

Section 1

Reporting Month Statistics – Quick Overview

Reporting Month	Fatalities	Critical Injuries	Total
February 2016	0	4	4

Provincial Coordinators Comments

March 2016 PLMHSC Meeting

Two months into the year things are moving along smoothly, no workers have died and that is a good thing. We all want to have workplaces that are safe for all workers and ultimately the quest for zero workplace injuries is something we look forward to.

At last month's PLMHSC meeting there was table talk about measuring the effectiveness of government measures that are put in place. In other words it's not just about doing something, it is about measuring if that's something actually is having an impact. I understand the concern, and in fact is one of the things that I spend a considerable amount of time considering when developing blitz targets or enforcement strategies. MOL inspectors ask themselves the same thing when they return to a workplace observing the same contraventions for which they had issued orders weeks earlier.

What does it take to make real and lasting changes? Is the question simply so large that it cannot be answered in a simple way? Perhaps the real issue with this, in construction especially, lies in the dynamics of the ever-changing workplace and the rotation of workers through that workplace. It makes it far more challenging to control, and the application of recognized Occupational Health & Safety strategies and systems more difficult. For example read the quote below:

“Zero Harm” is a “do not” target. “Do” targets are possible, while “do not” is often impossible. The focus should be on aspects like “the best available and reasonable safety practices”, or “improved measures” or “better hazard/ risk identification.” These are things that can be done. If you tell me “do not get injured”, I am going to ask you “How will I not get injured?” What will your answer be? (If you do have an answer, I bet it will probably be a list of things I should DO.) – Wynand Serfontein – 2014

This is an interesting idea, but it reads somewhat negative in that it implies the impossibility of a workplace with zero injuries. At the same time focusing on what we should not do, is a little like a parent lecturing a child from birth until they leave home about the perils of world to avoid and then being surprised when their child is unable to live in that world because they have not been taught to function and interact with other humans on the planet.

In the same way, measuring safety performance by counting injuries is a little like measuring the effectiveness of your parenting skills by counting the number of times you discipline your child. It misses the point and real improvements are ignored at the cost of focusing only on the negative consequences.

For those of us that have been involved in Occupational Health & Safety for many decades, one of the biggest challenges is keeping the message fresh, in talking to the next generation, and not appearing to be a relic from the past focused on doom and gloom and essentially appearing to say “the sky is falling” like the popular children’s fable.

There have been real and positive gains and those gains are at risk if we cannot adapt the message to the next generation, if we cannot break the cycle of being focused on the negative and look forward to how we can create a positive workplace.

If we are simply focused on that one accident, or avoiding regulatory prosecution we miss the real opportunity to create, to establish, to inspire new workers in a way to carry the torch of safety forwards.

That is a real challenge we face: not counting errors.

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

De-rating of Mobile Cranes

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

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

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

Section 3

Case 1

Def. #1: Streetcar Construction Ltd.

Def. #2: Scafom Canada Inc.

Def. #1: Streetcar Construction Ltd.

(1) THAT STREETCAR CONSTRUCTION LTD., 510 King St. East, Suite 310, Toronto, Ontario, M5A 1M1, on or about the 19th day of July 2010, 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 measures and procedures prescribed by subsection 44(3)(e) of O. Reg. 213/91, as amended, were carried out at a project located at King Street, Toronto, Ontario, contrary to subsection 23(1)(a) of the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, as amended.

Particulars: The defendant failed to ensure that warning signs were posted where there was a potential hazard from an energized overhead electrical conductor of 750 or more volts.

Def. #2: Scafom Canada Inc.

(2) AND FURTHER THAT, SCAFOM CANADA INC., 19 Delta Park Blvd., Brampton, Ontario, L6T 5E7, on or about the 19th day of July 2010, at the City of Toronto, in the Toronto Region, in the Province of Ontario, did commit the offence of failing, as an employer, to ensure that the measures and procedures prescribed by subsection 44(3)(e) of O. Reg. 213/91, as amended, were carried out, at a workplace located at King Street East, Toronto, Ontario, contrary to subsection 25(1)(c) of the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, as amended.

Particulars: The defendant failed to ensure that warning signs were posted where there was a potential hazard from an energized overhead electrical conductor of 750 or more volts. 6

Conviction Information: Streetcar Construction Ltd.

Facts in Support of Guilty Plea / Conviction or Reasons for Acquittal:

1. The Defendant admits the facts that are contained in count no. 1 of the Information.
2. Streetcar Construction Ltd. [Streetcar Construction] is a construction company. Its address is 510 King St. East, Suite 310 in Toronto. Streetcar Construction employs approximately 69 workers and additional sub-trades.
3. On July 19, 2010, Streetcar Construction was the constructor a new construction project - a 7 storey mixed use residential condominium complex - located at King Street East in Toronto.
4. On that day, Mr. James M and 4 co-workers, all employed by a sub-contractor, were in the process of dismantling a 5 storey metal scaffolding system on the north side of the project. Mr. M and his co-workers were dismantling the scaffolding system by hand. A worker would stand on each of the 5 levels. The worker on the top level would take the top level scaffolding apart piece by piece and hand it down to the worker on the next level (level 4) who would then hand it down to the worker on the next level (level 3) and so on until it got to the worker on the ground.
5. At the time of the incident, Mr. M was lowering a metal ladder from level 3 to the worker on level 2 when the ladder made contact with an overhead electrical conductor (a 13,800 volts power line). The ladder became energized. Mr. M was knocked unconscious receiving burns to his arms, face and chest. He was transported by ambulance to St. Michael's hospital.
6. The Ministry of Labour was notified of the incident and its investigation found that there were no warning signs posted in accordance with s. 44(3)(e) of O. Reg. 213/91
7. Accordingly, Streetcar Construction failed in its duties as a constructor as set out in s. 23(1)(a) of the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1.
8. This is the first offence for Streetcar Construction.

Sentencing Information: Streetcar Construction Ltd.

Date of Sentence: June 28, 2012

Sentence (per count): \$30,000 + 25% VFS

Conviction Information: Scafom Canada Inc.

Facts in Support of Guilty finding

1. The Defendant admits the facts that are contained in count no. 2 of the Information.
2. Scafom Canada Inc. [Scafom] is a company that builds scaffolds. Its address is 19 Delta Park Blvd. in Brampton. Scafom employs approximately 45 workers.
3. On July 19, 2010, workers of Scafom were dismantling a scaffold at a project located at King Street East in Toronto.
4. On that day, Mr. James M and 4 co-workers, all employed by Scafom, were in the process of dismantling a 5 storey metal scaffolding system on the north side of the project. Mr. M and his co-workers were dismantling the scaffolding system by hand. A worker would stand on each of the 5 levels. The worker on the top level would take the top level scaffolding apart piece by piece and hand it down to the worker on the next level (level 4) who would then hand it down to the worker on the next level (level 3) and so on until it got to the worker on the ground.
5. At the time of the incident, Mr. M was lowering a metal ladder from level 3 to the worker on level 2 when the ladder made contact with an overhead electrical conductor (a 13, 800 volts power line). The ladder became energized. Mr. M was knocked unconscious receiving burns to his arms, face and chest. He was transported by ambulance to St. Michael's hospital.
6. The Ministry of Labour was notified of the incident and its investigation found that there were no warning signs posted in accordance with s. 44(3)(e) of O. Reg. 213/91
7. Accordingly, Scafom failed in its duties as an employer as set out in s. 25(1)(c) of the *Occupational Health and Safety Act*, R.S.O. 1190, c.O.1.
8. This is the first offence for Scafom.

Sentencing Information: Scafom Canada Inc.

Sentence (per count): \$20,000 + 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 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 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

Def. #1: Solmar Homes Inc.

Def. #2: Donald Collins c.o.b. as Double D. Construction

Charges

Def. #1: Solmar Homes Inc.

1) Solmar Homes Inc., 122 Romina Dr., Concord, Ont., L4K 4Z7, on or about the 23rd day of March, 2013, at the Town of Niagara on the Lake, in the Central West Region of the Province of Ontario, did commit the offence of failing, as a Constructor, to ensure that every part of a structure was designed and constructed to resist all loads and forces to which it is likely to be subjected without exceeding the allowable unit stress for each material used, contrary to s. 31(1)(a) of Ont. Reg. 213/91, at a workplace located at York Rd., Niagara on the Lake, Ontario, contrary to s.23(1)(a) of the Occupational Health and Safety Act, R.S.O., 1990, c.O.1, as amended.

Def. #2: Donald Collins c.o.b. as Double D. Construction

2) Donald Collins, c.o.b. as Double D. Construction, 2158 Chiefswood Rd. RR2 Oshweken, Ont., N0A 1M0, on or about the 23rd day of March, 2013, at the Town of Niagara on the Lake, in the Central West Region of the Province of Ontario, did commit the offence of failing, as an Employer, to ensure that every part of a structure was designed and constructed to resist all loads and forces to which it is likely to be subjected without exceeding the allowable unit stress for each material used, contrary to s. 31(1)(a) of Ont. Reg. 213/91, at a workplace located at York Rd, Niagara on the Lake, Ontario, contrary to s. 25(1)(e) of the Occupational Health and Safety Act, R.S.O., 1990, c.O.1, as amended.

3) And further that, Donald Collins, c.o.b. as Double D. Construction, 2158 Chiefswood Rd. RR2 Oshweken, Ont., N0A 1M0, on or about the 23rd day of March, 2013, at the Town of Niagara on the Lake, in the Central West Region of the Province of Ontario, did commit the offence of failing, as an Employer, to comply with the terms of s. 32(2)(a) of Ontario Regulation 213/91, at a workplace located at 494 York Rd, Niagara on the Lake, Ontario, contrary to s. 25(1)(e) of the Occupational Health and Safety Act, R.S.O., 1990, c.O.1, as amended

4) And further that, Donald Collins, c.o.b. as Double D. Construction, 2158 Chiefswood Rd. RR2 Oshweken, Ont., N0A 1M0, on or about the 23rd day of March, 2013, at the Town of Niagara on the Lake, in the Central West Region of the Province of Ontario, did commit the offence of failing, as an employer, to comply with the terms of s. 134(1) of Ontario Regulation 213/91, at a workplace located at 494 York Rd, Niagara on the Lake, Ontario, contrary to s. 25(1)(e) of the Occupational Health and Safety Act, R.S.O.,1990, c.O.1, as amended

Conviction Information: Solmar Homes Inc.

Facts in Support of Guilty Plea / Conviction

1. Solmar Homes Inc. (“Solmar”) was, at all material times a validly subsisting corporation.
2. Solmar was, at all material times, a constructor as defined by the *Occupational Health & Safety Act* (“OHSA”). Solmar is a small company with approximately 20 workers and operates as a building contractor.
3. At all material times, Solmar was engaged in a project, as defined by the OHSA, in the vicinity of York Road, Niagara-On-The-Lake, Ontario. The project consisted of constructing a façade for a sales office to be located in a proposed subdivision.
4. Solmar contracted with Donald Collins, c.o.b. as Double D. Construction, to perform framing related duties on the project. Donald Collins was the owner and operator of Double D. Construction and the supervisor of Double D. Construction’s employees.
5. On March 23, 2013, at the request of Solmar, Double D. Construction was asked to attend the project to increase the size of the canopy over the front entrance to the sales office. Donald Collins assigned two workers to complete the task.
6. At approximately 1:30 p.m., the two employees of Double D. Construction were injured when the structure upon which they were working collapsed.
7. As such, an investigation determined that Solmar failed as a constructor to ensure that every part of a structure, specifically a temporary platform constructed by Double D. Construction, was designed and constructed to resist all loads and forces to which it is likely to be subjected, contrary to s. 31(1)(a) of Reg. 213/91, contrary to s. 23(1) of the OHSA.

Sentencing Information

Date of Sentence: September 9, 2015

Sentence (per count): \$15,000 + 25% VFS

Sentencing Information Double D Construction

Sentence (per count): \$3,335 each count

Section 4

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

	2016 1 st January – 29 February 2016	2015 1 st January – 28 February 2015 comparison with same time period last year
Fatalities	0	0
Critical Injuries	14	??

** 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: 1st – 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	

February 2016 Critical Injuries (4)

(till Feb. 25th)

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"> • 1: Single Family Housing (RESS) • 2 : Road Building (ROAD) • 1: ??? (to check out)
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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: 1st January to 29th February 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: 1st January to 29th February 2016

Total Year-to-Date Critical Injuries: 14 [Add the additional 6 from Jan. 28 to Feb. 25 with the first two bolded]

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
9	28-Jan-16	Central East	RESM	Worker	Worker is a plumber working on a 6ft ladder, second rung from bottom, making his way down and he fell backwards. Worker couldn't remember where he landed. An investigation confirmed that he lost consciousness.

MOL Report to PLMHSC – Construction Sector – March 2016 Meeting

10	28-Jan-16	Hamilton	BRID	Worker	Worker was wearing a full body harness, tied off with one lanyard to a fixed point at the time; worker walked further than he could with the lanyard, lost his balance and fell approx. 6 feet. Co-worker (health and safety rep) drove injured worker to Joseph Brant Hospital. IW had sustained a high ankle break
11	04-Feb-16	Toronto (W)	ROAD	Worker	Caller alleges worker at this site (road work) was on top of a trailer pushing hot mix to the back of the trailer when he missed a step and fell to the ground; caller alleges he landed on his left arm; they drove him to Trillium Hospital where he was advised he fractured his left humerus; no loss of consciousness
12	10-Feb-16	Central West	ROAD	Worker	Worker was struck by a vehicle and taken to the hospital. IW sustained a punctured lung and several broken ribs.
13	22-Feb-16	Western	RESS	Worker	Caller reports that a worker slipped on piece of plywood falling approx. 7 feet sustaining a broken leg
14	23-Feb-16	Central West	COMM	Worker	Worker retrieving tool out of back of truck twisted and then his back went into spasm. Worker indicated that he was leaving because of back pain. When worker got to lower level and getting of elevator worker is said to have sustained a LOC for a few seconds. Worker later drove home then was taken to hospital to seek medical attention.