

Report for the Labour-Management Network, January 2020



Reporting Month Statistics

Reporting Month	Fatalities	Critical Injuries	Total
November 1-30, 2019	3	18	21

Reporting Month	Fatalities	Critical Injuries	Total
November 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 Comment

Let me begin by wishing each of you a peaceful, prosperous, healthy and safe New Year!

I am sorry that I am not able to join you once again this month, but I hope to join you for the next meeting.

I believe that we are facing challenging, but exciting times ahead in the construction sector. One of the items in the MLTSD **what's new** section below focuses on how we can attract and retain future generations of construction workers.

Minister McNaughton correctly identifies that young people value things differently than you and I did when we were young workers:

Employers in the construction sector need to find new ways to talk to millennials if they are going to solve a looming skilled trades shortage.

"Young people have different attitudes towards life and work than the generations before them," and "The construction sector, along with others, needs to adjust to those changing attitudes to attract and retain talent."

Among the key findings of new research conducted by the Ministry of Labour, Training and Skills Development is the insight that young people prioritize independence and want to feel confident they have some control over their lives.

Minister McNaughton said construction health and safety programs offer employers an opportunity to address those values.

"Through health and safety, employers have an opportunity to show young workers they care," said Minister McNaughton. "If we empower young people to be able to speak up on issues of safety, if we provide them with the right

mentorship and we give them all the tools, including new technology, this will go a long way towards meeting their needs."

Approximately one in two (55%) young workers in the construction feel safe at their current workplace, new data shows. Roughly the same proportion of young workers (54%) believe safety is more important than speed or profit.

"We need to prioritize a culture of safety over a finish-at-any-cost mentality," said Minister McNaughton. "This will benefit workers and ultimately prove good for business."

An aging workforce is driving the shortage of skilled workers. Over the next decade, the Canadian construction industry will need about 300,000 skilled construction workers.

"The shortage of skilled workers is a looming problem," said Minister McNaughton. "The solution is clear. We need to end the stigma around the skilled trades, make the apprenticeship system easier to navigate, and find better ways to convince businesses to participate. That is my mission."

QUICK FACTS

- More than 500,000 people work in Ontario's construction sector.
- About 13,000 jobs were unfilled across Ontario's construction sector in the first half of 2019.
- Over the next 10 years, Ontario's construction industry will need to hire and train about 104,000 new skilled workers.

It is incumbent upon us to get ahead of this curve. I believe that the single most effective thing we could do to help ensure that future generations of construction workers are protected from harm is to embed accessible workplace health and safety knowledge and skills into traditional education and training, both for skilled

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workers and for construction supervisors and managers. The other is for our industry to think of new ways to accomplish the job, making the most of emerging technologies. I believe that health and safety must be designed into the work. I do not think that government alone can accomplish this. We must work together.

Finally, I would like to remind those who are interested in exploring construction work on either side of the Ontario Quebec border that the Jobs Protection Office (JPO) has updated its' web information on construction sector labour mobility between Ontario and Quebec at <https://www.ontario.ca/page/working-construction-ontario-and-quebec> . If you have any questions, concerns, issues or complaints, please reach out to Lori Ann Hay at 613-864-3046.

Sincerely,

Pierre Rouleau, CRSP

Provincial Coordinator (A)
Construction Health and Safety Program
Occupational Health and Safety Branch

Ontario Ministry of Labour, Training and Skills Development

Section 2 – What's New

[Lead the way for PPE safety](#)

You know what personal protective equipment (PPE) to wear and you know how to wear it correctly. Learn what ministry inspectors will look for and how to prepare your worksite for an upcoming PPE blitz February 3 to March 13, 2020.

[Learn more](#) | [Webinar](#)

[Ontario creating new training partnerships, jobs](#)

Ontario's Government is investing \$20 million in training partnerships that will help job seekers and workers get the in-demand skills they need for good jobs, and connect them with employers looking to grow their businesses.

[Read more](#)

[Attracting and retaining millennials key to future of skilled trades](#)

Employers in the construction sector need to find new ways to talk to millennials if they are going to solve a looming skilled trades shortage.

[Read more](#)

For more what's **new** – Ministry of Labour articles, see: <http://eepurl.com/gNyWtD>

Section 3 – Court Bulletins

Court Bulletin 1

Worker Killed in Excavation, \$150,000 Fine for Contracting Company

November 27, 2019 4:30 P.M.

[Ministry of Labour, Training and Skills Development](#)

Convicted: Kurtis Smith Excavating Inc., a sewer and watermain contractor, 225 Industrial Park Drive, Brussels, Ontario.

Location of Worksite: A construction project at 45415 Perth Line 86, west of the town of Listowel.

Description of Offence: A worker was killed when a 1,600-pound bollard made of steel and cement fell into an excavation and struck a worker.

Date of Offence: May 30, 2018.

Date of Conviction: November 26, 2019.

Penalty Imposed:

- Following a guilty plea, Kurtis Smith Excavating Inc. was fined \$150,000 by Judge Katherine Stacy Neill in provincial offences court in Stratford; Crown Counsel Line Forestier.
- 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 May 30, 2018 the defendant's workers were engaged in a project that consisted, in part, of grading a parking lot and reinstalling four metal bollards into a four-foot excavation to protect a wellhead.
- One worker was operating an excavator with a bucket attachment and two other workers were involved at some point in preparing the base of the excavation. At the time of the incident only one worker was working in the excavation.

- The bollards being installed in the excavation were made of steel and cement, weighed about 1,600 pounds each and were about nine feet in height. A portion of the bollard rests underground and a portion protrudes from the surface to act as a guardrail to prevent vehicles from hitting the wellhead.
- The first three bollards were moved individually while located in the bucket and were lowered into the base of the excavation. The fourth bollard could not be lowered into the excavation while in the bucket because there was insufficient room in the excavation to allow the bucket to manoeuvre.
- A metal chain was attached to the bucket to hoist the last bollard into the excavation. One end of the chain was attached to the bucket and the other end was wrapped around the base of the bollard's handle.
- The load was suspended from the excavator bucket in the exact position it needed to be placed into the excavation. The bollard was lifted and placed into the excavation but the two workers in the excavation noticed it did not line up with the other installed bollards.
- The bollard was hoisted from the excavation to the ground surface and detached from the bucket. Some gravel was removed and the bollard was then reattached to the bucket with the chain and hoisted. At this time, only one worker was located in the excavation.
- The bollard slipped out of the choked chain wrapped around the handle, fell into the excavation and tipped over, striking and killing the worker.
- The (then) Ministry of Labour conducted an investigation and concluded:
 - The metal chain used to hoist the bollard was inappropriate for its intended use and not designed for hoisting. The chain was designed and manufactured to secure material in place, for example, to fasten a load to a flatbed truck during transportation.
 - The hooks at the ends of the chain were not equipped with a safety catch mechanism.

- A nylon sling designed for hoisting should have been used for this hoisting operation.
- None of the workers involved had received hoisting or rigging training.
- An employer must ensure measures and procedures set out in **the Occupational Health and Safety Act** and in **Ontario Regulation 213/91** (the **Construction Projects Regulation**) are followed to protect the safety of workers on a construction project. One such requirement at section 172(1)(a) of the regulation requires that slings or similar devices for rigging and hoisting an object be suitable for this use.
- The defendant failed to ensure the measures and procedures outlined at section 172(1)(a) of the regulation were followed and thereby did violate section 25(1)(c) of the act.

Court Bulletin 2

Worker Caught in Rubble, Company Fined \$65,000 in Thunder Bay District

November 28, 2019 4:30 P.M.

[Ministry of Labour, Training and Skills Development](#)

Convicted: 1481410 Ontario Limited carrying on business as SL Marketing, PO Box 836, 25 Peter Street, Orillia, Ontario.

Location of Worksite: The former Kraft Paper Mill at 1 Baker Road, Red Rock, in the Thunder Bay District in northwestern Ontario.

Description of Offence: A worker suffered a non-life-threatening injury when a concrete structure collapsed on top of the worker's excavator.

Date of Offence: November 14, 2017.

Date of Conviction: November 22, 2019.

Penalty Imposed:

- Following a guilty plea, Justice of the Peace Jennifer Neill fined 1481410 Ontario Limited \$65,000 in provincial offences court in Thunder Bay; Crown Counsel Tom Schneider.
- 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:

- 1481410 Ontario Limited (SL Marketing) was conducting a demolition operation/construction project at the former Kraft Paper Mill in November 2017.
 - After site orientations were performed, workers drilled holes into columns in three concrete structures on site. Explosives were inserted into those holes, and they were detonated as test blasts. The test blasts were performed under the direction of a supervisor.
 - The blasts did not bring the structures down, and the site was then left for several days to settle. Following that, on November 14, 2017, an excavator with an attached pulverizer was brought to the site. The operator was instructed to "soften" one of the structure's walls using the pulverizer. The intention was that after the walls had been softened, a further blast would be set off to bring the structure down.
 - The worker began softening the walls, and the approximately 65-foot concrete structure collapsed on top of the excavator. The worker was trapped in the excavator's cab for several hours, buried under rubble. He was later freed, taken to hospital and suffered a non-life-threatening injury.
 - The (then) Ministry of Labour investigated the incident and determined that even though the company had trained its workers in how to perform demolition work, a second assessment had not been performed following the initial test blast to determine the building's structural integrity as required by the procedures.
 - As a result, the company did not provide an appropriate safeguard in the circumstances to prevent injury to a worker (that is, a second structural assessment).
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- This contravened section 212(1)(b) of the **Construction Projects Regulation (Regulation 213/91)** and the company failed, as an employer, to ensure that the measures and procedures prescribed were carried out in the workplace, contrary to section 25(1)(c) of the **Occupational Health and Safety Act**.

Section 4 – Critical Injuries

Critical Injuries

Year-to-Date Overview and Comparison - Construction Sector

Injury Type	2019 January 1 – November 30
Critical	249

Injury Type	2018 January 1 – November 30
Critical	254

NOTE: These figures represent preliminary data and are not to be considered official statistics from the Ministry of Labour, Training and Skills Development. Official statistics will be issued quarterly by the Data Management Branch of the Ministry of Labour, Training and Skills Development.

REPORTING MONTH: November 1 – 30, 2019 (18)

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.

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Occupational Health and Safety Branch
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Sector

RESS	3		RAIL	1
INDU	1		CONY	1
RESM	5		ROAD	1
COMM	5			
PAVE	1			

Reported Cause

FALL	12
STRK BY	6
ELCT	0
EXCV	0

Critical Injuries:

Totals: 1 – 30 November 2019 (18)

	Date of Incident	Region	Sector	Details (as reported to MOL)	Reported Cause
1	1-Nov-19	C. East	RESM	Worker stepped on small piece of wood resulting in him losing balance and falling backwards. Suffers broken left arm.	FALL
2	4-Nov-19	C. East	PAVE	Worker struck by debris from above. Suffers loss of consciousness.	STRUCK BY
3	5-Nov-19	C. East	ROAD	Workers leg fractured after fall from trailer deck due to being struck by materials.	FALL
4	5-Nov-19	East	COMM	Worker lost consciousness after fall from mezzanine.	FALL
5	5-Nov-19	East	RESS	Worker lost consciousness after fall from scaffolding.	FALL

Ministry of Labour, Training and Skills Development
Occupational Health and Safety Branch
Construction Health and Safety Program

6	6-Nov-19	C. East	RESM	Worker suffers fractures to hand after being struck by materials.	STRUCK BY
7	7-Nov-19	West	RESS	Worker suffers loss of consciousness after falling from ladder.	FALL
8	7-Nov-19	West	COMM	After 12' fall from framing, worker suffers fractured ankle.	FALL
9	7-Nov-19	C. East	COMM	Worker suffers fractures to index finger and thumb when trigger to tool pressed during bit change.	STRUCK BY
10	8-Nov-19	West	CONY	Worker fractures knee after fall from trailer bed.	FALL
11	8-Nov-19	West	COMM	Worker fractured ankle after slip on ice.	FALL
12	9-Nov-19	C. East	RESM	Worker suffers two fractures to lower leg after being struck by Bobcat.	STRUCK BY
13	11-Nov-19	West	INDU	Worker suffers fracture to leg after slip on icy surface.	FALL
14	15-Nov-19	C. East	RAIL	Worker fractured wrist during fall	FALL
15	20-Nov-19	C. East	RESM	Worker fractures wrist after trip over materials.	FALL

16	26-Nov-19	C. East	COMM	Foundation wall fell and hit a pipe in the excavation which hit the workers leg braking the ankle.	STRUCK BY
17	27-Nov-19	C. East	RESM	Worker suffers fracture to ankle when struck by suspended column form	STRUCK BY
18	28-Nov-19	East	RESS	Worker suffers lost consciousness after fall from approx. 12-ft	FALL

Section 5 – Fatal Injuries

Fatal Injuries

Year-to-Date Overview and Comparison - Construction Sector

Injury Type	2019 January 1 – November 30
Fatal	15

Injury Type	2018 January 1 – November 30
Fatal	23

Monthly Summary Report – Fatal November 1 – 30, 2019

	Date of Incident	Region	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
1	6-Nov-19	C. East	RESS	Carpenter	51	Worker fell two storeys down an elevator shaft	FALL
2	9-Nov-19	C. West	RESS	Ind. Contractor	63	Worker succumbed to their injuries due to fall from roof.	FALL
3	12-Nov-19	West	COMM	Labourer	49	Worker crushed by falling hollow-core concrete slab	STRUCK BY

Total Year-to-Date Fatal Injuries: January 1 – November 30, 2019 (15)

Sector

RESS	3		INST	1
INDU	1		EXCA	1
RESM	1		SEWW	2
COMM	1		NECC	2
PAVE	2		FARM	1

Reported Cause

FALL	7
STRK BY	7
ELCT	1
EXCV	0

Ministry of Labour, Training and Skills Development
Occupational Health and Safety Branch
Construction Health and Safety Program

	Date of Incident	Region	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
1	Jan 14-19	C. West	PAVE	Excavating	33	Worker struck by excavator bucket.	STRUCK BY
2	Mar 7-19	C. East	INDU	Steel decking	25	Worker fell approx. 50 ft. through an opening in a steel roof deck.	FALL
3	Mar 19-19	C. East	INST	Roofing	48	Worker fell from roof.	FALL
4	June 5-19	East	RESS	Specialty Trade	36	Worker succumb to injuries on June 13, 2019 sustained in a fall.	FALL
5	June 21-19	West	EXCA	Excavation	48	Worker sustained fatal injuries when a sheet pile attached to a backhoe fell on the worker.	STRUCK BY
6	Aug 14-19	North	SEW W	Sewer and Watermain	61	Worker crushed by a shifting Bailey bridge	STRUCK BY
7	Aug 23-19	C. East	RESM	Carpenter	30	Worker crushed by formwork system	STRUCK BY
8	Sept 10-19	C. East	PAVE	Labourer	50	Worker struck by roller	STRUCK BY

Ministry of Labour, Training and Skills Development
Occupational Health and Safety Branch
Construction Health and Safety Program

9	Sept 19-19	C. West	NECC	Drill rig operator	26	Worker knocked to the ground when drill rig contacted a power line	ELECTRICAL CONTACT
10	Sept 19-19	North	NECC	Painter	64	Worker was painting inside a home and succumbed to injuries resulting from a fall	FALL
11	2-Oct-19	West	FARM	Ind. Contractor	69	Worker fell from ladder, succumbed to head injuries	FALL
12	2-Oct-19	West	SEW W	Arborist	19	Worker struck by collapsing equipment	STRUCK BY
13	6-Nov-19	C. East	RESS	Carpenter	51	Worker fell two storeys down an elevator shaft	FALL
14	9-Nov-19	C. West	RESS	Ind. Contractor	63	Worker succumbed to their injuries due to fall from roof.	FALL
15	12-Nov-19	West	COMM	Labourer		Worker crushed by falling concrete slab	STRUCK BY

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.