# Implementing Ontario Construction Safety Laws: A Case-Based Framework for Project Managers [1]

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## Abstract

This paper examines how Ontario's primary construction safety laws, including the Occupational Health and Safety Act (OHSA), Ontario Regulation 213/91, and the Workplace Safety and Insurance Act (WSIA), shape project governance and risk management practices on construction sites. Using a multi-case analysis of five major decisions between 2013 and 2024, including Metron, Vixman, Cobra Float, Limen Group, and the landmark R v Greater Sudbury (City) ruling, the study identifies recurring safety failures and the legal reasoning behind associated convictions. These cases highlight critical deficiencies in supervision, competency, fall protection, equipment handling, and employer due diligence across Ontario projects. Based on the patterns identified, the paper proposes a Case-Based Safety Governance Framework to help project managers implement statutory obligations more effectively. The framework provides practical tools for integrating legal duties into hazard planning, contractor oversight, documentation systems, and safety audits. This study contributes a practitioner-focused, legally grounded model that supports safer, compliant, and more accountable construction project delivery in Ontario.

***Keywords:*** *Ontario OHSA; construction safety; project governance; case law; O. Reg. 213/91; WSIA; risk management.*

## Introduction

Construction work in Ontario takes place within one of the most regulated safety environments in Canada. The province's construction sector has repeatedly experienced preventable fatalities linked to weak supervision, inadequate hazard control, and failures to comply with established legal obligations. To address these risks, Ontario's legislative framework, particularly the Occupational Health and Safety Act (OHSA), Ontario Regulation 213/91: Construction Projects, and the Workplace Safety and Insurance Act (WSIA), establishes strict duties for employers, constructors, supervisors, and workers. Yet recent case law demonstrates that despite clear statutory requirements, gaps in implementation and oversight remain common on project sites.

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For project managers, these legal obligations are not merely compliance requirements but essential components of project risk governance. Understanding how courts interpret breaches, allocate liability, and evaluate due diligence is critical to preventing incidents and avoiding organizational and personal penalties. This paper analyzes key Ontario cases to identify consistent safety failures and extracts actionable lessons for project leaders. The insight gained forms the foundation of a case-based framework designed to help managers embed legal requirements into day-to-day project safety governance.

## Ontario's Safety and Risk Legislative Framework

### Occupational Health and Safety Act (OHSA)

Ontario's OHSA establishes the internal responsibility system by assigning core duties to employers, constructors, supervisors, and workers, including the general duty on employers to take every reasonable precaution for worker protection (OHSA, R.S.O. 1990, c. O.1, s. 25(2)(h)).

Workers' participation and refusal rights operate as procedural controls that trigger inspection and corrective action, reinforcing due diligence and joint problem solving (OHSA, Part V, right to refuse; see s. 43).

### O. Reg. 213/91: Construction Projects

The construction regulation operationalizes OHSA through task-specific controls, beginning with a clear trigger for fall-hazard provisions when workers may fall more than 3 m, into machinery, into liquids, or through openings (O. Reg. 213/91, s. 26, items 1 to 6).

Where practicable, guardrails are required; if not, a ranked hierarchy applies, in order, travel restraint, fall restricting, fall arrest, and finally safety nets, with components designed to CSA Z259 standards by an engineer (O. Reg. 213/91, s. 26.1(1)–(3)).

Employers must prepare written rescue procedures before any use of fall arrest systems or nets and must ensure working-at-heights training and recordkeeping for any worker who may use fall protection (O. Reg. 213/91, s. 26.1(4); s. 26.2(1), (1.1), (2)–(4)).

Technical specifications extend to guardrail performance and system inspection or removal from service if defects are found, reflecting a prevention-through-design approach (O. Reg. 213/91, s. 26.3(8); s. 26.4(3)–(4); s. 26.5(3)–(5)).

For drowning hazards, lifejackets or flotation devices are mandated where guardrails or other fall protection are not reasonably possible, and projects must have trained rescuers, rescue equipment, and alarm systems ready for deployment (O. Reg. 213/91, s. 27(1)–(5)).

Recent amendments add welfare and emergency readiness requirements, including potable water, prohibition on shared cups, and availability of menstrual products where 20 or more workers are

regularly employed, with privacy and accessibility conditions (O. Reg. 213/91, ss. 28(1)–(4), 28.1(1)–(3)).

As of O. Reg. 157/25, projects with 20 or more workers must install a defibrillator, keep specified rescue items with it, maintain quarterly inspections by a competent worker, keep inspection records with the device, and ensure a worker trained in CPR and defibrillator operation is present whenever work is in progress (O. Reg. 213/91, s. 27.1(1)–(3), (7)–(9)).

### Workplace Safety and Insurance Act (WSIA)

WSIA requires employers to provide transportation to medical care at the time of injury and authorizes WSIB to order payment if employers fail to do so (WSIA, s. 38(1)–(2)).

The Act permits WSIB to pay for repair or replacement of assistive devices damaged at work and to grant allowances for clothing damaged by such devices (WSIA, s. 39(1)–(3)).

Part V codifies mutual duties to cooperate in early and safe return to work: employers must maintain communication and attempt to provide suitable work, while workers must assist and provide information, with special provisions for construction employers and workers (WSIA, s. 40(1)–(3)).

WSIA also establishes re-employment obligations, duty to accommodate up to undue hardship, duration limits on obligations, and enforcement via penalties and payments if employers fail to meet requirements (WSIA, s. 41(4)–(7), (10)–(15)).

## Scholarly and industry literature on integrating safety with project delivery

Peer-reviewed evidence shows that many projects under-integrate OHS risk management, and that systematic integration across the project life cycle improves outcomes and aligns with modern laws and management systems (Badri, Gbodossou, & Nadeau, 2012, pp. 190–191).

Badri et al. emphasize embedding prevention during definition and design and sustaining it through execution, noting heterogeneity of methods and a gap between research advances and site practice (Badri et al., 2012, pp. 196–198).

They further argue that standards alone do not produce a safety culture unless risk management is integrated into organizational processes and project planning, a finding consistent with the Construction Extension to the PMBOK that explicitly incorporates safety policy, objectives, and responsibilities (Badri et al., 2012, p. 197).

### Practice implications

Collectively, Ontario's laws translate prevention into concrete duties, engineered controls, training, emergency readiness, and welfare facilities, while WSIA ensures recovery and continuity

through return-to-work obligations that carry enforcement mechanisms (O. Reg. 213/91, ss. 26–27.1; WSIA, ss. 38–41).

## Case-Based Analysis of Construction Safety Failures in Ontario

### Metron Construction (2013)

This case involved a swing-stage collapse during a high-rise restoration project, resulting in four worker deaths. The swing stage was overloaded with six workers and materials despite being designed for two. Several workers lacked fall protection, and the supervisor permitted unsafe practices. The Ontario Court of Appeal held that the employer failed to take "every precaution reasonable in the circumstances" under OHSA s. 25(2)(h). The case underscored the centrality of training, supervision, and enforcement of fall protection rules, establishing a precedent for employer liability even when supervisors' conduct contributes to the violation.

### Vixman Construction (2020)

In this case, a worker fell to his death at Billy Bishop Airport while using a self-retracting lifeline (SRL). Investigators found that the employer failed to calculate fall clearance distances and did not ensure appropriate anchorage locations. The Ontario Court of Justice ruled that inadequate pre-task hazard assessment and lack of technical supervision directly led to the fatality. The decision reinforced that employers must conduct task-specific engineering assessments and verify proper use of fall-arrest systems before work begins.

### Cobra Float Service (2020)

A worker was crushed by a falling load during equipment handling operations. The Court of Appeal upheld a conviction under OHSA s. 25(1)(c), finding that the employer failed to ensure equipment was handled in accordance with safety protocols and manufacturer instructions. The court rejected the employer's claim of due diligence, emphasizing that minimum safety systems must be in place before work begins, not reconstructed after an incident. This case reinforces expectations surrounding safe lifting procedures, equipment maintenance, and supervisory oversight.

### Limen Group Construction (2024)

A worker was fatally crushed during a hoisting operation involving a concrete block lifted using embedded rebar. The court found that both the employer and supervisors failed to ensure proper rigging techniques or provide adequate training, contravening OHSA ss. 25(1)(c), 25(2)(h), and 27(2)(c). The company received a substantial fine, and supervisors were individually penalized. The ruling highlighted that cost-saving shortcuts in lifting operations constitute gross negligence and demonstrated the personal liability that supervisors face when they fail to enforce basic safety practices.

### R. v. Greater Sudbury (City), 2023 SCC 28

#### Project Overview

The case of R. v. Greater Sudbury (City) (2023 SCC 28) involved a municipal infrastructure improvement project where the City of Greater Sudbury hired Interpaving Limited to carry out road and water main repairs. During the project, a pedestrian was fatally struck by a road grader operated by a subcontractor within the construction zone. Investigations revealed that there were no barricades or fencing separating the public roadway from the construction site, and no signal person was assisting the grader operator. These safety deficiencies highlighted critical failures in site control and hazard prevention (Supreme Court of Canada, 2023, paras. 2–4).

#### Violations and Adherence to Ontario Safety Laws

Under Ontario's Occupational Health and Safety Act (OHSA) and Ontario Regulation 213/91 – Construction Projects, both constructors and employers have defined duties to ensure a safe workplace. Section 25(2)(h) of the OHSA requires every employer to "take every precaution reasonable in the circumstances for the protection of a worker" (Ontario, 1990, s. 25(2)(h)). The City of Greater Sudbury violated these provisions by failing to implement physical barriers and traffic control systems, as required under O. Reg. 213/91 sections 65 to 67 and section 104(3), which govern excavation, barriers, and the use of signalers around heavy machinery (O. Reg. 213/91, ss. 65–67, 104(3)).

Although the City had retained Interpaving as the constructor, it maintained a team of inspectors on-site who were considered employees of the municipality. The presence of these municipal employees established that the City was an "employer" under the OHSA, despite delegating operational control to the contractor. The Court found that while the City had taken steps such as contractor prequalification and general oversight, it failed to ensure active compliance with safety requirements on the project site (Supreme Court of Canada, 2023, paras. 7–9).

### Legal Implications and Outcomes

The case clarified the interpretation of "employer" under Ontario's OHSA. The Supreme Court of Canada held that the City, by employing inspectors at the construction site, was an employer within the meaning of the Act and could therefore be prosecuted for safety violations (Supreme Court of Canada, 2023, para. 75). The ruling extended potential liability to owners who have employees at a construction project, even when an independent constructor is responsible for daily operations.

Initially, the Ontario Court of Justice convicted the City under the OHSA. The Ontario Court of Appeal overturned this conviction, ruling that the constructor alone had operational control and responsibility. The Supreme Court, however, reinstated the City's employer status and remitted the matter for a determination on whether the City exercised due diligence (Supreme Court of Canada, 2023, para. 104). In 2024, the Ontario Superior Court of Justice acquitted the City after finding that it had implemented reasonable due diligence measures, including hiring a qualified constructor, requiring compliance with safety plans, and conducting routine inspections (Ontario Superior Court of Justice, 2024).

## Lessons Learned and Practical Implications

The lessons learned are listed below:

- The case establishes that project owners who have employees on-site may be liable under the OHSA as employers. Owners cannot rely solely on contractors to manage all health and safety obligations (Supreme Court of Canada, 2023, para. 77).
- To establish a valid defense, owners must demonstrate proactive efforts such as verifying contractors' safety qualifications, conducting regular audits, and maintaining written records of safety inspections (Ontario, 1990, s. 66(3)).
- Construction contracts should clearly define responsibilities for constructors, employers, and owners, ensuring compliance with both OHSA and O. Reg. 213/91 (O. Reg. 213/91, s. 23).
- The absence of fencing and traffic controls underscores the importance of physical barriers and administrative controls to separate the public from active construction zones.
- As highlighted by Badri, Gbodossou, and Nadeau (2012, p. 197), integrating occupational health and safety management within the project life cycle improves prevention and accountability across all parties involved.

## A Case-Based Framework for Project Managers

Ontario's recent case law reveals consistent patterns in how safety failures occur, why they escalate, and how courts allocate liability across constructors, supervisors, and even project owners. Drawing on the lessons from Metron, Vixman, Cobra Float, Limen Group, and Greater Sudbury, the following framework provides project managers with a structured, legally informed model for implementing Ontario's safety laws within day-to-day project governance. The framework integrates statutory requirements from the OHSA, O. Reg. 213/91, and WSIA with judicial interpretations of due diligence and employer responsibility. It is designed to translate legal obligations into operational practices that reduce risk, enhance compliance, and protect workers.

### Hazard Anticipation and Pre-Task Planning

A recurring theme across Metron, Vixman, and Cobra Float is the failure to identify and control obvious, high-risk hazards before work began. In Metron, the overloaded swing stage and absence of fall protection were well-known hazards that should have been caught during pre-task planning. In Vixman, the employer failed to calculate fall clearances or evaluate anchor points, despite working at height in an airport environment. Cobra Float similarly involved predictable equipment-handling hazards that were not analyzed or mitigated.

Project managers must therefore embed systematic hazard anticipation into early project stages. This includes conducting task-specific risk assessments, preparing Job Hazard Analyses (JHA), evaluating engineered controls, and reviewing manufacturer recommendations for equipment. These assessments must be documented, communicated to crews, and revisited when work conditions change. Ontario courts treat pre-planning as a foundational element of due diligence; a project manager who cannot demonstrate proactive hazard identification is unlikely to succeed in a due diligence defense.

### Competency, Training, and Supervision

Competency and supervision failures are central across all analyzed cases. In Metron, untrained workers operated specialized equipment without supervision. In Vixman, the supervisor failed to verify technical requirements for fall protection. Limen Group involved fatal consequences when workers were allowed to perform high-risk rigging operations without proper training or oversight.

Under OHSA ss. 25 and 27, employers and supervisors must ensure workers are trained, competent, and consistently monitored. For project managers, this means establishing a structured

training system that includes verified credentials, IHSA-approved courses, refresher requirements, and written evaluations. Supervisors must be physically present during high-risk operations, conduct toolbox talks, and intervene immediately when unsafe practices arise. Courts increasingly examine the quality of on-site supervision, not just its existence, making active, documented supervision a critical project management responsibility.

**Governance of Overlapping Duties**

The Supreme Court of Canada's decision in Greater Sudbury fundamentally changed safety governance in Ontario. The Court ruled that owners who have employees on-site may be considered "employers" under the OHSA, even if a constructor controls daily operations. This means multiple parties, including owners, constructors, consultants, and subcontractors, can simultaneously hold employer responsibilities.

For project managers, this creates a need for an integrated governance structure that clarifies, coordinates, and documents safety responsibilities across all workplace parties. A Project Safety Coordination Plan should define reporting lines, authority levels, communication protocols, inspection schedules, and accountability mechanisms. Joint coordination meetings, shared safety logs, and cross-organizational hazard reviews help ensure that no safety responsibility is "assumed" away. Courts expect all "employers" on-site to exercise independent, proactive oversight; project managers must therefore adopt a governance approach that reflects Ontario's "belt and braces" safety philosophy.

**Equipment and Rigging Controls**

Cobra Float and Limen Group illustrate how equipment and rigging failures remain among the deadliest hazards in Ontario construction. In Cobra Float, a worker was killed due to improper handling of heavy equipment, while Limen Group involved a fatality caused by lifting concrete blocks using embedded rebar, which is an inherently unsafe and prohibited method.

Project managers must enforce strict equipment control measures, including pre-start health and safety reviews (PSHSRs), documented inspection logs, manufacturer-based operating procedures, and technical sign-off by competent engineers when required. High-risk operations such as hoisting or crane work must only be performed by qualified riggers under the supervision of competent persons. PMs must ensure that equipment is used only for its intended purpose, that defective equipment is removed from service immediately, and that industry standards (such as CSA and IHSA guidelines) are built into site procedures. Failure to maintain these controls is repeatedly treated by courts as a foreseeable and preventable cause of fatal incidents.

### Documentation and Due Diligence Systems

Across every case analyzed, courts emphasized one factor: documentation. Employers that kept comprehensive records of training, inspections, corrective actions, and hazard assessments were more likely to succeed in due diligence defenses. Those who relied on informal practices or verbal assurances consistently failed.

Project managers must therefore develop a robust documentation system that includes safety meeting minutes, attendance logs, inspection forms, equipment checklists, incident reports, and corrective action tracking. Digital systems, such as Construction Safety Information Management Systems (CSIMS), provide centralized storage and enable rapid retrieval of evidence during investigations or audits. Documentation is not merely administrative formality; it is a legal shield. In the absence of written proof, courts assume that safety measures were not implemented.

### Continuous Auditing and Enforcement

Finally, sustained oversight is required to ensure compliance over the life of the project. Many incidents in the reviewed cases could have been prevented through routine inspections and enforcement. In Greater Sudbury, for example, the municipality conducted general oversight but failed to detect ongoing non-compliance such as missing barriers and signalers, which were factors central to the fatality.

Project managers must establish regular safety audits, daily inspections, supervisor walk-throughs, and compliance monitoring. These audits should be documented, and non-compliance must trigger immediate corrective action with deadlines and follow-up verification. Performance-based safety metrics can be integrated into contractor evaluations, payment holdbacks, and supervisory performance reviews. Continuous enforcement demonstrates active commitment to worker protection and strengthens an employer's due diligence position during regulatory or judicial scrutiny.

## Conclusion

Ontario's construction safety regime, anchored in the Occupational Health and Safety Act (OHSA), Ontario Regulation 213/91, and the Workplace Safety and Insurance Act (WSIA), is one of the most comprehensive legal frameworks for worker protection in Canada. However, recent judicial decisions show that strong legislation alone cannot prevent fatalities. The cases analyzed in this paper, including Metron, Vixman, Cobra Float, Limen Group, and R v Greater Sudbury, reveal recurring deficiencies in hazard anticipation, supervision, equipment control, and documentation. They also highlight the courts' increasing focus on overlapping employer duties and the expectation that every workplace party must exercise proactive and independent due diligence.

For project managers, these rulings offer clear guidance. Effective safety governance requires more than simple compliance checklists. It demands systematic planning, competent supervision, rigorous equipment management, and strong documentation practices. The Case-Based Framework presented in this paper translates these legal expectations into a practical model that supports consistent implementation across all project phases. By integrating hazard analyses during early planning, reinforcing competency and training systems, clarifying multi-party responsibilities, enforcing equipment and rigging controls, strengthening documentation standards, and maintaining continuous auditing, project managers can reduce risk while meeting statutory obligations.

Ontario's evolving jurisprudence reinforces the idea that safety is both a legal requirement and a managerial responsibility. Projects that embed safety within their governance structures not only protect workers but also improve productivity, strengthen stakeholder trust, and enhance organizational resilience. As construction methods and project delivery models evolve, future research may explore how digital technologies, real-time monitoring systems, and collaborative contracting can further support due diligence and improve compliance with Ontario's safety laws. A proactive and culture-driven approach to safety remains the most effective path to achieving sustainable and legally compliant project delivery in the province.

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