

**Section 1**

**Reporting Month Statistics – Quick Overview**

Reporting Month	Fatalities	Critical Injuries	Total
January 2016	0	8	8

**Provincial Coordinators Comments**

**February 2016 PLMHSC Meeting**

January has been mild as far as January’s go, so far this year we haven’t had any construction fatalities. That is a great start.

However, I need to update the number of fatalities last year as one individual who was injured in November 2015 died a few days ago. The details are as follows “Worker fell through the roof of the factory on Nov 16/15. He succumbed to his injuries Jan 15/16.” He wasn’t a young worker, but like everyone else he had a family and people that loved him in the sad truth with any workplace death is that a single incident can affect dozens of people for many years after the death.

Not dwelling on the negative, we did receive good feedback from stakeholders both in the construction health and safety action plan, and the Safe at Work Ontario consultations. This feedback is being used to design focus enforcement actions for this fiscal year beginning April 1. The internal process that we use at Ministry of Labour requires sector plans to be approved by the divisional executive committee, the Assistant Deputy Minister and the Deputy Minister before I can release them to the section 21 committee. As soon as this information is available I will give the committee an update on our enforcement plans for the coming year.

Some of you may know Bill Roy, who was a construction health and safety inspector but, most recently has been a manager with the Central West region of the Ministry of Labour. Bill was the successful candidate in the recent competition for the Director, Strategy and Integration Branch, Prevention Office. Bill started his new role February 1, 2016.

With this warmer than average winter, and reduced cover of snow on the ground, conditions during excavations may be far more unstable than they would be in a typical winter situation. Special attention must be given to monitor trench and excavation walls for signs of cracks and instability. The use of engineered support systems and sloping reduces the risk to workers but vigilance is required.

As a follow-up to my report from last month I’ve heard from some stakeholders that they were surprised with some of the concerns and observations raised by MOL inspectors. In understanding the inspector feedback it is important to recognise that there is a large part of the construction industry that is not part of the PLMHSC network. At the Ministry of Labour, we believe that as much as 60% of the construction industry is not connected to labour-management network or the section 21 committee and its subcommittees.

Regardless of labour-management networks intentions and individual firm performance Ministry of Labour inspectors continue to encounter noncompliance on a frequent basis. Inspector feedback is a unique opportunity

for the construction industry to take a second look, not only at what the network is doing, but the greater and larger unorganized group of subcontractors and independent operators that also work in the province of Ontario. It is only when safety engagement cascades down all the way through the system all the way to the smallest independent operator the real and lasting change will occur in the construction industry. I believe that is the basis of the underlying message from inspectors, and I would be happy to discuss new ways that we might reach of this large unorganized sector.

Have a good month and let's all come home safely.

Michael Chappell

Provincial Coordinator

Construction Health and Safety Program

Ontario Ministry of Labour

## **Section 2**

### **MOL Current Events**

New video: inspectors are checking hygiene at construction sites. Wash your hands

<http://www.labour.gov.on.ca/english/gallery/index.php>

Best practices for building and operating roadways, working platforms on floating ice.

<http://www.ihsa.ca/Free-Products/Downloads/IHSA029-Best-Practices-for-Building-and-Working.aspx>

Ontario Taking Action to Protect Drill Rig Operators New Training and Safety Requirements To Improve Workplace Safety

[http://news.ontario.ca/mol/en/2015/12/ontario-taking-action-to-protect-drill-rig-operators.html?\\_ga=1.68248593.1085524359.1430853903](http://news.ontario.ca/mol/en/2015/12/ontario-taking-action-to-protect-drill-rig-operators.html?_ga=1.68248593.1085524359.1430853903)

De-rating of Mobile Cranes

[http://www.labour.gov.on.ca/english/hs/pubs/ib\\_cranes.php](http://www.labour.gov.on.ca/english/hs/pubs/ib_cranes.php)

Telescopic Handlers

[http://www.labour.gov.on.ca/english/hs/pubs/ib\\_telehandlers.php](http://www.labour.gov.on.ca/english/hs/pubs/ib_telehandlers.php)

Construction Projects (O. Reg. 213/91) as of January 1, 2016

[https://www.ontario.ca/laws/regulation/910213?\\_ga=1.97625559.932425925.1343331541](https://www.ontario.ca/laws/regulation/910213?_ga=1.97625559.932425925.1343331541)

Ontario Opens New Clinic For Work-Related Injuries In Ottawa

[https://news.ontario.ca/mol/en/2016/01/ontario-opens-new-clinic-for-work-related-injuries-in-ottawa.html?\\_ga=1.2024825.932425925.1343331541](https://news.ontario.ca/mol/en/2016/01/ontario-opens-new-clinic-for-work-related-injuries-in-ottawa.html?_ga=1.2024825.932425925.1343331541)

### Section 3

#### Case 1

Def #1: Phil Lindsay(*Supervisor*)

1) THAT, Phil Lindsay, , Georgetown, Ontario L7G 1P8, on or about the 21st day of July, 2013, at the City of Toronto, in the Toronto Region, in the Province of Ontario, did commit the offence of failing, as a supervisor, to ensure that a worker worked with the protective devices, measures and procedures required by section 135(1) of Ontario Regulation 213/91 at a project located at Sheppard Avenue East, Toronto contrary to section 27(1)(a) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The accused failed to ensure that a work platform was at least 460 millimetres wide; and/or had each of its components secured against slipping from its supports; and/or did not have any unguarded openings.

Def #2: Harold Epp (*Supervisor*)

4) AND FURTHER THAT, Harold Epp, St. Catharines, Ontario L2R 6P9, on or about the 21<sup>st</sup> day of July, 2013, at the City of Toronto, in the Toronto Region, in the Province of Ontario, did commit the offence of failing, as a supervisor, to ensure that a worker worked with the protective devices, measures and procedures required by section 135(1) of Ontario Regulation 213/91 at a project located at Sheppard Avenue East, Toronto contrary to section 27(1)(a) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The accused failed to ensure that a work platform was at least 460 millimetres wide; and/or had each of its components secured against slipping from its supports; and/or did not have any unguarded openings.

#### Facts in Support of Conviction

In July of 2013, the Toronto Transit Commission was engaged in an upgrade at its Malvern Garage Bus Washrack at Sheppard Ave. East, in the City of Toronto. The constructor – Matheson Constructors Limited (“Matheson”) – had contracted with Harold Epp, who was operating a construction company under the name of Hepp Contractors, to assist in the construction of formwork and the pouring of concrete to construct a new floor for the bus wash facility. This was a “project” as defined in the Occupational Health and Safety Act (“OHSA”), and so the provisions of the Construction Regulation (Ont. Reg. 213/91) applied. Phil Lindsay was the site superintendent for Matheson on the project. He was a “supervisor” as defined in the OHSA.

Part of the project involved construction of a 40 inch deep trench, to be surrounded by concrete surfaces. The trench was to facilitate the run-off of water used in the wash bays. To allow workers to move between the areas containing rebar to receive the concrete, and to allow

workers to do work relating to the concrete pour, a series of wooden crosspieces had been laid across the 2'11" wide trench, and a number of pieces of 2"x8" or 2"x 10" planking had been laid on those crosspieces to create a work surface.

The planks were not secured in any way, and were moved lengthwise down the 110'9" distance of the trench as concrete work progressed.

On Sunday, July 21, 2013 AH was one of the employees of Mr. Epp on the site preparing for a concrete pour for the surfaces adjoining the trench. He was a "worker" as defined in the OHSA.

At about 1:50 pm, Mr. H was working with Mr. Lindsay and was requested by Mr. Lindsay to locate a particular tool. Mr. H utilized the planks over the trench to go to the area containing the requested tool. As he stepped from the planking to the rebar of the adjoining area, he slipped and fell through openings in the planking surface into the trench below. He sustained a fracture to his arm and extensive bruising to his leg and pelvis.

Mr. Epp was on site at the time of the incident, and was aware of the physical characteristics of the work surface over the trench.

At the location where the incident occurred, the planks did not form an 18" (460 mm.) wide platform, there were unguarded gaps and holes in the coverage of the trench, and the planks were not secured against slipping, all three conditions being contrary to the requirements of section 135(1) of the Construction Regulation.

**Sentencing Information:**

Sentence (per count): count 1 – \$2,000 + 25% VFS  
count 2 – \$3,000 + 25% VFS

**Case 2**

Def #1: Matheson Constructors Limited

Def #2: Phil Lindsay

Def #3: Karl Jedan

Def #1: Matheson Constructors Limited

1) Matheson Constructors Limited, Creditstone Road, Suite #201, Concord, ON L4K 3Z2, or on about the 19<sup>th</sup> day of August, 2013, at the City of Toronto in the Toronto Region, in the Province of Ontario, did commit the offence of failing, as a constructor, to ensure that the safety of workers was protected on a project it had undertaken at Sheppard Ave. East, Toronto, contrary to section 23(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The accused failed to protect two workers working from an elevated work platform (scissor lift) from the hazard of an overhead garage door contacting the platform/lift.

Def #2: Phil Lindsay

2) And Further That Phil Lindsay, Georgetown, Ontario L7G 1P8, on or about the 19th day of August, 2013, at the City of Toronto in the Toronto Region, in the Province of Ontario, did commit the offence of failing, as a supervisor, to take every precaution reasonable in the circumstances for the protection of a worker, contrary to section 27(2)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The accused failed to take the reasonable precaution of ensuring that an overhead garage door could not contact an elevated work platform (scissor lift) upon which two workers were working.

Def #3: Karl Jedan

3) And Further That Karl Jedan, West Gwillimbury, Ontario L0L 1L0, on or about the 19th day of August, 2013, at the City of Toronto in the Toronto Region, in the Province of Ontario, did commit the offence of failing, as a supervisor, to take every precaution reasonable in the circumstances for the protection of a worker, contrary to section 27(2)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

Particulars: The accused failed to take the reasonable precaution of ensuring that an overhead garage door could not contact an elevated work platform (scissor lift) upon which two workers were working.

## Facts in Support of Guilt

Matheson Constructors Limited is an Ontario corporation, properly registered as such. At all material times it was a “constructor” as defined in the Occupational Health and Safety Act (“OHSA”). In August of 2013 it was engaged in a project at the Malvern Garage of the Toronto Transit Commission (“TTC”), involving the upgrade of an automatic bus wash in the building. The garage is located at Sheppard Ave. East, in Toronto. This was a “project” as defined in the OHSA.

Part of the project involved insulating an overhead water pipe which passed through the maintenance garage to the bus wash area.

Plumbing portions of the project were subcontracted by Matheson to KEM Khider Electromechanical Inc. (“KEM”), which in turn subcontracted insulating work to Komenda Contracting Corp. (“Komenda”). On Monday, August 19, 2013 Komenda had two workers at the project – MG and KK the brother of the company president). Both were “workers” as defined in the OHSA. It was the first day on the job for both workers. Mr. B had been hired by Komenda on the Friday three days previous.

On that day, August 19, Phil Lindsay was the project’s site superintendent for Matheson. Karl Jedan was the assistant superintendent for Matheson. Both were “supervisors” as defined in the OHSA.

Mr. B and Mr. K received an orientation from Mr. Lindsay at the site in the morning. Mr. Lindsay informed a Ministry of Labour investigator that lockout procedures were not discussed with the two workers. The two workers began work insulating the overhead pipes in a mechanical room in the garage. They continued their work and followed the pipes into a large garage space.

An overhead door in the garage was in an open position. The door, upon opening, curved along tracks to rest over an entry bay, allowing the entry of buses into the maintenance area. The workers continued their insulation work until they reached the open overhead door, which blocked their progress. The workers were working from a self-propelled elevating work platform, commonly referred to as a scissor lift. They were protected from falling by the guardrail of the platform and the wearing of harnesses tethered to the platform.

The two workers approached Mr. Jedan shortly after 10:00 am regarding the overhead door obstacle. They were unable to operate the door. A TTC foreman had turned the door controls off. Mr. Lindsay had by that time left the site. The instruction from Mr. Jedan was to not touch TTC equipment and to not go near the door, that only TTC personnel could operate mechanical equipment, and that he (Mr. Jedan) would make arrangements with the designated TTC Inspector. A supervisor from KEM also spoke to Mr. Jedan half an hour later about the same issue. The KEM supervisor was told by Mr. Jedan to follow TTC policy and to find the TTC Inspector to have the door lowered. The KEM supervisor was unable to locate the TTC Inspector so he instructed the workers to continue working away from the door.

The workers continued working on the pipe near the door. At 12:58 the door was lowered half way by a TTC employee (not the designated TTC Inspector) at the request of the workers. The TTC employee did not lock out the controls to the door. The TTC employee did not consult the designated TTC Inspector about the lowering of the door or locking it out. Lock out is a means of preventing power from being applied to a piece of equipment, thereby ensuring it cannot be set in motion. All affected workers apply a physical lock to the prevention mechanism to ensure no worker is endangered by movement of the equipment. Matheson was required by its contract with the TTC to follow the TTC's lockout procedure. The TTC's lockout procedure required that the TTC's Representative authorize and carry out any lockout of any TTC equipment, including the subject overhead door. The TTC employee who lowered the door at the workers' request did not follow the TTC lockout procedure. Matheson Constructors, Mr. Lindsay, or Mr. Jedan did not ensure that the TTC lockout procedure was completed.

Upon lowering of the door the scissor lift was moved into a position behind the door. At 1:04 pm a mechanic pushed a cart through the open doorway, triggering an electric eye mechanism on the door and causing it to open. There were indications that the door may have been malfunctioning on the day of the incident. TTC employees had observed the door close on its own, without any control input, on a previous occasion on the day of the incident. A couple of weeks previously, TTC workers tried to close the door with the door controls and it would not move.

The door opened, striking the scissor lift as it rolled along the overhead track. A TTC employee tried to stop the opening of the door at the time of the incident, but the door did not stop in time when the "stop" button was pushed. The scissor lift was knocked over, with both workers falling to the concrete floor some twenty feet below. Mr. B suffered blunt head trauma injuries and died four days later as a result. He was fifty years old. Mr. K suffered broken bones in his hand and foot.

Sentencing Information:

Sentence (per count): count #1 – \$125,000 + 25% VFS  
count #2 – \$4,000 + 25% VFS  
count #3 – \$4,000 + 25% VFS

Case 3

PANORAMIC PROPERTIES INC.

Def #1:

(1) THAT, Panoramic Properties Inc., 9582 Beaverdams road, Niagara Falls, Ontario, L2E 6S4, on or about September 3rd, 2014, at the City of Sudbury, in the North East region of the Province of Ontario, did commit the offence of failing, as a constructor, to ensure the measures and procedures prescribed by section 26.3(1) of Ontario Regulation 213/91, as amended, were carried out at a project located at Nesbitt Drive, Sudbury, Ontario, contrary to section 23(1)(a) of the Occupational Health and Safety Act, RSO 1990, c.O.1., as amended.

**Facts in Support of Guilty**

1. Panoramic Properties Inc., (the “Defendant”) is a provincially incorporated company. The Defendant corporation was in existence at all material times to this prosecution and is currently in existence. The Defendant’s registered head office is located at 9582 Beaverdams Road, Niagara Falls, Ontario L2E 6S4.
2. The Defendant was contracted to add three apartment buildings (Buildings D, E, and F) to an existing building located at Nesbitt Drive, Sudbury, Ontario. The Defendant is listed as a “constructor” as defined by the *Occupational Health and Safety Act* and the work being performed was a “project” within the meaning of the *Act*.
3. The Notice of Project filed with the Ministry of Labour indicated that the Defendant employed approximately 1-5 workers.
4. On September 3, 2014, a worker employed by the Defendant with security duties, was conducting security checks in the three apartment buildings. While the worker was told not to go into Building D as a result of the construction progress of the noted building, the worker entered this building to conduct a security check. The worker fell through the entry opening into the building that was not guarded by any guardrails. The worker was unable to recall whether the fall took place in an open elevator shaft or open stairwell. The fall resulted in serious injuries including nine fractured ribs, a broken wrist, a punctured lung, and cuts and bruises.
5. On September 22, 2014, a Ministry of Labour Inspector conducted an investigation after having received a report of the incident. The Inspector determined that both the elevator shaft and stairwell were not guarded by guardrails and exposed workers to a fall hazard of more than 2.4 metres.
6. Therefore, the Defendant failed to ensure that the measures and procedures prescribed by section 26.3(1) of Ontario Regulation 213/91, were carried out at a workplace, contrary to section 23(1)(a) of the *Act*.

**Sentencing Information**

Sentence (per count): \$60,000



**Section 4**

**Fatality & Critical Injury Year-to-Date Overview - Construction Sector**

	<b>2016</b> 1 <sup>st</sup> January – 31 January 2016	<b>2015</b> 1 <sup>st</sup> January – 31 January 2015 comparison with same time period last year
<b>Fatalities</b>	<b>0</b>	<b>0</b>
<b>Critical Injuries</b>	<b>8</b>	<b>8</b>

*\* NOTE: These figures represent preliminary data, and are not to be considered official statistics from the Ministry of Labour. Official statistics will be issued quarterly by the Program Analysis, Evaluation and Outcomes Unit of the Occupational Health and Safety Branch of the Ministry of Labour.*

**REPORTING MONTH: 1<sup>st</sup> – 31 January 2016 Monthly Summary Report**

**January 2016 Fatalities (0)**

*NOTE: Data are subject to change due to updates in the enforcement database. Only events reported to the ministry are included here. Except for fatalities, event categories in the ministry's data set are based on what was assigned at the time of the initial report to the ministry. The reported event category may not represent what actually occurred at the workplace.*

Brief Summary	
NOTE: These entries are in ascending date order (i.e. 1st to 31st) not sector order. See Section 5 for additional entry details.	
By Sector	

**January 2016 Critical Injuries (8)**

*NOTE: Data are subject to change due to updates in the enforcement database. Only events reported to the ministry are included here. Except for fatalities, event categories in the ministry's data set are based on what was assigned at the time of the initial report to the ministry. The reported event category may not represent what actually occurred at the workplace.*

By Sector	<ul style="list-style-type: none"> <li>• 3: Single Family Housing (RESS)</li> <li>• 1: Institutional Building Construction (INST )</li> <li>• 1: Commercial Building Construction (COMM)</li> <li>• 2: Multiple Family Housing (RESM)</li> <li>• 1: Industrial Building (INDU)</li> </ul>
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**Section 5**

**Fatality & Critical Injury Year-to-Date Summaries\*- Construction Sector**

\*All new entries (current month and reconciled data) appear in **bold**.

NOTE: Some detail will inevitably be missing from the PLMHSC Report. The document is intended to provide an initial overview, not a comprehensive report. Annual data reporting approved by the Director should be used by stakeholders if they wish to see all data available to the Ministry related to an event.

**Fatalities Year-to-Date Summary: 1<sup>st</sup> January to 31<sup>th</sup> January 2016.**

**Total Year-to-Date Fatalities: 0**

#	Date of Incident	Region	Sector	Age	Occupation	Details (as reported to MOL)

**Critical Injuries Year-to-Date Summary: 1<sup>st</sup> January – 31<sup>th</sup> January 2016**

**Total Year-to-Date Critical Injuries: 8**

Note: Reconciled data appears in bold

#	Date of Incident	Region	Sector	Occupation	Details (as reported to MOL)
1	05-Jan-16	Central East	INST	Worker	Worker fell 4 metres from scaffold, sustain broken leg
2	09-Jan-16	Central East	INDU	Worker	Worker fell while installing new commercial oven chimney. Struck head – loss of consciousness
3	14-Jan-16	Central West	RESS	Worker	Worker fell 7 metres from scaffold, loss of consciousness & broken pelvis
4	18-Jan-16	Central East	RESS	Worker	Worker struck by material that fell of a truck, sustained broken leg.
5	20-Jan-16	Central East	RESM	Worker	Worker jumped from malfunctioning swing stage, sustained broken leg.
6	20-Jan-16	Western	COMM	Worker	Worker struck by material – loss of consciousness.
7	20-Jan-16	Eastern	RESM	Worker	Worker fell > 1 metre – broken leg and loss of consciousness
8	21-Jan-16	Central West	RESS	Worker	Worker fell from ladder, broken leg

\*tbd: to be determined