Case In Point

Finding that Non-Worker Injury Reportable Under OHSA Overturned by Court of Appeal

Date: February 7, 2013

Today, the Court of Appeal for Ontario rendered its long anticipated decision in *Blue Mountain Resorts Limited v. Ontario (Labour)*. It overturned a finding of the Ontario Labour Relations Board, upheld on judicial review by the Divisional Court, that the drowning of a Blue Mountain hotel guest in the hotel's swimming pool was reportable under the *Occupational Health and Safety Act*, as that area was a "workplace" for the purposes of the Act.

The Court of Appeal adopted a purposive approach and held that the interpretation given to the applicable provision of the Act by the Board and the Divisional Court was unreasonable and would lead to absurd results.

Our *FTR Now* of February 8, 2013, "Court of Appeal for Ontario Clarifies Obligation to Report Injuries to Non-Workers" is now available.