

Occupational Health & Safety

Local. National. Legal Services for Employers.



Occupational health and safety is increasing in both complexity and risk to employers and management. As the leading national occupational health and safety practice in Canada, Mathews Dinsdale offers the guidance you need to navigate provincial and federal OHS matters across all sectors.

In recent years, governments across Canada have been expanding their health and safety legislation to address new issues and authorize harsher penalties. At the same time, they have been hiring more inspectors and prosecutors – who are taking more aggressive positions on compliance and penalties for non-compliance.

Mathews Dinsdale specializes in advocacy and in providing practical and strategic advice for organizations and management in provincial and federal OHS matters. With offices from coast to coast, and a team that includes three former OHS prosecutors, recognized industry leaders, and authors of leading OHS texts, we have the depth of OHS experience to provide both pro-active and re-active strategic advice, practical solutions and, where necessary, persuasive advocacy in all types of OHS issues.

Workplace Accidents

Mathews Dinsdale has decades of experience in advising and guiding organizations responding to the most serious, high profile, complex and tragic workplace accidents. We can coordinate your organization's investigation and provide immediate support and advice on strategic and tactical decisions that can dramatically reduce the risk of OHS charges or administrative monetary penalties. In fact, our lawyers have a strong record of preventing OHS prosecutions and liability – the best possible outcome for our clients.

Prosecutions, Appeals, and Inquests

The stakes are becoming incredibly high across Canada and, when litigation is necessary, we provide the experience and successful advocacy to skilfully contest the case in a manner that keeps your best interests in mind. Our deep litigation experience has been gained from representing clients in numerous trials and appeals of OHS charges, Charter motions, Coroner's inquests, and other OHS-related litigation. Our lawyers have also repeatedly appeared as counsel in appeals following prosecutions and we are frequently retained by organizations and other firms to provide second opinions for appeals.

While the strategy employed will depend on the circumstances of each particular case, our approach is to seek the most expeditious and cost-effective solutions. For example, where appropriate, we have assisted clients in successfully presenting evidence or information to the regulator resulting in the withdrawal of charges without a trial.

Challenging OHS Orders, Directions, and Administrative Monetary Penalties

Orders or directions issued by regulators can have tremendously detrimental business impacts – particularly when issued without an appropriate factual or legal foundation. These orders and directions can be appealed and we have a significant track record of success in provincial and federal appeals. Our common sense and cost-effective approach includes recognizing when a hearing may not be the best means of addressing a troubling order or direction. Our team maintains good relationships with OHS regulators and we have been very successful in having orders and directions rescinded, without a hearing, by engaging in a forceful but professional discussion with the regulator.

In the increasing number of jurisdictions where administrative penalties are imposed, our lawyers provide skilled advocacy in challenging penalties through an appeal.

Urgent or Sensitive OHS Matters

The need for immediate expertise isn't only when an accident has happened, orders have been issued, or charges have been laid. A variety of urgent or sensitive OHS issues have also arisen for our clients. In those cases, we provide immediate advice through our emergency hotline. We are available to assist, whatever the hour, to provide both strategic and practical advice on matters that can include work refusals, complaints of workplace violence or harassment, issues relating to designated substances (e.g. asbestos, lead, silica), or the investigation of sensitive health and safety issues.

We know both the law and the approach of the regulator. This allows us to provide strategic advice to creatively protect organizational interests while complying with applicable obligations. Our maintenance of positive and professional relations with government authorities means we can work effectively with regulators to address complex workplace health and safety issues to achieve meaningful, cost-effective results (including appropriate corrective actions where necessary).

Contracting Work

The OHS implications of contracting with another party to perform work vary from jurisdiction to jurisdiction, may have legal principles that are not widely known or intuitive, and can attract significant OHS liability. We are able to provide thorough, tactical and pragmatic advice in creating or reviewing contracts and contractor management programs and in guiding the organization through the complex web of provincial and federal contracting requirements.

OHS Program Review and Training

We are experienced advisors on OHS policies and programs. Our team can advise on compliance with legal obligations, due diligence expectations, and on enhancements to existing programs. We also advise and train on a broad and diverse range of OHS topics that includes workplace violence and harassment, contractor management, due diligence, director and officer risk management, accident and inspection response, and numerous other OHS-related issues.

Connect with us

For more information about how we can serve you in Occupational Health & Safety, please contact your Mathews Dinsdale lawyer or visit our website at mathewsdinsdale.com.

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