

MOL report Labour-Management Network January 2019

Reporting Month Statistics

Reporting Month	Fatalities	Critical Injuries	Total
Nov 1-30, 2017	3	21	24

Reporting Month	Fatalities	Critical Injuries	Total
Nov 1-30, 2018	2	18	20

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

As I sat across my family on Christmas day, watching them smile as they opened presents and enjoyed Christmas dinner, the word “purpose” suddenly became a focus in my mind. My family is my purpose. They are the reason I get up in the morning and fight the traffic to get to work and back home, they are the ones that guide my life decisions, influence my behavior and shape my goals. So, when I think about my life’s “purpose” in the perspective of health and safety, I ask myself two rhetorical questions;

- Why do workers choose to work unsafely and not think of the consequences that may be left behind to the family? and;
- Do supervisors or employers, who fail to provide proper instruction, training or who fail to ensure that adequate personal protective equipment is utilized by their worker, ever imagine the turmoil or the emotional and financial stress that they put their own family through when they are the center of legal proceedings?

It is unfortunate that again this past Christmas, there were parents, spouses and children that will no longer see Christmas as a joyous time of year. It only reminds them of a traumatic time when they lost a love one as a result of a workplace fatality and that, in everyone’s eyes, is unfair to any child, parent or spouse.

Health and safety has no room for selfish acts. This message has to be repeated in order for it to be imbedded in the minds of all: health and safety or lack thereof has a lasting effect on more people than just ourselves. Whether it is employers and the consequences they face when they have a history of workplace injuries (WSIB rates and their inability to secure work which in turn effects their employees), whether it is every taxpayer in this province and the burden put on the healthcare system or whether it is our families and the aftermath of a loss. What we do, the choices we make, effects the lives of many.

We have the benefit of starting a new year and with that a clean slate. Many people take this time to make New Year’s resolutions or set goals and we should be no different. It is time that we show the results of all our efforts of shaping health and safety in this province. I put forward a challenge, to the construction industry in this province that we start by lowering the number of critical injuries and fatalities in the construction sector for 2019 in comparison to 2018. 2019 can be our springboard to the next five years and beyond. It can and should be achieved because this province has the people that care and who have the drive and knowledge to succeed. Your family, my family and the family of those in the construction industry will all thank us when we meet this challenge.

Vince Iacolino
Provincial Coordinator (A)
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Occupational Health and Safety Branch
Ontario Ministry of Labour

Section 2

What's New



[Restoring Ontario's Competitiveness Act](#)

On December 6, the government announced a number of legislative, regulatory and program changes, and it introduced Bill 66, the *Restoring Ontario's Competitiveness Act*. If passed, Bill 66 would amend the *Employment Standards Act, 2000* and the *Labour Relations Act, 1995*. There would also be a regulatory change under the *Occupational Health and Safety Act*.

[Learn more](#)

Don't leave workplace safety out in the cold

The cold temperatures and icy conditions during Canadian winters can lead to workplace hazards. The Infrastructure Health & Safety Association has produced PDFs on how to mitigate winter hazards, work safely on ice covers like frozen lakes and rivers, and use vibrating tools in the cold.

[Read more about winter hazards](#)

[Read more about working safely on ice covers](#)

[Read more about preventing vibration white finger](#)

[Ministry launches campaign focusing on residential renovations](#)

This month, the ministry is launching a 10-week digital advertising campaign targeting the underground economy in residential renovations. The campaign reaches homeowners via the rewards-based app Carrot and aims to raise awareness of risks posed by hiring renovation contractors who operate under the table. Risks include contractors who lack proper certification and WSIB coverage, and who don't follow safe workplace practices.

[Read more](#)

Section 3

Court Bulletin 1

High- Pressure Water Device Kills Worker, \$85,000 Fine for Mississauga Company

Convicted: 2132857 Ontario Ltd., 1860 Bonhill Road, Mississauga, Ontario, a company in the business of cleaning drains and catch basins using hydro-vacuum trucks.

Location of Workplace: A property located at 3333 Unity Drive, Mississauga, Ontario.

Description of Offence: A worker lost control of a high-pressure water jetting system and was killed after being hit by the water jet.

Date of Offence: August 26, 2017. At that time the company operated under a different name.

Date of Conviction: December 4, 2018. 4, 2018.

Penalty Imposed:

- Following a guilty plea, the company was fined \$85,000 by Justice of the Peace Helena Cassano in provincial offences court in Mississauga; Crown Counsel Judy L. Chan.
- 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 company was retained to clean the catch basins at a property located at 3333 Unity Drive in Mississauga. A catch basin is a pre-cast concrete basin placed in the ground to collect water runoff and is covered with a heavy steel grate. In addition to rain water, sediment will settle in the bottom and has to be cleaned out.
- Hydro-vac trucks are equipped with a suction vacuum system for drawing the water and sediment out of a drain and with a high-pressure water jetting system used for breaking up the sediment and cleaning the drain. The vacuum and water jetting systems can be operated either from a panel on the side of the truck, or from a hand-held remote control.
- The water jetting system consists of a tank of water and pump at the truck and a flexible hose/line from the water pump which ends in a straight spray wand. Water is drawn from the tank, through the hose, and the wand is lowered into the drain. When the system is activated, the wand expels

water at a high rate of pressure (2,000 pounds per square inch) into the drain to break up debris.

- On August 26, 2017, a worker who was an experienced operator was assisted by a helper and they cleaned a number of drains in the property's east parking lot.
- The pair then drove to the north parking lot and started to work on a drain there. The experienced worker was operating a hand-held remote as well as the wand. At one point the worker held the flexible part of the hose in order to allow the wand to get into the deeper areas of the drain.
- The worker lost control of the high-pressure water jetting system and dropped the hose. The water jet became uncontrolled as the hose flung around.
- The worker was hit by the water jet in the neck and was pronounced dead at the scene.
- The helper was also hit by the jet and received minor injuries.
- An operator-controlled trigger to control the flow of water can be attached between the hose and the wand of a high pressure water jetting system. In such a configuration, the trigger must be continually squeezed for water to jet out. If the trigger is released, the water jet is immediately shut off. The spray wand of the high-pressure water jetting system being used by the worker was not equipped with an operator-controlled trigger.
- Although the company purchased and made available operator-controlled triggers for its vehicles where requested by operators, there was no policy or instruction requiring workers to use the operator-controlled trigger attachment. Industry guidelines recommend the use of an operator-controlled trigger on the wands of high-pressure water jetting systems due to the hazards associated with uncontrolled water jets.
- Section 25(2)(h) of the *Occupational Health and Safety Act* (OHSA) states that an employer shall take every precaution reasonable in the circumstances for the protection of a worker. The company failed to take the reasonable precaution of ensuring that the high-pressure water jetting wand used by a worker to clean catch basins on August 26, 2017 was

equipped with an operator-controlled trigger to control the flow of water, contrary to section 25(2)(h) of the OHSA. This is an offence pursuant to section 66(1) of the act.

Court Bulletin 2

Steel Tube Injury Results in \$120,000 Fine at Welland Workplace

Convicted: Welded Tube of Canada Limited, 111 Rayette Road, Concord, Ontario (registered office), a multi-faceted cold formed carbon steel and high strength low alloy steel tubular producer.

Location: The company's facility at 191 Ridge Road in Welland, Ontario.

Description of Offence: A worker was injured after a one-ton steel pipe came into contact with a worker. The injury was a result of the injured worker being unable to communicate with another worker due to the poor quality of the two-way radios being used.

Date of Offence: May 5, 2017.

Date of Conviction: December 14, 2018.

Penalty Imposed:

- Following a guilty plea, Welded Tube of Canada was fined \$120,000 by Justice of the Peace Carol A. Chernish in provincial offences court in Welland; Crown Counsel Marco Galluzzo.
- 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:

- On the day of the incident, a worker was working as a furnace assistant. One task was to ensure the metal pipes coming out of the furnace moved along two transfer tables to the second part of the finishing process.
- During the shift, a metal pipe became stuck on one of the transfer tables. Accordingly, the machine was shut down by the furnace operator. Once shut down, the furnace assistant went between the two transfer tables to adjust the sensor on the transfer table.
- After completing this task, the furnace assistant used a two-way radio and asked the furnace operator if the issue had been resolved.

- The furnace operator misunderstood the message and as a result re-started the machine while the furnace assistant was still between the two transfer tables. This caused the transfer table to move up and begin the process of transferring the steel pipe onto the second table.
- Due to the furnace assistant's position, the steel pipe, weighing approximately one ton, was transferred onto the furnace worker's body and resulted in a critical injury.
- Emergency services personnel were called to the workplace to remove the steel pipe from the injured worker and transfer the worker to hospital.
- The Ministry of Labour's investigation found that there were issues with the clarity and the quality of the two-way radios being used.
- It was also discovered that some of the employees did not know how to properly use the radio communication system that was put in place by the defendant.
- Under section 25(2)(h) of the *Occupational Health and Safety Act*, an employer must take every precaution reasonable in the circumstances for the protection of a worker at a workplace.
- By failing to have a safe and effective communication system for the protection of its workers, Welded Tube did not comply with its obligation under the act.

Section 4

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

Injury Type	2018 January 1 – November 30	2017 January 1 – November 30
Fatal	23	17
Critical	233	252

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: Nov 1 – Nov 30, 2018

Monthly Summary Report

Fatal (2)

1	COMM	Fall from ladder
2	INDU	Electrical contact

Critical (18)

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	5	PAVE	1
RESM	2	INDU	2
SEWW	1	BRID	3
COMM	3	EXCA	1

Critical Injuries: (Nov 1- Nov 30, 2018):

Total: 18

	Date of Incident	Region	Sector	Occupation	Details (as reported to MOL)
1	Nov 5-18	East	COMM	Worker	Worker fell approx. 11 ft. from a roof fracturing femur and wrist
2	Nov 6-18	West	RESS	Worker	Worker was installing insulation when he placed step stool leg in open duct work hole and fell. Broken arm.
3	Nov 7-18	C. East	RESS	Worker	Worker fell from top of roof, approx. 25-30 feet. Serious injuries.
4	Nov 7-18	East	SEWW	Worker	Worker sustained a fractured left fibula as the result of an excavation wall collapse.
5	Nov 8-18	C.East	COMM	Worker	Worker fell off step of ladder. Broken left arm
6	Nov 8-18	C.East	INDU	Worker	Worker fell off a ladder LOC
7	Nov 8-18	East	BRID	Worker	Worker tripped while carrying material, fractured arm
8	Nov 9-18	West	BRID	Worker	worker slipped and fell, broken arm
9	Nov 9-18	C.East	BRID	Worker	Worker on EWP had bracket he was removing fall on hands. fractures

10	Nov 12-18	C.East	RESS	Worker	Worker fell through a floor opening on the second floor resulting in a fractured pelvis. LOC.
11	Nov 16-18	C.West	RESS	Worker	Worker fell backward; sustained loss of consciousness;
12	Nov 16-18	North	RESS	Worker	Worker was coming out from temporary washroom slipped, foot (boot) caught between stairs. fracture
13	Nov 20-18	West	EXCA	Worker	A labourer backfilling a shallow trench (2' deep), rolled his left ankle and fracturing his lower left leg.
14	Nov 21-18	C.East	RESM	Worker	Worker was attempting to start a mini-excavator slipped exiting the operator's cabin, broken leg
15	Nov 22-18	East	RESM	Worker	Worker fell off the step ladder. LOC broken wrist
16	Nov 23-18	West	COMM	Worker	Worker was doing work HVAC fell from ladder, sustained a serious head injury and substantial blood loss.
17	Nov 26-18	C.West	INDU	Worker	Worker painting a railing loss consciousness.
18	Nov 30-18	West	PAVE	Worker	Worker tripped stepping on to the tongue of the trailer, broken wrist

Section 5

Total Year-to-Date Fatal Injuries (January 1 – November 30, 2017): 17

Total Year-to-Date Fatal Injuries (January 1 – November 30, 2018): 23

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.
22	Nov 2-18	C.East	COMM	Elevator	Worker fell from ladder.
23	Nov 19-18	West	INDU	Sprinkler installer	A worker sustained injuries from electrical contact in an electrical panel.