

Court fines out-of-business company that did not defend health and safety charges C\$1.3 million

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An Ontario court fined a defunct mining company that went out of business in 2016 C\$1.3 million under the Ontario Occupational Health and Safety Act after it found the company guilty on six charges following the deaths of two workers. This is one of the largest Occupational Health and Safety Act fines in Ontario history. However, the company, First Nickel Inc, did not defend the Ministry of Labour prosecution.

The fine included:

- C\$250,000 for failing to ensure that part of the underground mine was kept free of accumulations or flow of water;
- C\$350,000 for failing to develop a quality control programme to ensure that ground support systems were properly installed and remained effective;
- C\$300,000 for failing to ensure that a written record was made by the shift supervisor about the dangerous conditions;
- C\$100,000 for failing to provide a written report to the Ministry of Labour when a fuse, detonator or explosive was found to be defective;
- C\$150,000 for failing to develop a written programme to provide for the timely communication of information between workers and supervisors in the mine regarding:
 - ground stability;
 - ground movement;
 - falls of ground;
 - ground monitoring equipment; and
 - emergencies; and
- C\$150,000 for failing to examine the ground conditions of the workplace for dangers and hazards, and make safe if required.

In a [press release](#), the Ministry of Labour noted that:

- the mine closed in 2015;
- the company was not represented in court; and
- the company went out of business in 2016.⁽¹⁾

For further information on this topic please contact [Adrian Miedema](#) at Dentons Canada LLP by telephone (+1 416 863 4511) or email (adrian.miedema@dentons.com). The Dentons Canada LLP website can be accessed at www.dentons.com.

Endnotes

(1) For more information please see www.occupationalhealthandsafetylaw.com.

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