

**MINISTRY OF LABOUR REPORT TO PLMHSC**  
**- January 1 to December 31, 2011 -**

**Fatalities & Criticals**

	<b>2011</b> <i>(January 1<sup>st</sup> to December 31)</i>	<b>2010</b> <i>(comparison with same time period last year)</i>
<b>Fatalities</b>	<b>22</b>	<b>25</b>
<b>Criticals</b>	<b>134</b>	<b>139</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.*

**MOL Fatalities/Criticals to Date:**

**December Summary**

There was one fatality in the month of December, as a result of a worker falling 2 storeys to the ground, while working on the roof of a new construction building without being tied off.

The fatality occurred in the residential building construction sector (RESS).

There were ten (10) critical injuries (“criticals”). Three (3) of these criticals were as a result of being struck by equipment or materials. The remaining seven (7) criticals were related to falls: of which two (2) resulted from falling off a ladder; and, five (5) were falls from multi levels.

Of these ten (10) “criticals”, three (3) occurred in the ICI building sector (COMM), and seven (7) were in the residential sector (RESS).

Of the ten (10) “criticals”, one was a young worker and one was a worker over the age of 60.

**Provincial Coordinator Comment:**

Another year greets us with the opportunity of making things better, of saving more lives and promoting the perspective that onsite safety engagement is just as important as getting the job done or making a profit.

In the last year we have seen some reduction over 2010 in the number of fatalities and critical injuries that have occurred in the construction sector in Ontario. While I am encouraged by these positive changes, it will never be enough until every worker comes home safely every day, and this becomes the norm for society rather than the exception.

In looking ahead, it is often said that the best predictor of the future is the past. So it is appropriate to recognize that, on a year-over-year basis, there have been substantial gains by some sectors within the construction industry. In fact, during the last fiscal year, some sectors have reversed or improved on historical trends.

In the last year, homebuilding reduced their total injury rate by 13%; heavy civil construction reduced their injury rate by 11.3%; and the siding and outside finishing trade improved by 10.1%. These gains must be evaluated against the hours worked in construction but represent very positive improvements. There were also positive improvements in formwork and demolition; and, mechanical and sheet-metal work, both of which have experienced challenges in the past\*\*.

As the provincial coordinator I often look at statistics to gain insight about injury trends, or explain the rationale for enforcement strategies. In addition, my colleagues and I look at the field records as a reflection of orders issued or prosecutions undertaken where appropriate; however it is a challenge to determine the level of safety engagement on any construction project just by looking at those records alone.

Measuring the level of safety engagement is something that the Ministry of Labour will be looking at more closely during 2012. Safety engagement will be determined through the presence of effective supervision on a project, as well as the presence of a health and safety representative, and/or a functional joint health and safety committee.

During February 2012 the construction program will be participating along with all other programs of the Ministry of Labour in a focused blitz on musculoskeletal disorders (MSD) and ergonomic risks in material handling.

As we move forward during this New Year, the ministry acknowledges and appreciates the involvement and advice provided from the construction sector PLMHSC section 21 committee and the many engage stakeholders that furnish us with input on our enforcement strategies. It is this industry leadership and involvement that will ultimately change and improve safety in a substantial way in the construction sector.

The gains of the past two decades have been impressive and inroads will continue to be made in such a way that we may all look back and take pride in the fact that, as individuals, we had some small part to play in the positive changes that have occurred.

Thank you once again for your hard work last year, and I look forward to working with you again this year.

Let's all work safely, taking pride that we are the true elements of change, and the ambassadors of safety in the workplace.

Michael Chappell  
Provincial Coordinator  
Construction Health and Safety  
Ministry of Labour

\*\* WSIB Rate group data September 2010- September 2011

**Selected Cases before the Court**

**Case #1: Steel Fabricators & Erectors Company**

Steel Fabricators & erectors company, Bolton, Ontario, L7E 5A8, on or about the 6th day of October 2009, at the City of Ottawa, East Region, in the Province of Ontario, did commit the offence of failing as an employer, to ensure that the measures and procedures prescribed in section 93(2)(a) of Ontario Regulation 213/91, as amended, were carried out at a project located at Innes Road, Ottawa, Ontario, contrary to section 25(1)(c) of the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended.

**Conviction Information**

Trial:  Plea:

Date(s) of Trial / Plea: November 2, 2011

Date of Disposition: November 2, 2011

Conviction on Count(s): 1

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

1. In October 2009 a construction project was under way in the City of Ottawa, Ontario. A constructor was managing the building of a Theatre building at that site.
2. The work being performed at the site constituted a "project" under the *Act* and the site in question constituted a "workplace" within the meaning of the *Act*.
3. A worker was expected, as part of his duties, to own and to properly use safety equipment which was fit for the required purposes on the project. This included fall arrest equipment designed to break his fall, while working at a height above 10 feet.
4. On October 6, 2009 at the workplace, the worker was installing a steel beam at a height of approximately 20 feet above ground. He stood on a secure horizontal steel beam, while moving a free steel beam into position in order to weld it into place.
5. Regulation 213/91 requires that a worker exposed to a fall greater than 3 meters be protected from falling, by means of a fall arrest system or some other method.
6. The worker wore a full body harness, hooked to a shock-absorbing lanyard which in turn was attached to a cable. The cable was wrapped around the secure horizontal beam on which he stood.

7. While manipulating the loose beam into place, the worker lost his balance. He fell from where he was perched on the secure beam. His fall was halted, momentarily, by the fall arrest system that he had tied to the secure beam.
8. Unfortunately, after slowing his fall, the lanyard suddenly snapped, causing the worker to fall to the ground. The worker suffered a broken right leg and knee, which has caused him some degree of lasting impairment.
9. Subsequent examination of the evidence at the scene showed that a portion of the material from-which the fall arrest system was made, appeared to have been singed or burned by some heat source or flame.
10. It was the conclusion of the Ministry of Labour Inspector that this defect in the fall arrest equipment caused it to break when absorbing the load of the falling worker's weight. The break in the equipment caused the worker to fall to the ground.
11. Subsection 25(1)(c) of the *Act* requires an employer to ensure that "all measures and procedures prescribed are carried out in the workplace."
12. Subsection 93(2)(a) of Regulation 213/91 to the Act requires that no equipment shall be used "while it is defective or hazardous." It was the conclusion of the Ministry of Labour and is admitted by the employer that the equipment worn and used by the worker, on the day in question, was both defective and hazardous insofar as it was not capable of safely arresting his fall.

**Sentencing Information:**

Date of Sentence: November 2, 2011

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

**Case #2: Masonry Constructor**

A Masonry Constructor, of Toronto, Ontario M3J 1Z5, on or about the 22<sup>nd</sup> day of January, 2010, in the City of Windsor, in the Southwest Region of the Province of Ontario, did commit the offence of failing, as a constructor, to ensure that the measures and procedures prescribed by section 52(1) of Ontario Regulation 213/91, as amended, were carried out at a workplace located in Windsor, 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: November 17, 2011

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

1. The Corporate Defendant is a “constructor” within the meaning of the *Occupational Health and Safety Act*, R.S.O. 1990, and c.O.1 (the “Act”) at all material times to this prosecution.
2. The Defendant was contracted to do some external masonry restoration work at a building located in Windsor, Ontario.
3. On January 22, 2010, the Ministry of Labour received a request from the City of Windsor Fire and Rescue Services to accompany them on an investigation they were conducting regarding a diesel fuel spill that occurred at the project. A Ministry of Labour Inspector was dispatched to the project. The fuel spill did not cause a fire or any injury to a worker, and was promptly cleaned up by the Defendant. Subsequent inspection resulted in the following:
  - a. Scaffolding had been erected the full length of the front exterior of the building and was enclosed with a tarp. Two diesel fuel tanks, which were the source of the fuel spill, were located outside the tarp enclosure on the scaffolding that was above street level.
  - b. At ground level, inside the scaffolding were three industrial fuel fired heaters. The diesel fuel was being dispensed from above in order to fuel the heaters.
  - c. Two fire extinguishers were located inside the tarp enclosure. The locations of the two fire extinguishers were not in proper condition and not adequately marked so they could not be readily accessed and located.

4. Therefore, the Defendant failed to ensure that the measures and procedures prescribed by section 52(1) of Ontario Regulation 213/91, were carried out at a project, contrary to section 23(1)(a) of the *Act*. Specifically, the constructor failed to ensure that the fire extinguishers were readily accessible and at adequately marked locations.

**Sentencing Information**

Date of Sentence: November 17, 2011

Sentence (per count): \$18,000 + 25% VFS

***IN THE TRENCHES***  
**(short summaries of incidents MOL investigated)**

**December Summary**

1. Worker fell approximately 10 feet while tarping residential roof. IW Sustained broken ribs, pelvis, punctured spleen and head trauma.
2. An asphalt spreader was being hoisted onto a roof of a commercial building when it became detached and fell approx 10 feet striking worker; resulting in a loss of consciousness.
3. YW fell from roof of a residential structure, landing on the concrete below. IW sustained a loss of consciousness.
4. Worker shot himself in the chest with a nail gun. IW sustained internal injuries.
5. Worker fell approx 20 ft when roof truss collapsed, landing on pavement. IW sustained broken arm.
6. Worker was standing at the edge of a concrete forming site, when un-shored earth gave way and worker fell 5 ft.; resulting in a broken leg.
7. Worker fell 20 ft from ladder after ladder kicked out. IW sustained a broken leg.
8. Worker while ascending a ladder fell approx 12 ft when his foot slipped. IW lost consciousness and sustained a broken collar bone.
9. Worker struck by a reversing cement truck; IW broke both legs.
10. Worker delivering lumber fell off deck of the delivery truck. IW sustained a broken arm.

Ministry of Labour: Construction Sector						
Fatalities Summary (January 01, 2011 - December 31, 2011)						
<b>Total Fatalities: 22</b>						
#	Date of Incident	Region	Sector	Age	Occupation	Details
1	28-01-11	CENT	INDU	51	Worker	Worker tripped and fell approx 25' through skylight.
2	02-02-11	NORT	ROAD	74	Worker	While putting in an ice road, a worker went through the ice while operating an ice grooming machine.
3	08-02-11	WEST	ROAD	44	Worker	Worker was standing on a roadway positioning a traffic protection sign when a member of the public drove through the traffic protection sign hitting the worker.
4	14-02-11	CENT	RESM	27	Worker	Worker was on a ladder attempting to put up steel beams when worker fell.
5	23-02-11	NORT	RESS	49	Worker	Worker (one of two) was setting up a mobile home display when one half of the mobile home fell off the blocks, landing on both workers. This resulted in one critical and one fatal injury.
6	09-03-11	WEST	RESM	43	Worker	Construction worker struck on head and shoulders by approx 18,000 lb concrete.

7	18-03-11	EAST	CONY	64	Worker	Driver of a dump truck had turned onto the entrance of the project. Worker stopped on the tracks, a west bound passenger train collided with the dump truck.
8	24-03-11	WEST	COMM	69	Owner	The Owner, while trying to access a scaffold work platform, fell approx. 12 ft.
9	04-05-11	EAST	RESS	48	Worker	Workers working on a house and the floor collapsed pinning worker under the rubble.
10	01-06-11	WEST	SEWW	34	Worker	Worker struck by loader
11	24-06-11	NORT	BRID	24	Worker	A young worker died as a result of injuries sustained when the elevated work platform he was working from, tipped over. The elevated work platform was being used on a highway bridge project.
12	14-07-11	CENT	TUNN	62	Owner	Owner of the company was at the bottom of a shaft digging with the use of a drill when the drill pinned the worker.
13	17-08-11	CENT	RESS	56	Owner	Worker fell from a ladder while installing exterior metal bathroom vents on new home under construction
14	18-08-11	CENT	COMM	46	Worker	Worker found unconscious under an 8 ft. ladder. Worker succumbed to the injuries sustained in the fall.
15	23-08-11	WEST	RESS	41	Worker	A bobcat was reported to have backed up over a worker crushing both legs - worker succumbed to injuries

16	08-09-11	CENT	COMM	54	Worker	Worker sustained head trauma as a result of a fall.
17	30-09-11	CENT	TUNN	23	Worker	A Worker was trapped between two steel grids from a crane in a tunnel being excavated for sewage lines when he suffered serious head injuries.
18	11-10-11	CENT	TUNN	24	Worker	A caisson drilling rig overturned at the subway tunnel project at York U crushing the worker. A second worker sustained critical injuries.
19	12-10-11	EAST	RESM	48	Worker	Elevator mechanic sustained fatal injuries while working in an elevator shaft.
20	28-10-11	CENT	DEMO	36	Worker	Workers were working on a demolition project when a 50' tall cinder block wall collapsed on them, resulting in one worker fatality and one critical.
21	15-11-11	WEST	INDU	52	Worker	A worker was performing electrical work in the ceiling of the new plant from a JLG boom type PEWP. The worker was in the process of descending from the ceiling in the basket when it contacted an existing pipe in the ceiling causing the basket to tilt. This tilting action pinned the worker against another pipe.
22	20-12-11	EAST	RESS	26	Worker	Worker was on the roof of a new construction building without tie offs, fell 2 storeys to the ground.

## Ministry of Labour: Construction Sector

### Critical Injuries Summary (December 01, 2011 - December 31, 2011)

**Total Critical Injuries: 10**

#	Date of Incident	Region	Sector	Age	Occupation	Details
1	01-12-11	CENT	RESS	50	Worker	Worker fell approx 10 feet while tarping residential roof. IW Sustained broken ribs, pelvis, punctured spleen and head trauma.
2	08-12-11	CENT	COMM	28	Worker	An asphalt spreader was being hoisted onto a roof of a commercial building when it became detached and fell approx 10 feet striking worker, resulting in a loss of consciousness.
3	16-12-11	CENT	RESS	23	Worker	YW fell from roof of a residential structure, landing on the concrete below. IW sustained a loss of consciousness.
4	19-12-11	WEST	RESS	37	Worker	Worker shot himself in the chest with a nail gun. IW sustained internal injuries.
5	20-12-11	CENT	RESS	34	Worker	Worker fell approx 20 ft when roof truss collapsed, landing on pavement. IW sustained broken arm.
6	20-12-11	EAST	COMM	44	Worker	Worker was standing at the edge of a concrete forming site, when un-shored earth gave way and worker fell 5 ft., resulting in a broken leg.
7	20-12-11	CENT	RESS	41	Worker	Worker fell 20 ft from ladder after ladder kicked out. IW sustained a broken leg.
8	20-12-11	WEST	RESS	25	Worker	Worker while ascending a ladder fell approx 12 ft when his foot slipped. IW lost consciousness and sustained a broken collar bone.
9	20-12-11	CENT	COMM	63	Worker	Worker struck by a reversing cement truck; IW broke both legs.
10	20-12-11	CENT	RESS	48	Worker	Worker delivering lumber fell off deck of the delivery truck. IW sustained a broken arm.