

## AUGUST 2024 MONTH IN REVIEW

# Yukon

### **LAWS & ANNOUNCEMENTS**

#### **New Laws**

Jul 24: CanNor, the Canadian Northern Economic Development Agency, is furnishing a \$6 million repayable contribution to Air North. The money will enable the Yukon airline to include the more fuel-efficient 737-800 airplane in its fleet and construct a larger 52,800 square foot hangar.

#### **Environmental**

Aug 6: After 6 years of public consultation, Yukon published a [proposed](#) new *Contaminants Regulation* dealing with contaminated site remediation and development of contaminated land. Deadline [to comment](#): September 30.

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### **CASES**

#### **Machine Guarding: Judge Settles on \$80,000 Sentence for Driller's Fatality**

There were no witnesses, so it wasn't exactly clear how the driller got killed. His body was found with the arms detached from the body, with one arm wrapped around the rotating auger and the other lying on the ground with the drill still rotating. The company and its corporate president pled guilty to 3 total OHS violations, including lack of machine guarding. So, the question became how big the fine should be. The maximum penalty for an OHS violation at the time of the incident was \$150,000. The Yukon court decided on a total penalty of \$80,000 considering the company's moderate size, lack of previous violations, prompt admission of guilt, and genuine remorse—the victim and the president were close personal friends [[R. v. Saffa Engineering Incorporated](#), 2024 YKTC 17 (CanLII), July 17, 2024].

**Action Point:** Find out how to implement a legally sound [Machine Guarding Compliance Game Plan](#) at your workplace.

### **Discipline/Refusal/Reprisal: Court Refuses to Re-Open OHS Reprisal Case of “Vexatious Litigant”**

It all began when the Yukon Department of Highways and Public Works terminated a probationary heavy machine operator on the basis of unsuitability. Unhappy to say the least, the operator would go on to file nearly a dozen different legal actions against the government, all of which ended with failure or withdrawal. After 7 years of non-stop litigation, the court declared her to be a “vexatious litigant,” meaning she’d need court permission to file any more lawsuits. Undeterred, she claimed that she had fresh evidence and asked the court to reopen one of the cases. The court refused. “I understand” that losing her job “has been difficult for her, [b]ut, respectfully, her application for leave to re-open the appeal and adduce fresh evidence is misguided and I dismiss it,” the court concluded [[Wood v. Yukon](#), 2024 YKCA 8 (CanLII), July 23, 2024].