



David Myrol, ICD.D, Partner

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David is a nationally recognized lawyer in Occupational Health and Safety (OHS) law. He practices almost exclusively in OHS law across Western Canada. He is a member of the Law Societies of Alberta, B.C., and NWT. He has consistently been named in Best Lawyers since 2008 and was named “Lawyer of the Year” by that publication in 2014 for Edmonton Labour and Employment. He also received an AV Rating by his peers in *Martindale Hubbell* – which is the highest rating available for that respected publication.

David is an experienced OHS trial lawyer having been involved in most of the leading OHS cases in Alberta. David was Alberta’s first designated OHS Crown Prosecutor where he headed a pilot project with Alberta Justice which still serves as the model for OHS prosecutions in Alberta. David is now a partner with McLennan Ross where he helps companies strategically respond to industrial accidents and defends them and their people against OHS charges.

David has a long list of credentials and publications. He is a trusted advisor to government and industry, a busy writer, lecturer and presenter on OHS issues throughout Canada. He is the Chair of the McLennan Ross OHS Practice Group, editor of the firm's electronic HSE Newsletter, Founding Chair of the National OHS Subcommittee for the Canadian Association of Counsel to Employers (CACE), former Board Member of CACE, member of the Canadian Bar Association Criminal Law Reform Committee, member of the Advisory Committee for the OHS Certificate Program at the University of Alberta, sessional instructor at the University of Alberta for the OHS Diploma Program, sessional instructor at the U of A Faculty of Engineering, and a director of the Alberta Safety Council.

David is known for his knowledge, insight and advice when responding to workplace incidents or defending against charges.

Education:

- LL.B., University of Alberta
- M.B.A., University of Alberta
- B.A., University of Alberta (*Honours*)

Awards and Recognition:

- Labour and Employment Law, *Best Lawyers® in Canada*, 2008 – 2020
- Leading Practitioner – Occupational Health & Safety, *Canadian Legal Lexpert Directory*
- Edmonton Labour & Employment Law Lawyer of the Year, *Best Lawyers® in Canada*
- Leading Business Lawyer - Labour & Employment Law, *Best Lawyers® in Canada*
- AV Distinguished Peer Review Rating with *Martindale-Hubbell*

Professional Associations, Affiliations and Community Activities:

- Advisory Board Member, International Competency Assessment Board
- Member, Canadian Bar Association Criminal Law Reform Committee
- Founding Chair, Canadian Association of Counsel to Employers Occupational Health and Safety Subcommittee
- Director, Alberta Safety Council
- Board Advisor, Safety Compliance Insider
- Member, University of Alberta Faculty of Extension Advisory Committee, OHS Law and Policy Program

EXPERIENCE

- Defends companies against OHS, environmental and other regulatory prosecutions.
- Provides preventive and crisis management advice to international, federal and provincial companies in Alberta, British Columbia, Saskatchewan and the Northwest Territories.
- Provides immediate in-depth advice to clients responding to workplace accidents.
- Represented an oilsands producer in Alberta facing OHS charges arising from the collapse of a steel structure resulting in multiple fatalities.
- Represented an employer facing OHS charges in Alberta arising from a propane explosion resulting in multiple fatalities.
- Represented a major oil & gas producer appealing a review before the British Columbia Workers'

- Compensation Appeals Tribunal in respect of a workplace accident involving the death of a worker.
- Represented a drilling company facing OHS charges in Alberta in respect of a well site explosion killing one worker.
 - Represented a major oil & gas producer facing prime contractor charges in Alberta resulting from the death of a contracted worker.
 - Represented an oilsands producer facing OHS charges in Alberta in respect of a fatality involving falling ice.
 - Represented a utilities company in Alberta facing OHS charges in respect of a fatality involving an electrocution by contact with an overhead power line.
 - Represented an oil & gas producer in *Alberta facing Fisheries Act* charges in respect of a release into a river.
 - Represented a major oil & gas producer in British Columbia facing environmental charges in respect of a chemical spill.
 - Represented a utilities company in the Northwest Territories facing *Safety Act* charges as an owner in respect of a workplace accident causing a leg amputation to a contracted worker.
 - Counsel to a chemical company involving an explosion resulting in multiple injuries to contracted workers.
 - Counsel to a major oil & gas producer in respect of a search warrant issued executed at their facility.
 - Represented an employer facing OHS charges in Alberta arising from the collapse of a mobile crane.
 - Represented a national telecommunications company in Alberta facing federal OHS charges arising from the death of a worker coming into contact with an overhead power line.
 - Head of Pilot Project for OHS Prosecutions Alberta, General Prosecutions; Alberta's First Designated OHS Crown Prosecutor; Developed Investigative Skills Training Program for government OHS Officers.
 - Defended charges under the *Occupational Health and Safety Act, Safety Act, Canada Labour Code, Transportation of Dangerous Goods Act, Fisheries Act, and Environmental Protection and Enhancement Act*.
 - Provided advice to municipalities, utility providers, telecommunications providers, and corporations with respect to a wide variety of OHS, regulatory, and environmental issues.
 - Represented a municipality in the Northwest Territories facing *Safety Act* charges in relation to a fire that resulted in two fatalities.

PRESENTATIONS

Ongoing

- Sessional Lecturer, University of Alberta, Faculty of Extension, OHS Diploma Program, Edmonton

and Calgary, 2005 to Present

- “Loss Prevention and Control for Executives”, Alberta Construction Safety Association Course, Ongoing Instructor

Recent

- “2020 Labour Law Year in Review”, McLennan Ross Seminar, 2021
- “Safe Work Strategies to Re-Open the Economy: How to Manage COVID-19 at Construction Sites and Beyond”, McLennan Ross, ACSA, COAA Webinar, 2020
- “Bill 30: New Occupational Health & Safety Legislation”, McLennan Ross Seminar, 2018
- “10 Common Due Diligence Errors Made by Companies and People”, OHS Insider, 2015
- “Understanding the OHS Legal Process in Canada”, University of Alberta, 2014
- “Leadership Lessons in the Aftermath of a Workplace Accident”, Canadian Association of Oilwell Drilling Contractors Fall Conference, 2014
- “Navigating the Complex OHS Regulatory Landscape”, Canadian Society of Safety Engineering, 2014
- “Managing the Unforeseeable”, Canadian Society of Safety Engineering, 2014
- “The Weakest Link”, Northern Alberta Institute of Technology, 2014
- “Alberta OHS Administrative Penalties and Tickets”, McLennan Ross Webinar, 2014
- “Ten Important Legal Things an NCSO Should Know”, Alberta Construction Safety Association, 2014
- “OHS Cases and Developments You Need to Know”, Canadian Association of Counsel to Employers Conference, 2013
- “COR Certification: A blessing or a curse”, OHS Insider Webinar, 2013
- “Convictions, Investigations and Cases”, Canadian Association of Oilwell Drilling Contractors, 2013
- “Recent Developments in OHS Law”, Canadian Bar Association Session, 2013
- “Technology and Due Diligence”, Enform Petroleum Safety Conference, 2013
- “Trends and Implications in OHS Law”, So You Think You Can Lead Conference, 2013
- “How Recent Changes to the Alberta OHS Act Affect Employers”, OHS Insider Webinar, 2013
- “OHS Year-In-Review”, McLennan Ross Webinar, 2013
- “Making Sense of Criminal Liability for Workplace Accidents in Canada”, Canadian Association of Oilwell Drilling Contractors (CAODC) - Red Deer, 2012
- “Interviewing Witnesses For Environmental and OHS Cases”, McLennan Ross Webinar, 2012
- “Why Do Some Companies Get Prosecuted By OHS?”, Residential Construction Industry Conference, 2012
- “Current OHS Legal Issues and Trends”, Association of General Counsel of Alberta Seminar, 2012
- “Occupational Health & Safety Year In Review”, McLennan Ross Webinar, 2012
- “Legal Requirements / Liability Issues Around Electrical Safety”, CSA Canadian Electrical Code and Electrical Safety Conference Series, 2011

- “Key Lessons from Recent Court Rulings on the Due Diligence Defence”, OHS Summit, 2011
- “How to Build Your OHS Compliance History”, OHS Summit, 2011
- “Contractor Obligations”, Alberta PetroChemical Safety Council, 2010
- “The Role of Communication in Contractor Management”, PSC Prairies, 2010
- “The Aftermath of a Workplace Accident”, Canadian Society of Safety Engineering Seminar, 2010
- “OHS Prosecutions: Bracing for the Hammer in Alberta”, McLennan Ross Webinar, 2010
- “Defence Counsel’s Sometimes Precarious Position In Providing Post-Accident Advice”, Canadian Association of Counsel to Employers, 2010
- “Occupational Health and Safety: Avoiding the Aftermath”, Association of School Business Officials Seminar, 2010
- “OHS Defence Considerations”, Red Deer Construction Association, 2010
- “The Aftermath of a Multiple-Employer Workplace Accident”, McLennan Ross Seminar, 2010
- “Straight Talk on OHS Prosecutions”, Canadian Bar Association, 2010

PUBLICATIONS

- “Alberta’s Occupational Health and Safety Code Survey Launches”, Katherine Hagan and David Myrol, *McLennan Ross E-Alert*, 2021
- “Making COVID-19 Vaccines Mandatory for Workplaces: an OHS Perspective”, David Myrol, *McLennan Ross E-Mail Alert*, 2021
- “Employer Successful in Alberta Court of Appeal OHS Decision”, David Myrol and Dave Foster, *McLennan Ross E-Mail Alert*, 2020
- “Bill 30 Receives Royal Assent”, David Myrol and Dan Bokenfohr, *McLennan Ross E-Mail Alert*, 2017
- “‘Proof Problems’ in Online Training Compromising Safety Education”, *Canadian Occupational Safety Magazine*, 2015
- “Random Drug, Alcohol Testing Takes Centre Stage”, *Canadian Oil & Gas Safety Magazine*, 2014
- “Safety Issues at Temporary Labour Camps”, *OHS Insider*, 2014
- “OHS Enforcement: Lessons from the Burns Lake Fire”, *McLennan Ross HSE Newsletter*, 2014
- “*R. v. Metron Construction Corporation*: Vicarious Criminal Liability for Mid-level Managers”, *Canadian Association of Counsel to Employers Conference*, 2013
- “The Canadian Approach to Corporate Criminal Liability in the Wake of *R. v. Transpavé*”, *Canadian Bar Association National Construction Law Conference*, 2008
- “The Impact of Post-Traumatic Stress Disorder on Witness Reliability and the Duty to Accommodate”, *Canadian Association of Counsel to Employers Conference*, 2007