Ontario Employer Pays $300,000 Fine for Workplace Incident

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Fiera Foods Company (Fiera) was recently fined $300,000 after pleading guilty to violations of Ontario's *Occupational Health and Safety Act* (the Act) following the death of a worker at its commercial bakery on September 2, 2016. The worker was not employed by Fiera, but rather a temporary help agency contracted by Fiera. The temporary help agency was not charged by the Ministry of Labour under the Act. In addition, as a condition of the guilty plea, charges against a supervisor at Fiera were dropped.

Pursuant to the Act and its regulations, employers are required to ensure that certain measures and procedures are carried out in the workplace, including ensuring that "jewellery or clothing that is loose or dangling or rings shall not be worn near any rotating shaft, spindle, gear, belt or other source of entanglement."[1] The legislation provides that a corporation that contravenes the Act or its regulations may be fined up to $500,000.

The worker at the Fiera facility was wearing a hijab that was loose at the ends. At the time of the incident, the hijab became tangled in a conveyer belt at the facility, causing fatal injuries to the worker. The worker in question had only been working at Fiera for approximately three weeks when the incident occurred.

The worker's death has received significant attention both because of the amount of the penalty and the rising concern for the safety of temporary help workers more generally, including greater attention from media and the Government of Ontario. In fact, the government's recent proposed amendments to the *Employment Standards Act, 2000* (the ESA) include provisions targeted at ensuring temporary help workers receive greater entitlements under the ESA, including equal pay to employees performing similar work.

The tragedy that took place at Fiera provides several important takeaways for employers. First and foremost, the fine levied against Fiera serves as a reminder for employers of the significant consequences of contravening the Act and the importance of reviewing workplace safety policies and practices to ensure compliance with legislative requirements. Second, it serves to support the government's message that increased protections are needed for "precarious employees" including temporary help

workers, such as those provided for in the government's proposed amendments to the ESA. Finally, the incident serves to remind employers that they may be held liable for the health and safety of all workers in the workplace and not just employees.

[1] *Industrial Establishments*, R.R.O. 1990, Reg. 851, section 83(2).

By

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