

**MINISTRY OF LABOUR  
CONSTRUCTION HEALTH AND SAFETY PROGRAM  
PROSECUTIONS  
WESTERN REGION  
October 2009**

A constructor and supervisor plead guilty to a charge under section 234(1) of Ontario Regulation 213/91 which resulted in fines of \$16,000 and \$2,800 respectively. This was the result of an inspection where workers, including the supervisor, were observed in an unshored excavation greater than 4 feet deep.

An employer plead guilty to a charge under section 26.3(2) of Ontario Regulation 213/91 which resulted in a fine of \$105,000. This was the result of a fatality investigation where a worker fell 18 metres (50 feet) through an opening in the surface he was sweeping.

A constructor plead guilty to a charge under section 15(14) of Ontario Regulation 278/05 which resulted in a fine of \$10,000. The Director of the company also plead guilty to a charge under section 32(1) of the Occupational Health and Safety Act R.S.O. 1990 c.01 resulting in a fine of \$10,000. This was the result of a complaint investigation where workers were observed setting up for an asbestos abatement job at a commercial project while several contraventions relating to the abatement were found.

An employer and supervisor plead guilty to charges under section 26.1(2) of Ontario Regulation 213/91 which resulted in a fine of \$15,000 and \$2,000 respectively. This was the result of a complaint investigation where 3 workers were observed roofing townhouses. The workers were not protected by fall protection and were exposed to a fall hazard of 5.67 metres.

A constructor was found guilty of a charge under section 65 of Ontario Regulation 213/91 which resulted in a fine of \$32,000. This was the result of incident investigation where a member of the public fell into a shallow trench breaking her leg after stepping on a piece of plywood that was laid across it. It was found that the project was not adequately fenced to ensure that the public could not access the trench.

**Part 1 Offence Notices:**

11 – issued under section 26.1(2) of O. Reg. 213/91

5 – issued under section 22 of O. Reg. 213/91

1 – issued under section 3(2) of O. Reg. 572/99

**Part 1 Summons’:**

3 – issued to **workers**

2 – issued under section 148(e) of O. Reg. 213/91

1 – issued under section 188(2) of O. Reg. 213/91

18 – issued to **supervisors**

6 – issued under section 26.1(2) of O. Reg. 213/91

3 – issued under section 22(1) of O. Reg. 213/91

2 - issued under section 23(1) of O. Reg. 213/91

1 – issued under section 67(4) of O. Reg. 213/91

- 1 – issued under section 67(5)(b) of O. Reg. 213/91
- 1 - issued under section 77(2)(e) of O. Reg. 213/91
- 2 – issued under section 26.3(1) of O. Reg. 213/91
- 1 – issued under section 188(2) of O. Reg. 213/91
- 1 – issued under section 27(1)(c) of the OHSA

3 - issued to **employers**

- 1 – issued under section 109 of O. Reg. 213/91
- 1 – issued under section 22(1) of O. Reg. 213/91
- 1 - issued under section 23(1) of O. Reg. 213/91

2 - issued to **constructors**

- 1 – issued under section 6(3) of O. Reg. 213/91
- 1 – issued under section 6(6) of O. Reg. 213/91