

Labour-Management Network December 2018

Reporting Month Statistics

Month	Fatalities	Critical Injuries	Total
Oct 1-31, 2017	1	26	27

Month	Fatalities	Critical Injuries	Total
Oct 1-31, 2018	3	37	40

Disclaimer: This information has been prepared to assist workplace parties in understanding their rights and duties under the Occupational Health and Safety Act (OHSA) and its regulations. This information does not constitute legal advice. To determine your rights and duties under OHSA, please contact your legal counsel or refer to the legislation.

Section 1

Provincial Coordinator's Comments

As you are aware, the Ministry of Labour conducted a two month province-wide initiative on working at heights on construction projects between May 1st and June 30th of 2018. This was the first initiative that the MOL partnered with the IHSA to promote and provide information material to employers leading up to a one month MOL's targeted enforcement campaign. This partnership worked extremely well and I can say I look forward to continuing our on-going partnership.

The results of the initiative are now posted on Ontario.ca. I encourage you take a look at the statistics and garner your own opinion on what those numbers reflect. Allow me to point out two alarming numbers and their significance to me.

191 stop work orders:

- On 191 occasions, stop work orders were required to be issued by our inspectors because they believed that there was an imminent hazard to the health and safety of a worker on a project from a fall. Let us look at it in its simplest terms, that the possibility that anyone of those 191 stop work orders could have easily have been a fatality or critical injury if not for the fact that our inspectors was present to stop the work. This number cannot be acceptable to anyone regardless of what side of the table you are sitting on.

217 orders related to the failure to wear protective headwear:

- I know that if I point out 217 orders regarding hardhats when discussing a working at heights initiative people will have comments and I encourage the discussion because of what I believe hard hats represent. Hard hats are supposed to be a staple of health and safety in the construction industry. Pictures of hard hats are used throughout marketing campaigns and information resources to represent health and safety in construction yet I have a hard time understanding how a worker leaves his or her home or vehicle without having their hard hat on their head or even worse how they are not told by their supervisor to go get it and put it on. To me, that is a clear sign of a bad safety culture within the organization or project and any inspector will tell you that if they see multiple workers working without hard hats on a project then there is a good chance they will find many more contraventions on the project. If the perception is that you as an organization are ok with workers working without protective headwear, which is required at all times I may add, then the perception will be the same for any other personal protective equipment. Fall protection equipment included. The argument that there is nothing above their head that can fall is irrelevant, it's the perceived message.

Saying that, the construction industry cannot shy away from the fact that these numbers tell a story that we all have work to do when it comes to protecting workers from falls.

The MOL will again come out with our Falls Awareness Campaign sometime in the near future to help promote this ideology. This is only one step of many that we as an organization are taking to address this significant hazard. We ask you to do your part in regards to sharing in this responsibility. Please take advantage of our Small Business Toolkit and promote it to other employers who may need some direction and are unaware of the resources available to them.

I would like to wish everyone a happy and safe holiday season and a new year of fulfilled dreams.

www.ontario.ca/page-inspection-initiative-results-working-heights

Vince Iacolino
Provincial Coordinator (A)
Construction Health and Safety Program
Occupational Health and Safety Branch
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Section 2

What's New

Ministry launches Collective Bargaining Ontario

The ministry has launched a new online resource that provides labour relations data and trends via interactive graphs and charts, searchable databases and reports. Find the average wage increases in a particular sector or the number of strikes and lockouts. Collective Bargaining Ontario helps you find the labour relations data that you want for free, at any time.

[Visit the website](#)

Employment standards initiative in construction

From May to August 2018, the ministry conducted an inspection initiative focused on construction workplaces. Employment standards officers looked at residential and non-residential building construction; foundation, structure and building exterior contractors; and other specialty trade contractors. Learn what the officers found.

[Learn more](#)

Health and safety initiatives in mining and construction

Over the past year, the ministry has conducted health and safety initiatives at mines and mining plants that focus on conveyor guarding, personal protective equipment (PPE) and high visibility clothing. The ministry also ran an initiative that focused on working at heights in construction. Learn what the inspectors found.

[Read the results on conveyor guarding](#)

[Read the results on PPE and high-visibility clothing](#)

[Read the results on working at heights](#)

“It’s Your Job” student video contest now open

Ontario’s secondary school students are encouraged to submit a video of up to two minutes on any topic related to workplace health and safety. This year’s optional theme is how workplace safety can improve the bottom line, protecting workers and helping businesses to grow and prosper. Winners and their respective schools will be awarded cash prizes! The top entry will also advance to the national finals for a chance to win additional prizes. The deadline for submissions is March 4, 2019.

[Learn more](#)

Send your WSIB claims through a convenient, new tool

The WSIB has made it easier for people to send their claims information online via a new document upload tool. This new digital service will help get information about your claims to the right people faster.

[Learn more](#)

Reminder: Working at heights training

The ministry wants to remind workplaces that those who took mandatory working at heights training in 2015 must take refresher training, as the training is valid for three years. If the training has expired and a worker hasn’t taken refresher training, they cannot work at heights.

[Read more](#)

Section 3

Court Bulletin 1

Company Director Fined for Worker Fatality in Toronto

November 8, 2018 5:40 P.M.

Convicted: Robert Markle of Bolton, sole director of JTF Davco Ltd., a company that fabricates screws from brass and other metal stock, among other items.

Location: The company's plant at 80 Millwick Drive, Unit 1, Toronto, Ontario.

Description of Offence: A worker was killed after being caught up in a screw-fabricating machine.

Date of Offence: February 15, 2017.

Date of Conviction: November 8, 2018.

Penalty Imposed:

- Following a guilty plea, company director Robert Markle was fined \$22,000 by Justice of the Peace Rosanne Giulietti in Toronto court; Crown Counsel Wes Wilson.
- The court also imposed a 25-per-cent victim fine surcharge as required by the *Provincial Offences Act*. The surcharge is credited to a special provincial government fund to assist victims of crime.

Background:

- Robert Markle is registered as the sole director of JTF Davco Ltd. and occupies all of its officer positions.
- Among other things, the plant fabricates threaded inserts from brass and other metal stock.
- On February 15, 2017, a worker who was a machine operator was responsible for overseeing the operation of screw machines, including loading stock into the machines and checking product for quality control.
- One of the machines used in the plant was a five-spindle automatic screw machine. It had an exposed stock reel composed of a bundle of five tubes into which thin 12-foot rods of brass stock were placed. The stock was inserted into the machine and the machine would fabricate threaded inserts from the stock.
- The stock reel would complete a partial rotation at fixed intervals to accommodate the insertion of different bars of brass stock into the machine. The stock reel was held together with two locking collars, each of which had five bolts, the heads of which protruded from the collar.

- During the shift, the worker sat down on a wooden crate near the exposed stock reel. The wooden crate was not a designated seating area. The worker's back was to the bundle.
- As the stock reel rotated, the exposed bolt heads of one of the collars grabbed the worker's shirt collar and pulled the shirt into the rotation of the stock reel, which fatally injured the worker.
- The cause of death was determined to be neck compression.
- The exposed stock reel and locking collars were not protected by a guard or other device to prevent access to the moving parts.
- Section 24 of the *Industrial Establishments Regulation (Ontario Regulation 851)*, states that "where a machine or prime mover or transmission equipment has an exposed moving part that may endanger the safety of any worker, the machine or prime mover or transmission equipment shall be equipped with and guarded by a guard or other device that prevents access to the moving part."
- Robert Markle committed the offence of failing as a director of JTF Davco Ltd. to ensure that the corporation complied with *Ontario Regulation 851*, contrary to section 32(a) of the *Occupational Health and Safety Act*.

Court Bulletin 2

Child Fatality in Factory Results in \$150,000 Fine

November 13, 2018 2:15 P.M.

Convicted: J.M. Lahman Manufacturing Inc., 5467 Ament Line, RR1, Linwood, Ontario, a company that manufactures steel tubing.

Location of Workplace: 3617 Lichty Road, Linwood, Ontario (Township of Wellesley, northwest of Kitchener).

Description of Offence: A child was killed in a factory when bundles of steel tubing fell.

Date of Offence: July 6, 2017.

Date of Conviction: November 13, 2018.

Penalty Imposed:

Following a guilty plea, J.M. Lahman Manufacturing Inc. was fined a total of \$150,000 by Justice of the Peace Michael A. Cuthbertson in Kitchener court; Crown counsel Wes Wilson.

The court also imposed a 25-per-cent victim fine surcharge as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

Background:

Section 66(4) of the Occupational Health and Safety Act (OHSA) makes any act of a supervisor the act of the employer.

The workplace is a factory as defined in the OHSA and section 4(1)(b) of the Industrial Establishments Regulation (Regulation 851) prohibits the presence of persons under the age of 15 in a factory unless accompanied by an adult.

A worker/supervisor for the company was attending at the facility, accompanied by two children.

One of the children was moving freely through the aisles of the facility unaccompanied.

The worker used a crane to place three bundles of steel tubing on top of a stack of similar bundles. The three bundles had been left over from the day's work. Each bundle of tubing weighed approximately 2,140 pounds. The total weight of the stack was estimated to be 15 tons.

The stack of bundles dropped and collapsed. The stack fell onto the child who had been moving about and the child was killed instantly. The other child was far enough away as not to be harmed.

A Ministry of Labour engineer determined during the investigation that the use of softwood spacers between the bundles and the use of insufficient numbers of bands to hold the tubes together contributed to the collapse. There may have been other factors as well.

A fine of \$100,000 was imposed for permitting a person under the age of 15 to be in a factory.

A fine of \$50,000 was imposed for failing to ensure that bundles of steel tubing were placed and/or stored in a manner such that they could not tip, collapse and/or fall as required under section 45(b) of the regulation.

Section 4

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

Injury Type	2018 January 1 – October 31	2017 January 1 – October 31
Fatal	21	14
Critical	215	231

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: Oct 1 – Oct 31, 2018

Monthly Summary Report

Fatal (3)

1	RESS	Worker fell from the roof of an apartment building
2	RESS	Worker fell 20 to 30 feet from elevating work platform
3	ROAD	Worker installing concrete curb struck by public vehicle

Critical (37)

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.

Sector

RESS	15	PAVE	1
RESM	6	INDU	1
INST	4	ROAD	1
COMM	5	HYDR	1
RAIL	2	POWP	1

Critical Injuries: (Oct 1- Oct 31, 2018):

Total: 37

	Date of Incident	Region	Sector	Occupation	Details (as reported to MOL)
1	Oct 2-18	C.East	RESS	Worker	The worker slipped on wet ply wood. Fracture to the left hand.
2	Oct 3-18	West	RESM	Worker	Excavator reversing, ran over worker. Multiple injuries
3	Oct 3-18	C. West	RESS	Worker	Worker was climbing a ladder at the back of the house, slipped and fell 10-15 feet - injured left leg.
4	Oct 4-18	C.West	INST	Worker	Worker found in parking area unconscious.
5	Oct 5-18	C.West	RESM	Worker	A worker hammering a nail into plywood, nail broke, damage to right eye.
6	Oct 9-18	East	RESS	Worker	Truss fell on worker, fractured ankle
7	Oct 9-18	East	RESS	Worker	Worker was on a ladder and fell approx. 8 ft. losing consciousness and fracturing left arm
8	Oct 10-18	West	RAIL	Worker	Third party vehicle went through pylons that a worker was setting up and struck a worker. Worker was taken by ambulance to hospital.

9	Oct 10-18	West	RESS	Worker	Worker fell 25 feet at residential roofing project LOC, sent to local hospital.
10	Oct 10-18	C.East	RESM	Worker	Worker on a flat roof was walking backwards and fell over the edge. Worker LOC, transported to hospital.
11	Oct 10-18	C.West	RESS	Worker	Worker fell 6 feet from scaffold, broken right ankle.
12	Oct 11-18	C.East	RESS	Worker	Worker went to sit down on the foundation walls, and fell backwards into the basement level, neck injury. Hospital by ambulance.
13	Oct 11-18	C.East	RESM	Worker	Worker was opening a wall form on high-rise construction, worker was working on a scaffold and fell 6ft., broken arm.
14	Oct 11-18	C.East	PAVE	Worker	A tree was being cut down while a limb from an adjacent tree fell onto the worker who was on the ground. Fracture to neck.
15	Oct 12-18	C.East	INST	Worker	Worker was climbing scaffolding and fell 15-20 feet, lower body injury.
16	Oct 15-18	C.East	INDU	Worker	Worker was entering lobby of refurbishment to office and rolled ankle, fractured.
17	Oct 15-18	C.East	RAIL	Worker	Worker climbing up ladder to the operator's cab on mobile crane when they slipped. Broken wrist.

18	Oct 15-18	East	COMM	Worker	Worker was climbing a ladder, slipped and fell, fracturing both feet.
19	Oct16-18	East	COMM	Worker	Worker tripped over a roll of felt, fractured wrist.
20	Oct 16-18	C.East	INST	Worker	Worker holding a window frame and a gust of wind caused the window to fall on worker. LOC, lacerations.
21	Oct 18-18	C.East	COMM	Worker	Roofer at a commercial building fell through the roof, serious injuries.
22	Oct 18-18	West	RESS	Worker	Worker coming down the stairs tripped on the second to last step, LOC.
23	Oct 18-18	North	POWP	Worker	Loss of consciousness after slipping on ice.
24	Oct 19-18	North	COMM	Worker	Worker received broken foot while changing a skid steer bucket.
25	Oct 22-18	East	RESS	Worker	Worker fell from roof. LOC.
26	Oct 22-18	WEST	RESS	Co-op student	Co-op student was chiselling brick, fell off scaffolding approx. 8 ft. Broken arm.
27	Oct 24-18	C.East	RESS	Worker	Painter fell off a ladder while scrapping window, broken bone sticking out of foot.
28	Oct 24-18	North	RESS	Worker	Worker fell off roof, broken arm.

29	Oct 24-18	North	RESM	Worker	Worker on upper deck slipped and fell – fracture arm/shoulder.
30	Oct 28-18	C.West	COMM	Worker	Roofer fell off roof breaking wrist, LOC.
31	Oct 28-18	West	ROAD	Worker	While working on a bridge, work fell 7 ft. from a plank and fractured left arm.
32	Oct 29-18	C.East	INST	Worker	Worker LOC while trying to enter portable washroom.
33	Oct 29-18	C.West	RESM	Worker	Worker fell 3 feet from work platform, sustaining a broken left wrist.
34	Oct 30-18	C.West	RESS	Worker	Worker fell 22.5 feet injuring back, ribs and ankle.
35	Oct 30-18	West	RESS	Worker	Worker fell off a step ladder – LOC, transported by EMS
36	Oct 30-18	West	HYDR	Worker	Worker at solar farm, struck by a crane part that fell approx. 30 ft. LOC.
37	Oct 31-18	North	RESS	Worker	Worker slipped on ice on a roof, fell approx. 12 ft. LOC.

Section 5

Total Year-to-Date Fatal Injuries (January 1 – October 31, 2017): 14

Total Year-to-Date Fatal Injuries (January 1 – October 31, 2018): 21

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.

	Date of Incident	Region	Sector	Occupation	Details (as reported to MOL)
1	Jan 11-18	C. East	INDU	Erection of a steel work platform around equipment.	Worker fell from a platform and sustained critical injuries. Workers were installing a platform around a piece of equipment.
2	Jan 19-18	C. West	RESS	Equipment Installation	Worker fell from scaffold on new home site; sustained critical injuries, then succumbed to injuries.
3	Jan 23-18	C. West	RESS	Masonry	Worker fell four storeys through an opening at the project while working on the exterior of a building.
4	Feb 27-18	C. East	COMM	Electrical work	While installing a light fixture, worker received an electric shock and fell 13 feet to the ground.
5	Mar 13-18	West	RESS	Equipment Delivery	Workers' 3/4 ton pickup truck w/ ramp trailer parked on the side of the road. Worker standing on trailer prepping scissor lift to be loaded on it. Oncoming vehicle hit the base of the ramp becoming airborne striking the worker.

6	Mar 15-18	C.West	RESS	Equipment set up/ General Labour	Worker fell 9' resulting in fatal injuries. Worker was constructing the work platform which failed while he was on it.
7	Mar 27-18	C.West	COMM	Roofing work	Worker on construction site at west end of airport was up on a roof and fell approx. 25ft.
8	Apr 2-18	East	RESS	Excavation	A trench collapse.
9	May 3-18	East	RESM	Labourer	While doing general clean-up of debris at a renovation site where home is being gutted, worker fell through the floor from main floor to the basement.
10	May 30-18	West	EXCA	Excavation	Worker crushed by cement post that fell from a crane.
11	Jun 6-18	C.West	RESS	Painting	Worker, approx. 70 years (painter), fell off a ladder on residential construction site
12	Jun 19-18	C.West	SEWW	Water main work	A worker in a trench was struck by a bucket that detached from an excavator.
13	Jun 21-18	West	SEWW	Sewer & Water main /tunnelling	Worker crushed while operating equipment in a tunnel.
14	Jul 3-18	East	RESS	Foundation Repair (underpinning)	Worker sustained fatal injuries when a basement foundation corner collapsed onto worker.
15	Jul 17-18	East	COMM	Roofing	Worker fell from a roof.

16	Jul 20-18	C.East	RESS	Deck Building	A worker building a deck fell 18-20' to the ground; opening on deck without guardrail.
17	Aug 13-18	C.West	RESS	Electrical Work	Worker fell from 2nd floor to basement; worker succumbed to injuries
18	Sep 17-18	North	ROAD	Utility	Worker crushed by hydro post while it was being unloaded.
19	Oct 15-18	West	RESS	Exterior repair	Worker fell from the roof of an apartment building.
20	Oct 17-18	West	RESS	Eave trough and gutter installation	Worker fell 20 to 30 feet from elevating work platform to the ground.
21	Oct 18-18	West	ROAD	Concrete construction	Worker installing concrete curb struck by public vehicle.