



## Statutory Liability

### Health & Safety at Work Act #2

The insured is a large commercial bakery. Its employee caught his arm in a pastry rolling machine causing fractures and bruising.

The insured was prosecuted under both Section 49 and Section 50 of the legislation. Section 49 – exposing the worker to a known hazard has the more serious penalties. Section 50 – failing to ensure the workers safety - the more common basis for prosecution.

Due to the potentially serious outcome for the insured under Section 49, VL engaged a highly experienced barrister to manage the defence. Upon further investigation, the Section 49 prosecution was eventually dropped.

In pre-sentencing submissions, the VL lawyer was successful in reducing the fine sought by the Department from \$60,000 to \$45,000. Reparations were set at \$17,000. Legal costs were more than \$25,000.

