

OHS Insider Newsletter

Your easiest path to OHS Compliance in Canada

OCTOBER 2026



This Month's Highlights

This issue explores timely challenges affecting workplace safety and compliance. Find out whether manufacturing plants have a fiduciary duty to protect their neighbours from pollution and discover seven steps to help ensure U.S. tariffs don't compromise worker safety. Visit OHSInsider.com to read the full articles and more.



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Pollution & Corporate Responsibility

Does a Manufacturing Plant Have a 'Fiduciary Duty' to Protect Its Neighbours?

Environmental duties may arise from not only statutes but also what's known as "common law," that is, law made by courts one case at a time. Thus, a manufacturing plant might have to pay damages for negligently causing environmental harm to a neighbouring property. Polluters may also be held to an even more potent common law standard: fiduciary duty, which is like negligence on steroids. A "fiduciary" is supposed to act not just in good faith but to exercise extra loyalty and care to protect a third-party beneficiary, even if it means putting the beneficiary's interest ahead of its own. Does the owner of a plant emitting pollutants it knows to be harmful owe a fiduciary duty to protect its neighbours? Here's how a Nova Scotia court answered this question.

Situation

A homeowner's land becomes contaminated and his family suffers adverse health effects as a result of pollutants. He blames the neighbouring facility that has been used as a steel plant, coke oven, and tar pond since 1900. The homeowner sues the companies that have owned and operated the facility at different times over the years.

His claim: The plant owners knew they were releasing contaminants and that it was harming neighbouring properties.

Consequently, they had a fiduciary duty to notify neighbours of the danger and protect them from harm.

One of the plant owners is a private company; two others are government agencies. All three ask the court to dismiss the case without a trial.

Ruling 1. Former Private Plant Owner Has No Fiduciary Duty

The Nova Scotia Court of Appeal dismisses the case against the private company that owned the plant from 1928 to 1967.

Reasoning

There's no fiduciary duty on the part of landowners to protect neighbours against pollution, the Court explained. No statute or regulation provides for such a duty. A fiduciary duty can also arise under common law when

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one person has special influence or power over another, like a lawyer vis-a-vis a client.

That wasn't the case here. True, the neighbour was in a position of vulnerability. But vulnerability isn't enough. The owner and the neighbour had no contact, discussion or dealings, according to the Court. They were strangers. So, the neighbour had no right to expect the owner to act as a fiduciary and put the neighbour's interests ahead of its own (although he could still sue the plant owner for negligence).

Ruling 2. Former Government Agency Plant Owners May Have Fiduciary Duty

The Nova Scotia Court refused to dismiss the case against the government agencies that owned the property from 1968 to 1988.

Reasoning

Unlike the private owner, the two government agencies were in communication with the neighbour. There was evidence that they "have told and continue to tell" him that they weren't responsible for the pollution and that it was safe for the neighbour to live on the land. Providing information and advice can be enough to establish a fiduciary duty, the Court explained.

What did the agencies actually say about the emissions and the neighbour's safety? And was this enough to make the agencies fiduciaries of the neighbour? A trial would have to be held so a jury could answer these questions, the Court ruled.

Nova Scotia (Attorney General) v. MacQueen; Canada (Attorney General) v. MacQueen; Ispat Sidbec Inc. v. MacQueen, 2007 NSCA 33 (CanLII)



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Tariffs

Take 7 Steps to Ensure U.S. Tariffs Don't Compromise Workers' Safety

The trade war with the U.S. is escalating with both countries adopting 50% tariffs on approximately \$20 billion of each other's goods. All of this will have an impact on not only the Canadian economy but also the safety of Canadian workplaces. That's because how companies respond to tariffs may change the risks their workers face on the job. Bottom Line: Canadian safety directors must be tuned into and prepared to deal with the potential impact of tariffs on their Occupational Health and Safety (OHS) program. Here are seven areas to focus on.

1. Reassess Risks in Response to Tariff-Related Operational Changes

Tariffs will force companies to cut costs. That may result in not only staff reductions but also changes to basic operations. Tools, equipment, materials, work methods, and locations—just about anything and everything will be on the table.

What To Do: Review your most recent hazard assessments and determine if they need to be updated for post-tariff operations. So, for example, revise hazard assessments for operations that were carried out by four workers which will now be performed by only three people. And don't assume a hazard assessment still works simply because the operation itself hasn't changed if the conditions, both physical and mental, under which it's performed have changed.

2. Ensure Current Safety Measures Work for Post-Tariff Hazards

Post-tariff hazard assessment may have ripple

effects on your current safety measures.

What To Do: After revising your hazard assessments, determine whether your current engineering controls, work policies and procedures, training, PPE, etc., are still going to be effective. If not, you'll need to make adjustments to the new state of hazards.

3. Beware of the Safety Consequences of "Doing More With Less"

Management's need for cost-cutting may create an especially dangerous combination that causes safety to deteriorate: fewer workers, more work, and greater pressure to maintain production.

What To Do: While you don't want to reflexively oppose all cost-saving measures, it's incumbent on OHS directors to make management aware of the potential safety consequences of particular measures before they're implemented. The question to ask management: Which safety control will this measure affect?

3. Double Down on Efforts to Protect Workers from Stress, Fatigue, and Burnout

Tariff-related layoffs and staffing shortages may lead to fatigue, overwork, and burnout. Workers are also likely to experience elevated levels of mental stress. All of this can result in slower reaction times, impaired judgment, reduced concentration, and more errors.

What To Do: Monitor the indicators of whether fatigue is becoming a safety problem. Persuade company execs to make preservation

of workers' mental health a priority. Rather than treating it as simply an HR scheduling issue, revisit your fatigue-risk controls and take active measures like implementing a Workplace Fatigue Risk Management System.

4. Ensure Safety Equivalence of Substitute Supplies, Materials, & Chemicals

Tariffs may make key products or components unavailable or more expensive. While they may satisfy the business issues, the substitutes and replacements your company relies on may be less safe than what you use now. Thus, substitute chemicals may pose different hazards, substitute components may require different guarding or handling procedures, etc.

What To Do: Significant supply substitutions should undergo OHS review before they're purchased and deployed to ensure they're "safety-equivalent," especially when they involve hazardous products subject to WHMIS requirements.

5. Resist PPE & Safety Equipment Cost Cutting that Jeopardize Safety

Tariffs may increase the cost of PPE, respirators, fall-protection equipment, protective clothing, and other vital safety equipment. These cost pressures may induce your company to buy cheaper products that don't provide equivalent protection.

What To Do: Safety equipment changes should undergo OHS review to ensure they provide equivalent protection. As OHS director, you must make the business case against potentially dangerous PPE and other safety budget cuts. Point out that in addition to increasing workers' risk of injuries and illnesses, cutting corners can increase the company's risk of liability for violating PPE requirements under OHS laws.

6. Protect Your OHS Supply Chain

Tariffs may also affect the availability of the PPE and safety equipment essential to protect your workers. Start looking for alternatives now rather than waiting until disruptions actually occur and suppliers can't deliver the goods you need.

What To Do: Working with the purchasing department, identify your critical safety supplies and determine which products are essential to keeping operations running safely; which products have long or unpredictable lead times; whether there are qualified alternative suppliers you can turn to if needed; whether alternative safety products are suitable for the hazards involved; whether minimum inventory levels should be established; and which supplies should never be allowed to reach zero inventory?

7. Guard Against Tariff-Related Threats to Psychological Safety

There's another tariff-related OHS issue that's easy to overlook, namely, their impact on workers' psychological safety. The trade war has engendered strong feelings among Canadians about the U.S., China, and other countries that may enter the workplace through conversations about tariffs, politics, jobs and corporate decisions. The risk is that these opinions will result in workplace harassment, bullying, violence, threats, intimidation, discrimination, or conflict, especially against Americans.

What To Do: Review your existing harassment-prevention and workplace-conduct programs. Ensure you have a robust workplace harassment prevention program in place. Managers also need to understand that workplace conflict generated by tariff discussions should not simply be dismissed as "political disagreements."

Ergonomic Safety in Seasonal Work Settings

When employers think about seasonal workplace hazards, weather-related risks like heat stress, icy surfaces, or reduced daylight often come to mind. However, one critical safety consideration is frequently overlooked: ergonomics. As work demands change with the seasons, so do the physical demands placed on employees. Whether they're lifting landscaping materials in the spring, harvesting crops in the fall, clearing snow in the winter, or spending long hours at a desk during peak administrative periods, workers across virtually every industry face ergonomic risks that evolve throughout the year.

For occupational health and safety (OHS) directors and HR managers, recognizing these seasonal changes is essential to preventing musculoskeletal disorders (MSDs), improving productivity, and supporting long-term employee well-being.

How Seasonal Changes Affect Ergonomic Risks

Ergonomics is the science of designing work to fit the worker, rather than forcing the worker to adapt to the job. Poor ergonomic conditions can place unnecessary stress on muscles, joints, tendons, and ligaments, increasing the risk of injury over time.

Seasonal changes can significantly alter workplace conditions and employee movements. Cooler temperatures may reduce flexibility and muscle function, making strains and sprains more likely. Additional layers of clothing can restrict movement, making lifting tasks more awkward. Wet or uneven terrain may force workers into unstable postures,

while increased workloads during seasonal peaks can lead to repetitive motion injuries and fatigue.

Understanding how these environmental and operational changes influence worker movement is the first step toward reducing injury risk.

Ergonomic Considerations Across Different Work Environments

Construction and Outdoor Trades

Construction workers experience changing ergonomic challenges throughout the year. During fall and winter, heavier clothing and gloves can reduce grip strength and range of motion, making manual material handling more difficult. Uneven, muddy, icy, or snow-covered surfaces require workers to compensate with awkward body positions that increase strain on the lower back and joints.

Seasonal projects such as roofing repairs, infrastructure maintenance, and utility work may also require prolonged overhead work or repetitive lifting, placing additional stress on shoulders, necks, and backs.

Manufacturing and Warehousing

Manufacturing facilities often experience seasonal production increases ahead of holidays or year-end deadlines. Higher production volumes may result in longer shifts, increased repetitive tasks, and reduced recovery time between movements.

Workers performing repetitive assembly, packaging, or material handling may develop cumulative trauma injuries if workstations are

not adjusted to meet changing production demands. Cooler warehouse temperatures can also reduce dexterity, making precision tasks more physically demanding.

Landscaping, Agriculture, and Grounds Maintenance

Seasonal industries face dramatic shifts in workload throughout the year. Spring planting, summer maintenance, fall harvesting, and autumn cleanup often require prolonged bending, lifting, pushing, pulling, and carrying.

Repetitive use of hand tools, chainsaws, trimmers, leaf blowers, and other powered equipment can contribute to hand-arm vibration syndrome, tendon injuries, and muscle fatigue if equipment is poorly maintained or workers receive inadequate recovery time.

Office and Remote Work Environments

Ergonomic risks aren't limited to physically demanding jobs. Office employees frequently experience seasonal workload spikes during budgeting, planning cycles, tax preparation, enrollment periods, or year-end reporting.

Longer hours at computer workstations without proper posture, monitor placement, chair adjustment, or movement breaks can contribute to neck pain, lower back discomfort, eye strain, headaches, and repetitive strain injuries affecting the wrists and hands.

Shorter daylight hours may also reduce opportunities for movement during breaks, encouraging prolonged sitting throughout the workday.

The Cost of Ignoring Ergonomic Risks

Musculoskeletal disorders remain one of the leading causes of workplace injuries across North America. Unlike sudden accidents, ergonomic injuries often develop gradually,

making them easy to overlook until they become chronic conditions. When ergonomic risks aren't addressed, organizations may experience:

- Increased workers' compensation claims.
- Higher absenteeism.
- Reduced productivity.
- Increased employee fatigue.
- Higher turnover.
- Longer recovery times.
- Reduced morale.
- Increased risk of secondary workplace incidents caused by fatigue or discomfort.

Employees working in pain may also become distracted, reducing concentration and increasing the likelihood of errors or safety violations.

Building an Ergonomically Sound Workplace

Creating an effective ergonomics program requires ongoing evaluation rather than one-time adjustments. Managers should regularly assess how seasonal changes affect work activities and modify work environments accordingly.

Ergonomics Is a Year-Round Investment

Seasonal changes affect every workplace differently, but the need for ergonomic safety remains constant. By adapting work practices to changing environmental conditions, workload demands, and employee needs, organizations can reduce injuries while improving comfort, efficiency, and morale.

An effective ergonomics program is an investment in workforce health, operational performance, and long-term organizational success. As seasons change, so should the strategies used to protect the people performing the work.

Month-In-Review

A roundup of new legislation, regulations, government announcements, court cases, and arbitration rulings. Visit OHSinsider.com for the complete Month-In-Review. Now available by jurisdiction to keep you focused on what's been happening in your area including legal alerts, law announcements, and recent cases.



Federal

Respiratory Protection: Employment and Social Development Canada (ESDC) issued a Hazard Alert warning of Legionella bacteria in the workplace. When inhaled, the bacterium causes Legionnaires' disease, a severe form of pneumonia or lung inflammation. Legionella may be present in water-cooled industrial and commercial air conditioners, stagnant potable water pipes, decorative water displays, faucets, and humidifiers.

Alberta

Fall Protection: Alberta officially recognized the Ontario Working at Heights Training Program as meeting Alberta OHS requirements for fall protection training. Translation: Workers who move to the province after completing the Ontario program will be deemed competent to perform work involving vertical fall hazards in Alberta without having to repeat training, making it easier to hire them.

British Columbia

Workers' Compensation: WorkSafeBC proposed keeping average workers' compensation base rates at \$1.55 per \$100 of assessable payroll. Rates will decrease for 30% of employers, stay the same for 22%, and increase for 48%. Base rate increases won't exceed 15%. The agency will also distribute \$960 million in surplus funds through discounted rates and assessment credits.

Manitoba

Infectious Illness: In response to the ongoing hepatitis A outbreak in the province, Manitoba expanded eligibility for free vaccination to all individuals age six months or older who live in, travel regularly to, or have household visitors from an Indigenous community in Manitoba.

New Brunswick

Work Injuries: WorkSafeNB released its 2025 Annual Report. Punchline: Lost-time injuries rates remained stable at 1.1 per 100 workers as did overall injury frequency at 1.6 per 100. Severe injury frequency increased slightly from 34 to 36 per 100,000 workers. Traumatic psychological injury claims decreased by 26% to 167 and fatalities declined from 15 to nine.

Newfoundland and Labrador

Work Injuries: WorkplaceNL reported that in 2025 the province's lost-time injury remained at an all-time low of 1.2 per 100 workers. New injury claims also reached a record low of just over 3,800. Roughly 93% of employers reported no injuries in 2025 while fatalities fell from 26 to 17. Meanwhile, the Injury Fund remained fully funded at 139.5%.

Northwest Territories

Workplace Violence: New family violence protections took effect in Northwest Territories. In addition to banning stalking, the Protection Against Family Violence Act now covers intimate personal relationships, family

relationships, and care relationships. It also includes a new “deemed fear” provision to protect children and other vulnerable people who may be unable to express concerns about their safety.

Nova Scotia

Industry Challenges: Nova Scotia gave the go-ahead for Scotia Mine Ltd. to restart operations at its Halifax County mine. In addition to creating 150 jobs, the mine will produce zinc for use in renewable energy technologies, batteries, electric vehicles, infrastructure, and protecting steel from corrosion, as well as lead for batteries and gypsum for housing and agriculture.

Nunavut

Machine Safety: The WSCC issued new guidance to help employers prevent “struck-by” incidents, which happen when workers make contact with a moving object, tool, or piece of equipment. In 2025, most workers’ compensation claims for struck-by injuries in Nunavut and Northwest Territories involved construction workers, carpenters, mine workers, maintenance workers, nurses, and people who stock shelves.

Ontario

Fall Protection: August 21 was the last day to comment on a proposed new OHS regulation governing use of rope access at all workplaces the OHS Act covers. Rope access, which current OHS regulations don’t expressly address, enables workers to work from heights using ropes as the primary means of support, work positioning, and fall prevention.

Prince Edward Island

Accessibility: Prince Edward Island signed

the new nationwide memorandum of understanding under which the federal government, provinces, and territories promise to work together to boost accessibility and align accessibility standards for new building construction across Canada.

Québec

Fall Protection: Amendments to the *OHS Safety Code* for construction governing personal fall protection during assembly or dismantling of metal structures, including metal bridging work, took effect. Highlights: Requirement to have an engineer’s plan meeting CSA Z259.13 and Z259.16 when using flexible continuous anchorage systems, clarified standards for movement limitation system arrest links, and updated lighting level requirements.

Saskatchewan

New Laws: Saskatchewan will be getting over \$141 million in federal Universal Broadband Fund support for six projects to bring high-speed Internet access to more than 30,000 households in over 500 rural and remote communities across the province. While 97.4% of Canadian households currently have access to high-speed internet, the access rate in Saskatchewan is only 89.2%.

Yukon

New Laws: Yukon businesses, not-for-profit organizations, and municipal governments can now apply for Tier 2 Economic Development Fund support of between \$30,001 and \$100,000 per project. For the first time, applications will be accepted online through the Department of Economic Development, Tourism and Culture’s online funding portal.

Case Alerts

Powered Mobile Equipment: Company Not Guilty of OHS Violations in Forklift Driver Fatality

The prosecution charged an equipment rental firm with 10 OHS violations stemming from an incident in which a truck driver suffered fatal injuries after falling from the upper deck of a trailer after being struck by a machine shaft that rolled off the forks of a telehandler. The Calgary trial court ruled that the Crown didn't prove the company committed the violations and acquitted it of all charges [*Stephenson's Rental Services Inc.*, [Govt. Press Release](#), July 22, 2026].

Action Point: OHS requirements for Powered Mobile Equipment vary significantly by province. And that makes compliance challenging, especially for companies that operate in multiple jurisdictions. Get a handy [summary of the PME requirements in each part of Canada](#).

Excavations: Plumbing Firm Fined \$330,000 for Trench Collapse Fatality

A construction crew was replacing sewer and waterlines from a house when the excavation caved in. One of the workers was killed. The victim's employer was fined \$330,000 after pleading guilty to failing to ensure the worker was protected from the collapse of a wall of an excavation. All other charges were dropped under a plea bargain [*Mr. Mike's Plumbing Ltd.*, July 13, 2026].

Action Point: Find out how to implement a 10-step [Excavations Safety and Compliance Game Plan](#) at your workplace to prevent what happened to this company from happening to yours.

Airborne Contaminants: Hotel Hit with \$624,000 Fine for Failure to Contain Asbestos and Lead Hazards

An \$8 billion hotel developer/manager was on the receiving end of the highest reported OHS fine in not just the province but all of Canada this year. The problems began when WorkSafeBC inspectors at a hotel renovation site observed asbestos-containing material (ACM) in the drywall, as well as mould on a wall and debris from paint containing lead. The renovation workers weren't trained or certified in asbestos abatement and most of them weren't using respiratory protection. There was no negative pressure containment or decontamination in place, and the firm didn't do hazard assessments or have exposure controls plans for asbestos and lead.

Additional OHS violations included failure to ensure that hazardous materials were safely contained or removed or provide WorkSafeBC a notice of project at least 48 hours before certain work activities involving ACMs began, a repeat violation. The price tag: administrative monetary penalties of \$624,051 [*Northland Properties Corporation*].

Action Point: Don't let this happen to you. Find out how to implement a legally sound [Airborne Contaminant Exposure Control Plan](#) at your workplace.

First Aid: Mill Must Use Union Workers to Serve as First Aid Attendants

In 2024, OHS regulations took effect increasing the number and certification level of First Aid Attendants ("FAAs") required at workplaces. Instead of posting union workers in the First Aid/Security classification as it

had always done to meet increased first aid coverage requirements, a pulp mill decided to train non-union supervisors to serve as FAAs. The union accused the mill of violating the collective agreement. The mill claimed the assignment was valid, noting that the agreement didn't specifically address the issue.

The BC arbitrator sided with the union. The collective agreement banned use of non-union supervisors for work normally performed by union workers. And serving as an on-site FAA was work normally performed by union members [*Cariboo Pulp & Paper Company v Unifor, Local 1115*, 2026 CanLII 75558 (BC LA), July 20, 2026].

Action Point: Find out how to implement an effective First Aid Compliance Game Plan at your workplace.

Return To Work: Enrolling in College while on LTD Leave Is Not Just Cause for Discipline

The Nova Scotia Public Services Commission (PSC) fired a union employee for attending a Bachelor of Journalism degree at King's College while she was on long term disability (LTD). The termination letter cited inconsistency between enrollment in school with being on LTD as the reason for termination. But at the grievance hearing six months later, PSC argued that she was fired for not disclosing that she was enrolled in the course.

Either way, the arbitrator found no just cause for discipline. There was no evidence of any misrepresentation or lack of cooperation on

the employee's part. Attending school was not only consistent with her assessed capabilities but also part of her rehab plan. And while the collective agreement required employees to disclose educational enrollment while on sick leave, there was no such disclosure language pertaining to LTD [*Nova Scotia Government and General Employees' Union v. Nova Scotia (Public Service Commission)*, 2026 CanLII 69910 (NS LA), July 8, 2026].

Action Point: Find out how to implement a legally sound Return to Work Compliance Game Plan for injured workers.



Traffic Safety: Shunt Truck Moving in Reverse Runs Over Worker Resulting in \$200,000 Fine

A worker performing safety checks on a shunt truck used to move trailers around the loading docks was critically injured after being hit by a trailer that a shunt truck was moving while operating in reverse. The shunt truck operator didn't see the worker because of a blind

spot at the back of the trailer. The victim's employer was fined \$200,000 after pleading guilty to failing to ensure that all lighting connections between a shunt truck and trailer were connected before the trailer was moved [*EarthFresh Farms Inc.*, MOL Press Release, July 22, 2026].

Action Point: Don't let this happen to you. Find out how to implement an effective Powered Mobile Equipment Operation Policy at your workplace.

Ask the Expert

Chemical Manufacturing and Storage Compliance in Alberta

Expanding into chemical manufacturing or storage can create significant occupational health and safety, fire code, environmental, and product compliance obligations. Understanding the applicable requirements before beginning operations can help employers identify facility, handling, and storage risks.



Question

Our Alberta company is considering expanding into the manufacture of an industrial cleaning product and the storage of chemicals for clients. What regulatory requirements should we consider when determining how chemical ingredients and finished products can be safely handled and stored, and whether our facility is suitable for this type of work?

Answer

These concerns are well founded. Chemical manufacturing and storage can involve several overlapping regulatory requirements, and there is generally no single standard that will apply to every product or storage arrangement. In addition to Alberta occupational health and safety and fire code requirements, the operation may be subject to federal requirements under the Hazardous Products Act and WHMIS legislation, as well as environmental and dangerous goods requirements depending on the activities involved.

Explanation

The specific requirements will depend on factors such as the chemicals involved, their hazard classifications, quantities, incompatibilities, and how they are manufactured, handled, stored, and transported. Safety Data Sheets are an important starting point for identifying hazards and storage precautions, but they may not address every facility or regulatory requirement. Chemical storage requirements can also vary significantly depending on the substances and quantities being stored. Ventilation, fire protection, spill containment, segregation of incompatible materials, and other building or safety measures may therefore need to be assessed on a case-by-case basis. Given the complexity of this type of operation, employers should obtain specialized legal and technical advice before proceeding. This may include consultation with occupational health and safety, environmental, fire protection, and other qualified professionals who can assess the proposed operations and facility against the applicable requirements.