

Jailed or fined—fall protection

Consequences of violating fall-protection laws

Subcontractor jailed, contractor fined

In October 2006, a partner of a roofing company based in Seeley's Bay was ordered jailed for 30 days and a Kingston-based contractor was fined \$43,000. These punishments were for violations of the *Occupational Health and Safety Act* that resulted in a young worker being injured in 2004.

It was the young worker's first day on the job. The partner of the roofing company instructed the worker to remove old shingles on a third-storey roof. The worker was not wearing a fall-arrest harness. The worker fell from the roof into a garbage bin on the ground, suffering a bruised shin bone.

As the worker lay injured in the bin, the partner of the roofing company put a fall-arrest harness on the worker and told the worker to tell Ministry of Labour investigators that the worker had been wearing it while on the roof. The worker did as instructed.

The partner of the roofing company pleaded guilty and was ordered jailed, as an employer, for failing to ensure that fall protection was used by the worker as required by Section 26 of the Construction Regulation. This was contrary to Section 25 of the *Occupational Health and Safety Act*.

The Kingston-based contractor, which hired the roofing company

as a subcontractor, was fined a total of \$43,000 for failing to

- ensure the worker was adequately protected by fall protection
- ensure the worker was adequately trained in the use of fall protection.

These responsibilities are required by Section 26 of the Construction Regulation and Section 23 of the *Occupational Health and Safety Act*.

\$65,000 fine

In December 2006, a construction company based in North York was fined \$65,000 for a violation of the *Occupational Health and Safety Act* that resulted in a serious head injury to a worker at a residential construction site in 2003. The worker was employed by a subcontractor which was hired by the North-York company to install vinyl siding.

The worker was installing vinyl-siding trim from a second-storey roof. The worker fell off the roof, striking a first-storey roof before hitting the ground. The worker suffered a skull fracture. A Ministry of Labour investigation found that the worker was not wearing fall-arrest equipment.

The North-York based contractor pleaded guilty and was fined as a constructor for failing to ensure that the worker wore fall-protection equipment as required

by Section 26 of the Construction Regulation. This was contrary to Section 23 of the *Occupational Health and Safety Act*.

\$100,000 fine

In October 2006, a Scarborough-based construction company was fined \$100,000 for a violation of the *Occupational Health and Safety Act* that resulted in the death of a City of Toronto building inspector.

In 2003, two building inspectors were inspecting a partially-built home when one of the inspectors fell about 2.7 metres through an uncovered portion of a stairway opening to a concrete basement floor. The inspector suffered head injuries and died the next day in hospital. The inspector had been on the job for just three weeks.

The company pleaded guilty, and was fined as a constructor for failing to ensure that a guardrail or protective covering was in place over the stairway opening, as required by Section 26 of the Construction Regulation. This was contrary to Section 23 of the *Occupational Health and Safety Act*.

**Read the
Construction
Regulation and the
OHS Act online at
www.csa.org**