

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

A constructor, employer and supervisor were all found guilty under section 135(1) of Ontario Regulation 213/91 which resulted in fines of \$50,000, \$50,000 and \$4,000 respectively. This was the result of an incident investigation where a worker fell from a scaffold frame while adjusting a U-jack using a length of pipe. The pipe slipped from the U-jack causing the worker to fall the concrete below breaking his arm.

An employer plead guilty to a charge under section 26.1(2) of Ontario Regulation 213/91 which resulted in a fine of \$20,000. This was the result of incident investigation where a worker fell 3.8 metres from the roof of a project. It was found that although the worker had been trained in fall protection he was not wearing it and there were no other forms of fall protection in place. The worker sustained 7 broken ribs

A constructor plead guilty to a charge under section 26.3(1) of Ontario Regulation 213/91 which resulted in a fine of \$15,000. This was the result of an inspection at a residential project where numerous contraventions were observed including missing and inadequately built guardrails around the openings.

A worker plead guilty to a charge under section 123 of Ontario Regulation 213/91 which resulted in a fine of \$1,000. This was the result of an incident investigation at a commercial project where a worker had been burned while roofing. The worker was charged with failing to take precautions to prevent a fire while using a blow torch.

A supervisor plead guilty to a charge under section 207 of Ontario Regulation 213/91 which resulted in a fine of \$4,000. This was the result of an incident investigation where a worker was bumped off of a roof by a mechanical sweeper while not being protected by fall protection. The worker thought he was in a safe area of the roof, however there was no bump line installed to indicate where the worker should be tied off. The worker sustained a broken left lower leg and heel.

**Part 1 Offence Notices:**

- 12 – issued under section 26.1(2) of O. Reg. 213/91
- 2 – issued under section 22 of O. Reg. 213/91

**Part 1 Summons’:**

- 6 – issued to **workers**
  - 3 – issued under section 26.1(2) of O. Reg. 213/91
  - 1 – issued under section 188(2) of O. Reg. 213/91
  - 1 – issued under section 187 of O. Reg. 213/91
  - 1 – issued under section 28(2)(b) of the OHSA
- 12 – issued to **supervisors**
  - 6 – issued under section 26.1(2) of O. Reg. 213/91
  - 1 – issued under section 22(1) of O. Reg. 213/91

Supervisors cont'd.

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

1 – issued under section 135(1) of O. Reg. 213/91

2 - issued to **employers**

1 – issued under section 7(1) of O. Reg. 860/90

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

3 - issued to **constructors**

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