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For Immediate Release
October 25, 2006

SEELEY'S BAY CONTRACTOR JAILED 30 DAYS FOR HEALTH AND SAFETY VIOLATION

KINGSTON, Ont. – A partner of Peaks & Valleys Contracting, a roofing contractor based in Seeley's Bay, Ont., was ordered jailed for 30 days today for a violation of the Occupational Health and Safety Act that resulted in injuries to a young employee.

On September 14, 2004, a worker fell from a roof about three storeys into a refuse bin on the ground below. The worker suffered a bruised shin bone. Just prior to the incident the worker had been instructed by the defendant to ascend the roof to remove old shingles so they could be replaced. The roof was about eight metres (27 feet) from the top of the eavestrough to the ground. The worker had been on the roof for about 10 minutes before falling. It was the worker's first day on the job. The incident occurred at a shingling project at row housing on Craig Lane in Kingston. K.B. Home Insulation Ltd., a Kingston-based contractor, was hired by the row housing's condominium corporation for the shingling project. K.B. Home Insulation Ltd., in turn, hired the defendant to do the work.

A Ministry of Labour investigation found the worker was not wearing a fall harness when ascending the roof. However, as the worker lay injured in the bin, the defendant put a fall harness on the worker and told the worker to tell Ministry of Labour investigators the worker had been wearing it while on the roof. The worker did as instructed.

The defendant pleaded guilty, as an employer, to failing to ensure fall protection was used by the worker, as required by Section 26.1(2) of the Regulations for Construction Projects. This was contrary to Section 25(1)(d) of the act.

The jail term was imposed by Justice of the Peace Fred Ross of the Ontario Court of Justice in Kingston.

In a separate matter, following a trial, K.B. Home Insulation Ltd. was found guilty, as a constructor, of the following two violations of the act in connection with the worker's fall:

1. Failing to ensure the worker was adequately protected by fall protection, as required by Section 26.1(2) of the Regulations for Construction Projects. This was contrary to Section 23(1)(b) of the act.
2. Failing to ensure the worker was adequately trained in the use of fall protection, as required by Section 26.2 of the Regulations for Construction Projects. This was contrary to Section 23(1)(b) of the act.

Justice of the Peace Fred Ross fined the company a total of \$43,000, including \$25,000 on the first count and \$18,000 on the second count.

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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<u>Court Information at a Glance</u>	
Location:	Ontario Court of Justice 279 Wellington Street, Courtroom 2 Kingston, Ontario
Judge:	Justice of the Peace Fred Ross
Date / Time:	October 25, 2006, 9 a.m.
Defendant:	A partner of Peaks & Valleys Contracting; and K.B. Home Insulation Ltd.
Matter:	Occupational Health & Safety

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