



Protection of Employees-Prosecution of Corporations

By Denise Lash on March 07, 2011

In a unique prosecution arising in Alberta, Garda Canada Security Corp. has pleaded guilty to a charge of failing to protect a female worker under the working alone provisions of the Alberta OHSA. Amongst other provisions, the Alberta OHSA requires that employers, at workplaces where workers will be performing work alone, take measures to reduce risks or hazards to workers. Working alone legislation exists in the OHS legislation of many provinces, in addition to workplace violence-related obligations to assess risks and take preventive measures.

Ontario does not currently have working alone-related provisions in the OHSA, although the general duty clause obligates employers to take every precaution reasonable for the protection of workers.



In the [Garda Canada Security case](#), a female security guard asked to perform overnight security duties at a construction project was viciously sexually assaulted while working alone. The assault resulted in a criminal conviction against an individual who accessed the site. Garda was also prosecuted under OHS working alone provisions. On February 22, 2011, Garda entered a guilty plea under the Alberta OHSA. The corporation will be formally sentenced March 31, 2011, but has agreed to a proposed penalty of \$90,000, which will include a fine and contribution the Alberta Construction Safety Association.

Whether or not specific working alone provisions exist, Ontario Employers, including condominium corporations, management companies and developers, must be mindful that reasonable precautions for the protection of workers must be taken, and compliance orders or prosecution can occur for failing to meet established standards for reasonable precautions. OHS enforcers in all jurisdictions will be looking closely at whether employers are taking working alone-related precautions after this conviction.

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