

06-101

For Immediate Release
October 4, 2006

FORWELL MATERIALS INC. FINED \$75,000 FOR HEALTH AND SAFETY VIOLATION

KITCHENER, Ont. – Forwell Materials Inc., a Cambridge, Ont.-based company that processes and supplies construction materials such as cement and gravel, was fined \$75,000 on October 3, 2006 for a violation of the Occupational Health and Safety Act that resulted in the death of an employee.

On March 8, 2005, a worker was standing inside a “palletizer” (a machine used to stack bags on pallets that were raised and lowered by the machine’s forks) and was attempting to manually load fallen bags of asphalt onto a pallet when the forks inside the palletizer went up. The worker, who was standing near the forks, was trapped by the forks and crushed. Just prior to the incident the worker had been operating the palletizer when four asphalt bags fell off a full stack on the pallet onto the forks. The worker entered the palletizer to reload the bags. However, the forks rose up when the worker moved one of the bags blocking a light beam that signalled the forks to move up to a higher position. The incident occurred at the company’s plant at 1501 Whistlebare Road in Cambridge.

A Ministry of Labour investigation found the palletizer was not locked out prior to the worker entering the machine. The company had provided training on lockout to the worker at least three times before the incident and the worker had been disciplined in the past for failing to lock out the machine.

Forwell Materials Inc. pleaded guilty, as an employer, to failing to ensure lockout procedures for the palletizer were followed, as required by Section 76 of the Regulations for Industrial Establishments. This was contrary to Section 25(1)(c) of the act.

The fine was imposed by Justice of the Peace Robert Gay of the Ontario Court of Justice in Kitchener. In addition, the court 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.

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Court Information at a Glance

Location: Ontario Court of Justice
77 Queen Street, Courtroom 101
Kitchener, Ontario

Judge: Justice of the Peace Robert Gay

Date / Time: October 3, 2006, 2:30 p.m.

Defendant: Forwell Materials Inc.

Matter: Occupational Health & Safety

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