

## Operations

# Construction Health and Safety Program Report for the Labour-Management Network, September 2019

## Reporting Month Statistics

Reporting Month	Fatalities	Critical Injuries	Total
June 1-30, 2019	2	31	33
June 1-30, 2018	3	22	25
Reporting Month	Fatalities	Critical Injuries	Total
July 1-31, 2019	0	22	22
July 1-31, 2018	3	32	35

**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.

## Provincial Coordinator's Comments

Healthy workers in healthy workplaces. That is what we would all like to see. So much so, that as summer vacations wrap up, the ministry has partnered once more with the various Health and Safety Associations, including IHSA to launch another cross-sector, provincial initiative from September 1<sup>st</sup> to December 27<sup>th</sup>. This time our focus is on the prevention of musculoskeletal disorders and protecting workers from respiratory hazards. In construction, this poses a unique challenge for us in that the ever-changing work environment calls for serious forethought, planning, monitoring, and control to effectively eliminate or mitigate these hazards. As is standard now, the first phase of the initiative will consist of compliance assistance in the form of outreach, education, and awareness. The second phase will be our focused inspection blitz.

With respect to the suspended access equipment initiative, on July 9<sup>th</sup> we participated in a public awareness webinar, which was well attended. Many thanks to our partners at the Infrastructure Health and Safety Association, who hosted the event. Phase 2, the focused inspections blitz, started on August 6<sup>th</sup> and continues until September 27<sup>th</sup>.

Below, you will find a link to the results of an initiative focusing on the IRS (Internal Responsibility System) in industrial sector small businesses. Although seemingly irrelevant to construction, I think the results of the initiative are telling about how unaware small employers are about their duties and responsibilities under the Occupational Health and Safety Act. During this initiative, 8,307 orders were issued for various contraventions of the OHSA, including 99 stop-work orders, while 2,335 workplaces were visited. This translates to an average of 3.6 orders per workplace visited. I imagine the results would be very similar if the same initiative was conducted with small businesses in the construction sector.

Finally, you will find 5 court bulletins highlighted in this report, some for critical and fatal injuries. I hope there will soon come a day when these reports will no longer form such a prominent feature of these communications.

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Provincial Coordinator (A)  
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## Section 2 – what's new Ministry of Labour

### **Healthy Workers in Healthy Workplaces: Musculoskeletal disorders and respiratory hazards blitz**

From September to December, the ministry will focus on musculoskeletal disorders and respiratory hazards. In the first phase, the ministry will work with its partners to educate employers on potential hazards. In the second phase, inspectors will visit workplaces in all sectors to ensure compliance. Learn more by visiting our website or by joining a webinar hosted by our health and safety partners.

#### Read more

Sign up for a webinar focusing on the:

- [industrial sector](#)
  - [mining sector](#)
  - [construction sector](#)
  - [health care sector](#)
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### **Suspended access equipment blitz**

In January 2017, regulatory changes on the use of suspended access equipment came into effect. This summer, the ministry is checking on compliance with those changes, training requirements and whether equipment has been properly constructed, inspected, tested and maintained. The ministry is also partnering with the Infrastructure Health & Safety Association to raise awareness of these requirements.

#### Read more

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### **Manual materials handling**

Manual materials handling, including manually lifting, lowering, pushing, pulling or carrying objects is a common workplace task and can lead to fatigue or

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musculoskeletal disorders (MSDs). Learn how to prevent MSDs when moving objects in the workplace.

[Read more](#)

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## **Results: New small business registrations and internal responsibility systems**

In Ontario, small businesses represent 95% of all employers. In April 2016, the ministry began a one-year provincial initiative that focused on newly registered small businesses in the industrial sector. Its aim was to promote and enforce the internal responsibility system with new small businesses.

[Read more](#)

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For more what's **new** – Ministry of Labour articles, see:

<https://mailchi.mp/25710e1cba82/whats-new-summer-2019>

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## Section 3 – Court Bulletins

### Court Bulletin 1

#### **Construction Company Fined \$200,000 After Worker Killed by Falling Concrete**

June 28, 2019 3:15 P.M.

**Convicted:** J.N.D. Erectors Limited, 270 Fletcher Drive, Maple, Ontario, a company involved in commercial and residential construction.

**Location of Workplace:** A commercial building at 130 Queens Quay East, Toronto, Ontario.

**Description of Offence:** A worker was killed when a concrete panel fell from a flatbed truck while it was being transferred with a crane and hoist.

**Date of Offence:** March 27, 2017.

**Date of Sentencing:** June 26, 2019.

#### **Penalty Imposed:**

- Following a trial, J.N.D. Erectors Limited was fined \$200,000 by Justice of the Peace Ruby Wong in Scarborough provincial court; Crown Counsels Indira Stewart and Graeme Adams.
- 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:**

- J.N.D. Erectors Limited was a subcontractor on the site which had the task of erecting panels of pre-set concrete onto the exterior wall of the building. The panels were transported via flat-bed truck and a crane and hoist were used to lift the panels from the truck.
- On March 27, 2017, the panels arrived on the site and an employee of J.N.D. Erectors proceeded to unload them.
- The panels were supported by two A-frames bolted to the truck, with transport chains securing two panels to each other.
- The worker unhooked the chains from one panel; the first panel was hoisted away by crane.

- While preparing the second panel, it shifted and toppled onto the worker. The panel weighed over 6,000 pounds.
- The worker died from the injuries.
- A surveillance camera captured the incident.
- A Ministry of Labour structural engineer stated in a report that the toppling would have been avoided if the panel had been secured at all times.
- The company was found guilty of failing as an employer to ensure that the measures and procedures prescribed by section 38 of *Ontario Regulation 213/91* (the *Construction Projects Regulation*) were carried out. The regulation provides that "material or equipment at a project shall be stored and moved in a manner that does not endanger a worker."
- J.N.D. Erectors had a prior health and safety conviction in 2014.

## Court Bulletin 2

### Death of Worker Results in \$130,000 Fine for Concrete Company

July 9, 2019 4:30 P.M.

**Convicted:** Torrent Shotcrete Canada Ltd., 140 Yonge Street, Suite 200, Toronto, Ontario, a company that provides concrete for the construction industry.

**Location of Workplace:** A residential building under construction at 200 Woodbine Avenue in Toronto, Ontario.

**Description of Offence:** A worker was killed after falling into the hopper of a concrete pumper.

**Date of Offence:** January 16, 2017.

**Date of Conviction:** July 9, 2019.

#### Penalty Imposed:

- Following a guilty plea, the company was fined \$130,000 by Justice of the Peace Rosanne Giulietti in provincial court in Toronto; 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:**

- The application of shotcrete involves the pumping of concrete from a hopper through a pressurised hose for the coverage of surfaces. At the time of the incident, shotcrete was being applied to the excavated walls of the construction project.
- On January 16, 2017, a Torrent Shotcrete worker was operating a concrete pump that was owned by Torrent Shotcrete.
- At the end of any given pumping period, it was necessary to clean the hopper so that residual concrete would not harden.
- The worker was in the process of cleaning out the hopper at the end of the work day using a power chisel. The worker fell into the hopper with the concrete auger running and was killed. There was no eyewitness to the incident and it is unknown how the worker fell into the hopper.
- On the top of the involved hopper was a grate that prevented access to the auger. The hopper was equipped by the manufacturer with a sensor that would stop the movement of the auger upon the opening of the grate. The sensor would allow power to the auger as long as it was in contact with a metal piece that was attached to the grate.
- Investigation by the Ministry of Labour revealed that the sensor on the hopper in question had been rendered inoperative by a metal washer that had been taped onto it, which would cause the sensor to allow power to the auger even when the grate was open. It had the same effect as the contact of the sensor with the grate when the grate was closed.
- Investigation further revealed that wiring for the sensor had been altered so as to falsely indicate that the safety grate was closed, thereby allowing uninterrupted power to the auger when the grate was open, even had the sensor not been disabled by the taped washer.
- Torrent Shotcrete pleaded guilty to failing as an employer to comply with section 25(1)(b) of the *Occupational Health and Safety Act* by failing to ensure that a grate sensor on a concrete hopper was not rendered inoperative.

### **Court Bulletin 3**

#### **Critical Injury Results in \$50,000 Fine for Kitchener Company**

**August 14, 2019 3:00 P.M.**

**Convicted: THS Industries Ltd., 501 Manitou Drive, Kitchener, Ontario, a company that manufactures steel nails.**

### **Court Bulletin 4**

#### **Court Fines Ottawa Construction Company \$70,000 After Backhoe Hits Worker**

**July 29, 2019 1:00 P.M.**

**Convicted: McDonald Brothers Construction Inc., 262 Westbrook Road, Ottawa, Ontario, a construction company that specializes in the industrial, commercial and institutional construction sector.**

### **Court Bulletin 5**

#### **Death of Worker in Tottenham Construction Project Results in \$130,000 Fine to Japanese Company**

**July 19, 2019 12:30 P.M.**

**Convicted: Access Limited, 1080 Kouzu-Machi, Hakusan, Ishikawa 924-0821, Japan, an engineering company that develops, designs and manufactures automation equipment for automated press and machine lines and provides production start-up and service support. The company is incorporated pursuant to the respective domestic laws in Japan.**

## Section 4 – Critical Injuries

### Critical Injuries

#### Year-to-Date Overview - Construction Sector

<b>Injury Type</b>	<b>2019</b> <b>January 1 – June 30</b>
<b>Critical</b>	<b>148</b>
<b>Injury Type</b>	<b>2019</b> <b>January 1 – July 31</b>
<b>Critical</b>	<b>170</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: June 1 – 30, 2019 (31)      July 1 – 31, 2019 (22)**

### Monthly Summary Report

#### Critical

*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

##### June 2019

RESS	9	PAVE	1
NEC	8	EXCA	1
RESM	5		
COMM	4		
INST	3		

##### July 2019

RESM	7	COMM	1
RESS	4	HYDR	1
INST	3	MINP	1
EXCA	2	ASB3	1
INDU	1	NEC	1

**Critical Injuries:**

**Totals: 1 – 30 June 2019 (31)      1 – 31 July 2019 (22)**

	<b>Date of Incident</b>	<b>Region</b>	<b>Sector</b>	<b>Details (as reported to MOL)</b>
1	June 3-19	C. East	RESS	Worker was unloading an excavator and removed a retaining bar, holding the ramp for the trailer towing the excavator. The ramp came down hitting the worker, caused him to fall. Broken right arm.
2	June 3-19	C. West	RESS	Worker was removing spray foam at window on the 2 <sup>nd</sup> floor rear bathroom. Worker stepped onto the lip of the bathtub to remove foam insulation around window with utility knife using a downward motion when he lost his balance falling and striking his right hand. Fracture to right hand.
3	June 4-19	C. East	COMM	Worker fell off a ladder. Worker was drilling a screw into the wall, construction on a tv set ongoing - worker was on the third step of the ladder. Brief LOC as worker struck the back of their head on the floor when he fell.
4	June 4-19	C. East	RESS	Worker fell off the first landing of the roof. He did have a harness on, but it is not believed to have been attached to anything. Worker has a compound fracture in one leg.
5	June 4-19	C. East	COMM	Worker was removing floor planks at the project site when the bottom of the plank whiplashed onto his wrist, fracturing it.

6	June 4-19	C. West	COMM	LOC and sprained left thumb. Details TBD.
7	June 5-19	West	NEC	Worker was inspecting a beam standing on a scaffold, when he felt unwell, came down and briefly lost consciousness.
8	June 5-19	East	NEC	Renovation project at the time of injury - worker stepped off deck when he accidentally placed his foot in a hole in the ground.
9	June 5-19	West	EXCA	Worker had just installed waterline - while exiting trench worker slipped and fell on her wrist. Broken right wrist.
10	June 6-19	C. West	NEC	An excavator was loading a dump truck with asphalt; on the other side of the truck the truck driver put left hand onto the flatbed out of view of the excavator operator, and the hand was struck by the asphalt, amputating middle finger, almost amputating ring finger and suffering multiple fractures to the hand.
11	June 7-19	East	RESM	A window washer was getting off the swing stage he'd been using onto scaffold when he tripped and fell about 15' to the ground, fracturing his left ankle.
12	June 10-19 (1 of 2)	West	RESM	(Worker #1) Two workers were framing trusses, on ground level, most of the trusses fell over onto the two workers. Scope of injuries TBD.
13	June 10-19 (2 of 2)	West	RESM	(Worker #2): Two workers were framing trusses, on ground level, most of the trusses fell over onto the two workers. Scope of injuries TBD.

14	June 14-19	North	RESS	Worker fell roughly 30' from scaffold to the ground, fracturing his right wrist and forearm. His co-worker had tripped and fell onto him, knocking him off the scaffold.
15	June 17-19	C. East	RESM	Worker was tied on the second floor and fell however rope was too long and impacted the ground - broken arm and hurt back
16	June 17-19	C. East	RESM	Worker striping form work off - while prying form off cement he slipped and fell to the ground. Fracture or dislocated right elbow.
17	June 18-19	C. East	INST	Worker was walking and a scaffold frame sled down the wall and hit his left foot/ankle. Fractured ankle.
18	June 19-19	North	RESS	Worker was walking up a set of stairs in the house and there was a wooden scaffold set up erected above the stairwell. The worker struck his head on the last beam of the scaffold and then fell backwards down the stairs approximately 9-10 steps. Worker lost consciousness. Possible broken nose.
19	June 19-19	West	NEC	Roofing project. LOC Details TBD.
20	June 19-19	C. East	INST	While moving trailers into final location caterpillar crawler machines used to position. Worker was operating the machine when his leg got caught between concrete post and the machine. Broken right leg.

21	June 19-19	C. East	COMM	While installing miscellaneous steel supports for a plenum on ground floor, the HSS support (3"x3" x 10') slipped and struck the worker on his right forearm. Fractured his right arm (wrist & elbow).
22	June 21-19	East	NEC	Worker was working in an electrical panel and sustained electrical shock. LOC.
23	June 25-19	North	NEC	Building under construction collapsed while workers were in the building. One worker was critically injured.
24	June 25-19	C. East	NEC	Worker was in a suite working on a ladder and then he stepped down off the ladder and when he woke up he was face down on the ground. LOC
25	June 26-19	West	RESS	Home renovation project. Worker was laying sub flooring on 1 <sup>st</sup> half of the staircase where landing located. Due to the second part of the staircase removed after the landing level worker stepped back and fell (possibly forgot that the 2nd part of the staircase removed). LOC
26	June 26-19	C. East	INST	Worker was drilling 1/2" hole in a concrete wall to run cable when his drill hit a re-bar in level 4 causing the drill to kick back and spin. Worker's hand got caught resulting in a fracture to right hand.
27	June 26-19	North	RESS	Worker slipped off step of CAT back hoe and rolled his ankle Broken bone in foot.

28	June 26-19	North	NEC	Workers were installing the plywood onto the structure while it was being nailed in place, worker was accidentally shot in the arm with nail gun. Fractured left forearm.
29	June 26-19	C. East	RESS	Worker doing windows and door fell down a ladder unspecified distance. Sustained multiple injuries.
30	June 27-19	East	RESS	Eves trough installation project. While coming off roof via extendable ladder, worker lost footing and fell approx. 10'. Worker's head hit a cinderblock on the ground. worker LOC and head trauma.
31	June 28-19	West	PAVE	Worker hit by dump truck during road surface grinding operation. Broken foot.
1	July 2-19	West	INDU	Worker lost consciousness. Details TBD
2	July 4-19	C. East	RESM	Overhead lid on compactor bin left hand in between lid and base of bin sustaining crushed tips of three fingers.
3	July 4-19	C. East	RESM	Worker briefly lost consciousness. Details TBD.
4	July 5-19	C. East	RESM	Worker was using a table saw to cut wood. Worker possibly cut off 2 fingers tips of the left hand while cutting wood with the table saw.

5	July 6-19	East	COMM	Worker was sweeping backwards and fell through a hole in the roof. Details TBD.
6	July 8-19	West	RESM	Worker was on a ladder in the course installing a slab. Reported that the steel beam on which the ladder was leaning on, fell, causing the worker to fall. The worker hit the ground, breaking his right wrist.
7	July 8-19	West	RESS	Worker was adding river rock (snow ball size rock) in the front lawn. The worker was using his foot to push the rocks in the place and was standing on the rocks. The worker slipped and landed on the left shoulder. Shoulder is dislocated.
8	July 9-19	North	MINP	Worker sustained electric shock while welding on large metal drum. Details TBD.
9	July 9-19	C. East	ASB3	Worker went up the ladder to secure the ladder with a tie wire when he felt the ladder moving underneath him. He jumped off (3') injuring his right foot.
10	July 11-19	C. West	RESS	Constructor reported form cage were being put into the excavation, the gravel was not even, when the form was unhooked it tipped over. Worker try to get out of the way but a part of it fell on his leg.

11	July 12-19	C. West	HYDR	Worker was working on a new connect for an existing transformer (upgrading) on the road side. Worker was walking and stepped into a ditch. Fractured right ankle.
12	July 15-19	West	EXCA	Worker was in the basement using a power trowel for 1 ¾ h after which he made a call to his boss saying that he was not feeling well. The boss called another colleague to check on him and when he arrived the worker was on his hands and knees and was unable to respond; he lost consciousness later. CO exposure.
13	July 16-19	TBD	EXCA	Employer worker performing an excavation in which involved of an extension of a building. Part of the chimney unexpected fell over and part of struck the worker's legs. Worker suffered a fracture to the right knee.
14	July 16-19	West	INST	Worker was up on a ladder and a piece of ceiling fell and kicked the bottom part of the ladder and in an effort to not fall the worker used his arm to catch himself on a piece of the framing of the ceiling which resulted in an injury to his shoulder
15	July 22-19	C. East	RESM	Workers' hand slipped off the ladder resulting in his elbow striking a concrete bucket.
16	July 24-19	C. East	NEC	Worker working indoors on the 4 <sup>th</sup> floor, fell 12' from a ladder and suffered a broken arm.

17	July 25-19	C. East	RESS	An electrician was performing work on the roof (flat roof). He fell off one store onto a balcony of the house. Possible neck injury and likely a fractured leg.
18	July 26-19	C. West	INST	Worker fell off roof. He was pulling on a piece of tar paper, lost balance and fell backwards off the roof. Worker fell 20', landed on concrete.
19	July 26-19	C. East	RESM	Worker was rigging a precast slab piece from the top of the trailer. He was trying to make the piece vertical which was already hooked up on the crane. The piece slid a bit but didn't leave the hook. Hit the worker's foot. Fracture left foot.
20	July 29-19	C. East	INST	Worker was replacing a heavy glass window and a piece of glass came down on the worker's forearm and the worker lost a substantial amount of blood.
21	July 31-19	C. East	RESM	Worker on a ladder 6' – 7' in the air, putting a clamp on a wall form. Jumped off the ladder. Fractured his left ankle.
22	July 31-19	West	RESS	Worker was stepping off the unfinished front porch and stepped to a mid step with his right leg and as he hit the ground with the left leg, Broken ankle/or shin bones of the left leg.

## Section 5 – Fatal Injuries

### Monthly Summary Report

Fatal June 1 – 30, 2019 (2)

July 1 – 31, 2019 (0)

	Date of Incident	Region	Sector	Occupation	Age	Details (as reported to MOL)
1	June 5-19	East	RESS	n/a	36	Worker succumb to injuries on June 13, 2019 sustained in a fall.
2	June 21-19	West	EXCA	TBD	TBD	Worker sustained fatal injuries when a sheet pile attached to a backhoe fell on the worker.

**Total Year-to-Date Fatal Injuries: January 1 – July 31, 2019 (5)**

<b>Injury Type</b>	<b>2019 January 1 – July 31</b>
<b>Fatal</b>	<b>5</b>

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.

	<b>Date of Incident</b>	<b>Region</b>	<b>Sector</b>	<b>Occupation</b>	<b>Age</b>	<b>Details (as reported to MOL)</b>
1	Jan 14-19	C. West	PAVE	Excavating	33	Worker struck by excavator bucket.
2	Mar 7-19	C. East	INDU	Steel decking	25	Worker fell approx. 50 ft. through an opening in a steel roof deck.
3	Mar 19-19	C. East	INST	Roofing	48	Worker fell from roof.
4	June 5-19	East	RESS	Specialty Trade	36	Worker succumb to injuries on June 13, 2019 sustained in a fall.
5	June 21-19	West	EXCA	Excavation	TBD	Worker sustained fatal injuries when a sheet pile attached to a backhoe fell on the worker.