

**Section 1**

**Reporting Month Statistics – Quick Overview**

Reporting Month	Fatalities	Critical Injuries	Total
March 2016	1	6	7

**Provincial Coordinator’s Comments**

**April 2016 PLMHSC Meeting**

This month as we transition from winter into more spring like weather there are environmental hazards that are easy to become complacent about but can be a fatal risk to workers.

The Ministry of Labour is issuing a hazard alert to remind employers and constructors of the need to ensure that overhead ice accumulations are removed in a timely way and to protect workers from overhead ice hazards.

Similarly as a ground thaws and frost dissipates, there is a period of several weeks where standing water cannot percolate into the groundwater table, and otherwise stable ground becomes mucky, slippery and unstable. Special care must be taken to protect workers who are working in trenching and underground situations, as well as ensuring that access and egress to work areas is kept free of mud and slippery material.

This year as part of our overall enforcement plan, MOL will be conducting to several initiatives lasting for the entire year. The first initiative is with respect to fall hazards, and this will be focused on falls from heights. The second initiative pays special attention to the focus and function of the internal responsibility system on a construction project.

Stakeholders are reminded that the internal responsibility system is especially challenging on a construction project where the main decision-making authority can be off-site and may not attend the project on a frequent basis. The owners, directors, managers in general supervisors of construction must ensure that they have an accountability system in place to ensure that workplace safety is maintained and that workers have an opportunity to have their health and safety complaints heard and acted on. MOL inspectors will be paying special attention to employers who cannot demonstrate that there is a reliable and engaged system between the workplace parties on a project and the head office.

This year MOL will also be undertaking three focused blitz activities.

The first blitz running from May 15 until July 15 is focused on falls from height, and this will be a system-wide effort involving the industrial, health-care, mining, and construction programs. Further material will be released in the near future; however as a heads up, we will be undertaking a no tolerance intervention where fall hazards are uncontrolled, and there are contraventions of the regulations.

Our second blitz of the year from August 1 to September 30 is focused on mobile cranes, and rigging practices. We will be paying special attention to: de-rated cranes that may be operated by unqualified operators, hoisting being carried out in an unsafe manner with improper rigging or missing taglines and, cranes where maintenance records are not available or out of date.

Our third blitz of the year, from November 1 to December 31, is focused on electrical hazards. This will include specific attention to: the qualification of workers undertaking electrical work, compliance with the electrical sections of the regulation, limits of approach for overhead electrical hazards and, the supervision of workers. Additionally we will be looking at ergonomic risks of workers who undertake electrical work, and making sure that, wherever possible, mechanical assistance is provided, safe lifting techniques are utilized, and where ladders are used that workers are not over-stressing, or overreaching as a normal part of their activities.

Safety is not a state of mind that is unchanging, safety is one of vigilance, perseverance and respect for each other. We have experienced tremendous improvement in construction safety and together we can move that bar even further.

Let's work together to make that happen.

Mike Chappell

Provincial Coordinator

Construction Health and Safety Program

Ontario Ministry of Labour

## **Section 2**

### **MOL Current Events**

New Requirements for Joint Health and Safety Committee Certification

[http://www.labour.gov.on.ca/english/news/2016/bul\\_jhscert20160301.php](http://www.labour.gov.on.ca/english/news/2016/bul_jhscert20160301.php)

The Changing Workplaces Review

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

Awareness Campaigns Target Working At Heights, Residential Roofing (MOL What's New March 2016 | Issue #70)

<http://www.labour.gov.on.ca/english/about/pubs/whatsnew/march2016.php>

Workplace fatalities (MOL What's New March 2016 | Issue #70)

<http://www.labour.gov.on.ca/english/about/pubs/whatsnew/march2016.php>

Joint Health and Safety Committees (MOL What's New March 2016 | Issue #70)

<http://www.labour.gov.on.ca/english/hs/topics/certification.php>

Radon in the workplace (MOL What's New March 2016 | Issue #70)

[http://www.labour.gov.on.ca/english/hs/pubs/gl\\_radon.php](http://www.labour.gov.on.ca/english/hs/pubs/gl_radon.php)

Steps For Life (MOL What's New March 2016 | Issue #70)

<http://stepsforlife.ca/get-involved/register>

Ministry of Labour Recruitment – Industrial Inspectors

<http://www.labour.gov.on.ca/english/about/jobs/recruitment.php>

Alert: Temporary Aluminum Guard Rail Post Assembly (Nov 2015)

<http://www.labour.gov.on.ca/english/hs/pubs/alerts/c27.php>

Alert: Unguarded Rotating Trolley Track Hoist Drums (Nov 2015)

<http://www.labour.gov.on.ca/english/hs/pubs/alerts/c26.php>

Golf Ball Retrieval: Diving Regulation Requirements (Oct 2015)

[http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs\\_golfballs.php](http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs_golfballs.php)

### **Section 3**

#### **Case 1**

Varcon Construction Corporation

Charges:

**Defendant #1:**

**Varcon Construction Corporation, on or about the 25th day of April, 2014, at the City of Brampton, in the Central West Region, in the Province of Ontario, did commit the offence of failing, as an employer, to ensure that the measures and procedures prescribed by s. 37(1) of Ontario Regulation 213/91 were carried out in a workplace located at the intersection of Chinguacousy Road and Mayfield Road in Brampton, Ontario, contrary to section 25(1)(c) of the *Occupational Health and Safety Act R.S.O. 1990, c. O.1, as amended.***

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

1. Varcon Construction Co. Ltd. (hereinafter Varcon) is and has been at all material times a valid subsisting Ontario Corporation. Varcon is an employer of workers who engage in construction in the province of Ontario.
2. On or about April 25, 2014 the corporation employed approximately 23 workers at a construction project, a watermain installation construction project taking place at and along Mayfield Road in the City of Brampton.
3. On that date, numerous activities were taking place at the construction project, at the intersection of Chinguacousy Road and Mayfield Road. Approximately 6 workers were at this location. An excavator was removing material and placing it into dump trucks, which were moving on the road with the assistance of a signaler. Dump trucks and other vehicles were being assisted in their movement through the intersection by a paid duty police officer who was present directing traffic. A traffic control plan was in place which included traffic cones and the assistance of the paid duty officer. Workers, including a crew of laborers which included the victim in this matter, Mr. AF were removing topsoil in an area to be excavated away from the intersection. At the same time as these activities were taking place, an equipment operator was asked to retrieve a portable toilet (porta potty) from the intersection of Creditview Road to the west on Mayfield Road and transport it to the intersection of Chinguacousy Road and Mayfield Road where it was required for use.
4. The equipment operator strapped the portable toilet to the right hand side of the bucket of a front end loader and, with the bucket raised, proceeded to travel eastward in a live traffic lane a distance of 1.4 km on Mayfield Road, to the Chinguacousy and Mayfield intersection. The excavator operator stopped the vehicle and load on the right side shoulder of Mayfield Road facing east where the toilet was initially going to be located. He checked in with the crew at this location, and communicated with the signaler, who communicated that assistance would be available to stop traffic when the equipment operator wanted to move the vehicle back out again.
5. The equipment operator was then instructed to move the portable toilet to another location, around the corner to the south on Chinguacousy. The equipment operator observed that traffic and trucks were stopped by the police officer and by the Varcon signaller. Without contacting the signaller further, and after briefly checking visually to one side of the vehicle, the equipment operator moved forward around the corner of the intersection onto Chinguacousy towards the intended drop off spot for the toilet, and as he did so the equipment struck, ran over and fatally injured Mr. AF

6. Investigation determined that there was a signaller present in the roadway assisting dump trucks, but the equipment operator did not utilize the assistance of this signaller when moving forward. It was determined that the manner of moving the portable toilet was unsafe due to the placement and location of the portable toilet in the bucket, which restricted the view of the operator. It was determined that Mr. AF had gone into the roadway to move traffic cones so that the equipment operator could move forward around the corner as instructed, with the portable toilet. The equipment operator either could not see, or did not look in the direction of Mr. AF or communicate with workers before moving forward, striking and fatally injuring Mr. AF
7. It was determined that this violated section 37(1) of the Construction Regulations which requires that material or equipment at a project be moved in a manner that does not endanger a worker.

Sentencing Information

Date of Sentence: February 10, 2016

Case 2

Def #1

Furfari Paving Co. Ltd.

Charges

Def #1:

- 1 THAT Fufari Paving Co. Ltd., 2751 Markham Road, Scarborough, Ontario, M1X 1M4, on or about the 28<sup>th</sup> day of November, 2014, at the City of Brampton, Central West Region, in the Province of Ontario, did commit the offence of failing, as a constructor, to ensure that the measures and procedures prescribed by section 69(2) of Ont. Reg. 213/91, as amended, were carried out at a project at Goreway Drive and Jacksonville Drive, Brampton, Ontario, contrary to section 23(1)(a) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.**

Conviction Information

Date of Disposition: 9 February 2016

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

The defendant was the constructor of a project which consisted of resurfacing roads in various areas of Brampton. The defendant was also an employer on the project. The City of Brampton was the owner of the project. The injured worker, Valerie Grills, was employed by the defendant.

On November 28, 2014 at approximately 1:00pm, Ms G was working as a traffic control person at the intersection of Goreway Drive, Jacksonville Drive and Rosegarden Drive. Ms G was using a Slow/Stop sign mounted on a pole and was wearing high visibility clothing. She had attempted to direct the driver of a vehicle in the eastbound lane of Jacksonville Drive to stop and was in the process of allowing stopped vehicles in the southbound lane of Goreway Drive to proceed when the eastbound vehicle entered the intersection and struck her.

The driver of one of the southbound vehicles called 911. Peel Regional Police and EMS responded. Ms Grills was transported to Brampton Civic Hospital where it was later determined that she had suffered a fractured L1 vertebrae, a fractured coccyx, and lower back contusions.

Sentencing Information

Date of Sentence: 9 Feb 2016

Sentence (per count): \$80,000

**Case 3**

Defendant Fernand Landry

- 1) **THAT, Fernand Landry, Cayuga Avenue, Mississauga, Ontario, L5G 3S9, on or about the 13<sup>th</sup> day of January 2014, in the city of Mississauga, in the Central West Region, in the Province of Ontario, did commit the offence of failing, as a supervisor, to ensure that a worker worked in the manner and with the measures and procedures as required by section 113 of Regulation 213/91, as amended, at a workplace located at Erin Mills Parkway, Mississauga, contrary to section 27(1)(a) of the Occupational Health and Safety Act, R.S.O. 1990, c.0.1.**

**Particulars: The accused failed to ensure that decking was not placed, left or stored in a location or manner that endangered a worker, CC.**

**Conviction Information**

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

1. Vixman Construction Ltd. (“Vixman”) is a corporation carrying on business in the Province of Ontario.
2. Mr. Fernand Landry is a supervisor employed by Vixman. He resides at Cayuga Avenue, Mississauga, Ontario, L5G 3S9. Mr. Landry was a supervisor for Vixman in January of 2014.
3. On or about January 13, 2014 Vixman was retained by Benson Steel Ltd. to deliver, unload, and install decking material that was to be used on a steel structure. The steel structure was part of a construction project involving the construction of a retail store. The constructor for the project was PCL Constructors Canada Inc.
4. On or about January 13, 2014 Vixman arranged for the delivery of decking material to this construction project. The decking material consisted of bundles which were approximately 3 feet wide and varied in length. There were about 16-17 sheets of decking in each bundle.
5. After speaking to the PCL construction project supervisor, Mr. Landry on behalf of Vixman arranged for the unloading of the decking material from the delivery truck. The decking material was unloaded from the delivery truck by use of a crane. The crane was arranged to be used in the unloading by Vixman but provided by another company. The decking material was unloaded from the truck and placed on top of the steel structure.
6. The steel structure consisted of columns and beams that were approximately 38 feet across and about 30 feet high. There were also joists between the steel beams.
7. Mr. Landry was on the delivery truck hooking up the crane hook to the decking bundles. Mr. Landry directed two workers from Vixman to go up on top of the steel structure to receive and land the bundles of decking material. The two workers were Mr. David Mand Mr. Christopher C.
8. Once a number of decking material bundles, about 6 or 7, were unloaded onto the steel beams, Mr. M left the area. Mr. C was then left alone to receive the remaining decking bundles.

9. One column started to fall inward as a result of the load that had been placed on the steel structure. This caused other columns to fall and part of the steel structure collapsed. Although he was wearing fall arrest equipment, Mr. C fell when the structure collapsed. The decking material then fell on top of Mr. C.

Mr. Landry, as the supervisor for Vixman, failed to ensure that the decking material was not placed, left, or stored in a location or manner that endangered the worker, Mr. C.

10. The other worker, Mr. David M, did not suffer any injury as a result of this incident.

**Sentencing Information**

Date of Sentence: November 20, 2015

Sentence \$20,000



**Section 4**

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

	<b>2016</b> 1 January – 31 March 2016	<b>2015</b> 1 January – 31 March 2015 comparison with same time period last
<b>Fatalities</b>	1	2
<b>Critical Injuries</b>	21	18

*\* 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 – 31 March 2016 Monthly Summary Report**

**March 2016 Fatalities (1)**

*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.	<ul style="list-style-type: none"> <li>• Ice from an excavation wall fell on a worker.</li> </ul>
By Sector	<ul style="list-style-type: none"> <li>• 1: to be determined (tbd)</li> </ul>

**March 2016 Critical Injuries (6)**

*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>• 4: to be determined (tbd)</li> <li>• 1: Institutional (INST)</li> <li>• 1: Commercial (COMM)</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 January to 31 March 2016.**

**Total Year-to-Date Fatalities: 1**

Note 1: Ages will be included when available.

Note 2: Reconciled data appears in bold

#	Date of Incident	Region	Sector	Occupation	Details (as reported to MOL)
1	23-Mar-16	Eastern	tbd	Worker	Ice from an excavation wall fell on a worker.

**Critical Injuries Year-to-Date Summary (1 January to 31 March 2016):**

**Total Year-to-Date Critical Injuries: 21**

Note 1: Ages will be included when available.

Note 2: 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 meter – broken leg and loss of consciousness.
8	21-Jan-16	Central West	RESS	Worker	Worker fell from ladder, broken leg.
9	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.

**MOL Report to PLMHSC – Construction Sector – April 2016 Meeting**

10	04-Feb-16	Central West	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 arm.
11	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.
12	22-Feb-16	Western	RESS	Worker	Caller reports that a worker slipped on piece of plywood falling approx. 7 feet sustaining a broken leg.
13	27-Feb-16	Western	COMM	Worker	<b>Worker broke his left heel &amp; his right leg.</b>
14	29-Feb-16	Eastern	RESM	Worker	<b>Worker tripped on a wire, fell, and fractured arm.</b>
15	29-Feb-16	Northern	ROAD	Worker	<b>Worker was cutting a tree at this site when a branch fell and hit him on the head; loss of consciousness.</b>
16	09-Mar-16	Central East	tbd	Worker	<b>Worker was installing second floor joists. Worker struck in the eye with the nail from a nail gun. Permanent loss of sight to right eye.</b>
17	10-Mar-16	Central West	INST	Worker	<b>Worker hit head on ground; loss of consciousness; fractured arm.</b>
18	14-Mar-16	Central East	COMM	Worker	<b>Worker fell, landed on left elbow and left knee; suffered small fractures in each limb.</b>
19	17-Mar-16	Western	tbd	Worker	<b>Worker performing perimeter repairs on roof and fell losing consciousness</b>
20	21-Mar-16	Western	tbd	Worker	<b>Worker was on top of a core borer's anchor when it came loose and the machine hit him on the head; loss of consciousness.</b>
21	24-Mar-16	Central West	tbd	Worker	<b>Worker fell 14 feet; broken leg.</b>