

## APRIL 2023 MONTH IN REVIEW

# Yukon

### LAWS & ANNOUNCEMENTS

#### New Laws

May 9: That's the final day to participate in [public consultations](#) on [proposed](#) new legislation governing minerals and all aspects of mining activity in Yukon from prospecting to the operation of a mine and the eventual closure and remediation of a site.

#### Environmental

Mar 8: From now through May 8 Yukon will be holding [public consultations](#) on newly proposed regulations governing the use of public roads to access energy, mining, forestry and other resources across the territory.

### CASES

#### Due Diligence: Following Industry Standards Is Enough to Comply with Training Requirements

A worker suffered serious knee and spinal injuries when the platform he was working on collapsed sending him plunging 25 feet to the bottom of an elevator shaft. The Crown charged the employer and its owner, the latter as a supervisor, with failing to ensure that the victim received the training and instruction necessary to do the job safely. **Question:** Exactly what training and supervision was required? The *OHS Act* doesn't say. So, the Crown argued that the defendants should have done a full assessment of the victim's skills, competencies and training; the defendants claimed that the training and supervision they did provide was in line with industry standards, noting that the victim had COR certification and tons of experience. The Yukon court found the industry standards argument persuasive and, as a result, ruled that the Crown didn't meet its burden of proving that the defendants

committed an OHS violation and dismissed all charges [[\*Yukon \(Director of Occupational Health and Safety\) v. Venture Elevator Inc.\*](#), 2022 YKTC 50 (CanLII), December 8, 2022].

**Action Point:** Use the [OHSI Due Diligence Scorecard](#) to assess the adequacy of your own OHS program