

06-105

For Immediate Release
October 18, 2006

FAKOURY'S BUILDING SUPPLIES LTD. AND WORKER FINED FOR HEALTH AND SAFETY VIOLATIONS

KITCHENER, Ont. – Fackoury's Building Supplies Ltd., a Cambridge, Ont.-based company that supplies building materials, was fined \$55,000 and a company employee was fined \$3,500, both on October 17, 2006, for one violation each of the Occupational Health and Safety Act that resulted in serious electrical burns to an employee at a Kitchener construction site.

On April 19, 2005, two workers were delivering building materials in a “boom truck” (a lift truck with an extendable arm equipped with a hoist) when one of the workers, who was operating the boom truck and hoist, brought the boom by remote control to within .3 metres (one foot) of energized 8,320-volt overhead wires. An electrical current arced until the boom was about .9 to 1.2 metres (three to four feet) from the top wire. The truck operator immediately went to the passenger side of the truck to check on the second worker who had been removing straps on the building material. The truck operator found the second worker on hands and knees suffering from electrical burns to several fingers on the right hand, the palm and back of the left hand, right forearm and lower right calf. The incident occurred at a construction site for a children's entertainment centre at 425 Bingeman Centre Drive in Kitchener.

A Ministry of Labour investigation found the truck operator had been directed by another employer at the construction site to position the boom truck under the overhead electrical wires at the back of a partially-built building.

Fackoury's Building Supplies Ltd. pleaded guilty to failing, as an employer, to ensure the boom was not brought closer than three metres to the energized overhead electrical wires, as required by Section 186(1) of the Regulations for Construction Projects. This was contrary to Section 25(1)(c) of the act.

In addition, the truck operator pleaded guilty, as a worker, to failing to ensure the boom was not brought closer than three metres to the energized overhead electrical wires, as required by Section 186(1) of the Regulations for Construction Projects. This was contrary to Section 28(1)(a) of the act.

The fines were imposed by Justice of the Peace Robert Gay of the Ontario Court of Justice in Kitchener.

In addition to the fines, 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 North, Courtroom 102 Kitchener, Ontario
Judge:	Justice of the Peace Robert Gay
Date / Time:	October 17, 2006, 10:30 a.m.
Defendants:	Fackoury's Building Supplies Ltd.; and a worker
Matter:	Occupational Health & Safety

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