers' Compensation Updates

### Alberta

- WCB able to review a worker's compensation benefits if they are terminated from modified work due to egregious conduct.
- Presumptive coverage for traumatic psychological injuries only applies to first responders, correctional officers and emergency dispatchers.

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## ▼ Workers' Compensation Updates

### Alberta

- Worker and employer duties to cooperate were established – replaces the duty to reinstate.
- As of April 1, 2021, employers no longer need to contribute to employee benefit plans if a worker is off work due to injury.
- Time limit to appeal decision - one year.

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## ▼ Workers' Compensation Updates

### British Columbia

- Following the changes contained in Bill 23, the *Workers' Compensation Amendment Act*.
  - Policy regarding retirement age determination was amended.
  - Policy regarding permanent partial disability benefits was amended.

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## ▼ Workers' Compensation Updates

### Ontario

- Amended the roll-out of its Rate Framework experience rating system.
  - Rates established in 2020 remained the same in 2021.
  - Maximum ~5% increase in 2022.
  - Maximum ~10% increase in 2023.
  - Program fully functioning by 2024.
  - Transition costs applied to employers receiving a decrease.

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## ▼ *Morningstar v WSIAT*, 2021 ONSC 5576

- Under *WSIA*, workers are barred from suing their employer for harm which would entitle them to benefits under the *WSIA* (the “historic trade-off”).
- WSIAT’s historic position – damages arising from wrongful dismissal are not barred.

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## ▼ ***Morningstar v WSIAT*, 2021 ONSC 5576**

### **Decision 1227/19**

- Employer had brought an application to the WSIAT arguing that the worker's right to sue was taken away.
- Worker alleged workplace harassment and employer's inadequate response resulted in constructive dismissal.
- Worker sued for damages under various headings – tort of harassment, constructive dismissal, lost wages, and aggravated, moral and punitive damages.
- WSIAT determined that the worker's action was barred on the basis that it was a claim for injury for which benefits are available under the WSA.

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## ▼ ***Morningstar v WSIAT*, 2021 ONSC 5576**

### **Decision 1227/19R**

- Decision was reconsidered by WSIAT and upheld.
- Worker applied for judicial review at the Ontario Divisional Court.

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## ▼ ***Morningstar v WSIAT*, 2021 ONSC 5576**

### **Divisional Court Decision**

- Worker conceded that the WSIAT properly barred the original claims related to injury, including the tort of harassment and lost wages.
- Stated that the WSIAT erred in barring claim for constructive dismissal and aggravated, moral and punitive damages.
- Court agreed and partially quashed WSIAT's decisions.

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## ▼ ***Morningstar v WSIAT*, 2021 ONSC 5576**

### **Decision highlights**

- May be exceptional cases where a wrongful dismissal claim is statute barred.
- Circumstances of the wrongful dismissal must be “inextricably linked to the work injury”.
- As long as the plaintiff does not sue in constructive dismissal to get around the limitations of the *Act*, the claim should be allowed to proceed, even where the tort aspects of the claim are barred.

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## ▼ ***Morningstar v WSIAT*, 2021 ONSC 5576**

### **Decision highlights**

- Lawsuits that are statute-barred are those for torts causing work-related injuries.
- Important to protect employers from civil actions purporting to be for reasons other than personal injury.
- Must ensure that the “historic trade-off” is not undermined by attempts to bring civil actions for workplace injuries disguising them as other things.

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## ▼ **Lessons from *Morningstar***

- Actions for constructive/wrongful dismissal may not be barred by the *WSIA*.
- Consider the nature of the action – what is being claimed and how?
- Section 31 applications are still helpful
  - WSIAT can help pare down action
  - Court will be bound by the WSIAT’s decision

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# British Columbia

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## **Determining Workplace Status WorkSafeBC Consultation**

- “Determining Workplace Status” is currently out for consultation
- Deadline for submissions: ~~December 12, 2021~~  
January 10, 2022
- At issue are changes to WorkSafeBC’s workplace status policies

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## ▼ **Determining Workplace Status WorkSafeBC Consultation**

- In the consultation, WSBC identifies several changes for determining the “workplace status” of a worker
- Proposed changes would effectively eliminate the “labour contractor” designation
- Seeks to address potential issues arising out of status determinations within forestry, construction and the “gig economy”

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## ▼ **Safety Headgear and Accommodation in the OHS Context**

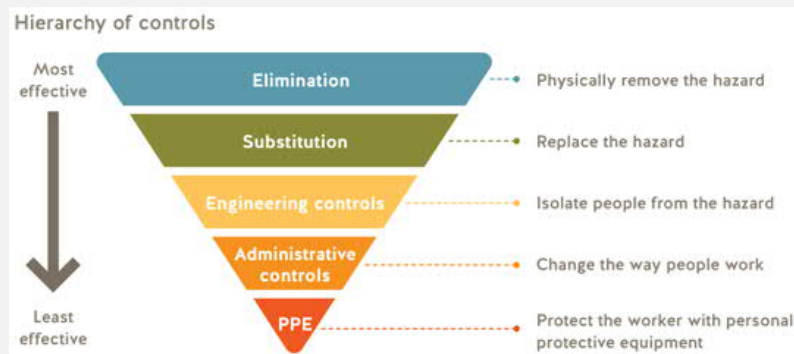
- September 1, 2021 amendment to the section 8.11 of the OHS Regulations resulting from concerns raised by the Sikh community
- Remove the absolute requirement for safety headgear and instead instituted consideration of hierarchy of controls in areas of where there is a risk of head injury
- Employers must assess each area of a jobsite to determine the level of risk for head injury, instead of instituting blanket policies on safety headgear

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## ▼ Safety Headgear and Accommodation in the OHS Context

- The Hierarchy of Controls:



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## ▼ Safety Headgear and Accommodation in the OHS Context

- Changes landscape for HRC accommodation considerations
- Balance between safety risks where headgear is required and religious beliefs of employees

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## ▼ Regulatory Violations

- Violations of the *Workers Compensation Act* and *Occupational Health and Safety Regulation* are typically addressed in one of three ways:
  - 1. Administrative penalty
  - 2. Regulatory offence
  - 3. Criminal negligence
- Recent focus Criminal negligence and regulatory offences being used – remain rare

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## ▼ Regulatory Violations: Regulatory Offence

- In *Regina v. Brian Baker, Randolph Kosick, Yoho Resources Inc., and Great Northern Bridgeworks Ltd.*, a worker died when he fell off a bridge under construction
- WSBC investigation found that the employer and prime contractor failed to ensure the health and safety of its workers – no fall equipment or fall restraint devices
- Investigation recommended that charges be laid under the *WCA* and *OHSR*

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## ▼ Regulatory Violations: Regulatory Offence

- Guilty pleas were entered and the following sentences were imposed:
  - Prime Contractor: \$70,000 fine + 15% victim fine surcharge
  - Employer: \$70,000 fine + 15% victim fine surcharge + court ordered health and safety courses for Advisor
  - Bridge foreman: \$8,500 fine + 15% victim fine surcharge + court ordered health and safety courses
  - Contracted site supervisor: \$8,500 fine + 15% victim fine surcharge + court ordered health and safety courses

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## ▼ Questions & Answers

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# Biographies

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### Areas of Expertise

Environmental | Alternative Dispute Resolution | Litigation and Dispute Resolution | White Collar Defence and Investigations | Automotive | Transportation

### Education

1989, LLB, University of Ottawa

1986, BSc (Hons), Biochemistry, University of Toronto

### Jurisdiction

Ontario, 1991

### Languages

English | Italian

Rosalind Cooper is one of the leading and most widely-recognized environmental lawyers in Canada. She defends environmental charges, and litigates contaminated land and other environmental disputes before all levels of court. Rosalind is also involved in appeals and environmental assessment proceedings before the Environmental Review Tribunal and provides regulatory advice in all areas of environmental law. She is also a recognized environmental mediator and certified by the Law Society as an expert in environmental law.

Litigating environmental disputes including contaminated land disputes, defending environmental charges, and appealing orders and approvals to the Environmental Review Tribunal, Rosalind brings her knowledge of environmental law to bear in achieving results. Effectively advising on environmental issues including regulatory advice, exposure to environmental liability, contaminated lands, land development, and environmental compliance approvals, Rosalind is also a highly sought arbitrator and mediator for environmental disputes. Rosalind also provides advice on a variety of transactions including mergers and acquisitions, the purchase and sale of real estate, secured lending transactions, and leasing arrangements. Rosalind also advises on various aspects of due diligence.

Rosalind provides advice to clients with respect to occupational health and safety matters, defends charges and deals with work refusals and appeals of orders issued by the Ministry of Labour, as well as reprisal complaints.

Writing on a wide range of environmental and health and safety issues, Rosalind's expertise is recognized in Chambers Global, Chambers Canada, Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada,



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Best Lawyers in Canada, and Canadian Legal Lexpert Directory. She has twice received the designation “Best Environmental Lawyer of the Year”.



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### Areas of Expertise

Labour Relations and Collective Bargaining | Labour, Employment & Human Rights | Employment Advice and Litigation | Labour Mergers, Acquisitions and Sales of Business | White Collar Defence and Investigations | Human Rights & Discrimination | Executive Compensation and Incentive Plans | Occupational Health and Safety & Workers' Compensation Prevention Services | ESG and Sustainability | Federal Sector

### Education

2008, JD, Queen's University

-2147483648, B. Mgmt., 2004, University of Lethbridge

### Jurisdiction

Ontario, 2009

### Language

English

Shane D. Todd advises employers on workplace issues and represents them in legal proceedings. Shane was recognized as a "Rising Star: Leading Lawyer under 40" by Lexpert in 2019, and is also recognized by the Canadian Legal Lexpert Directory in the category of Workplace Human Rights.

Shane worked as a human resources professional before becoming a lawyer. He knows how workplace issues or changes can impact an organization. With this in mind, Shane works to find the most efficient way to resolve issues, or to support employers through major initiatives, including reductions in force, sale and acquisition of businesses, and policy changes among other things. He also regularly represents employers and supervisors in regulatory prosecutions, investigations, inquests, and appeals related to workplace safety.

Shane is a frequent writer on workplace law developments. He is the Editor-in-Chief of the HR Space - the firm's weekly e-bulletin on labour, employment and human rights issues. He is also routinely asked to speak as an expert on workplace issues in the media, including in the Financial Post, the Globe and Mail, on CBC News and on 680 NEWS radio.

Shane is an active member of the Firm. He is a member of the Firm's Professional Development Committee and Chair of the Fasken Pride Network, - the hub of our firm's LGBTQ2+ initiatives. The Network does community outreach and fundraising for organizations like Rainbow Railway, Covenant House, Casey House, and the 519 Church Street Community Centre. The Network also provides mentoring and support to Fasken staff, students and lawyers.



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Shane also previously served as a Board Member and Vice-Chair of VOICE for Deaf and Hard of Hearing Children. VOICE supports deaf and hard of hearing children and their families by providing access to information, education, mentoring, and self-advocacy skills training.





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### Areas of Expertise

Labour, Employment & Human Rights | Occupational Health and Safety & Workers' Compensation Prevention Services

### Education

2013, JD, University of British Columbia

2008, B Comm, University of Victoria

### Jurisdiction

British Columbia, 2014

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Richard Savage is a Labour, Employment and Human Rights lawyer in Fasken's Vancouver office. He has a broad law practice that includes practice before the Canadian International Trade Tribunal, Labour Relations Board, the Employment Standards Branch, WorkSafeBC, the Workers' Compensation Appeal Tribunal and Provincial, British Columbia Supreme and Provincial courts.

Richard is experienced in providing guidance on the creation, management and termination of the employment relationship. Richard regularly advises clients on termination of employment, wrongful dismissal and constructive dismissal claims, and compliance with employment standards legislation.

Richard's administrative law practice includes working with professional regulatory bodies and colleges, private arbitrations and mediations. Richard has advised clients on all aspects of the workers' compensation system including assessments, prevention, fatality investigations, discriminatory actions and compensation.





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### Areas of Expertise

Labour, Employment & Human Rights | Occupational Health and Safety & Workers' Compensation Prevention Services

### Education

1997, BSc (Hons), Occupational Health and Safety, Ryerson University

### Language

English

With expertise in occupational health and safety and workers' compensation law, Cathy Chandler provides consulting, training and litigation support for employers, organizations and industry associations across Canada.

An experienced Occupational Health and Safety Consultant, Cathy conducts seminars for clients on how to practically comply with OHS and worker's compensation legislation. She is also frequently sought out to perform gap analysis audits to determine a client's legal compliance with OHS legislation.

In the area of OHS and workers' compensation claims management, she develops workplace policies, procedures and training programs for clients.

Prior to joining the firm, Cathy worked in industry for 10 years managing health and safety strategies, practices and programs for manufacturing and health care organizations.







## David Marchione

CONSULTANT | PARALEGAL

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### Areas of Expertise

Labour, Employment & Human Rights | Occupational Health and Safety & Workers' Compensation Prevention Services | Automotive

### Education

2005, Certificate, Occupational Health & Safety, Ryerson University

1998, BA (Honours), Criminology/Sociology, University of Toronto

-2147483648, Law Enforcement, 1993, Seneca College

### Language

English

David Marchione is an Occupational Health and Safety Consultant/Paralegal in Fasken's Toronto office, with an extensive background in policy and procedure development, workplace accident investigations, and legislative compliance audits. David is a workers' compensation specialist with extensive experience assisting clients with managing workers' compensation claims and limiting costs.

Passionate about educating clients at all levels of an organization on health and safety, David develops and delivers presentations on Joint Health and Safety Committee Certification, Workers' Compensation Claims Management, Workers' Compensation Appeal Preparation and Health and Safety Due Diligence.

Advising employers at all levels of the workers' compensation system across Canada, he also assists clients with managing complex workers' compensation claims and represents employers at all levels of workers' compensation appeals, including at the Workplace Safety and Insurance Appeals Tribunal.

David is a member of the Board of Canadian Registered Safety Professionals (BCRSP) and a Certified Health and Safety Consultant. He is also a member of the Workers' Compensation Section of the Ontario Bar Association.



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