

06-128

For Immediate Release
December 14, 2006

DAGMAR CONSTRUCTION INC. FINED \$55,000 FOR HEALTH AND SAFETY VIOLATION

MILTON, Ont. – Dagmar Construction Inc. a Markham, Ont.-based road construction contractor, was fined \$55,000 today for a violation of the Occupational Health and Safety Act that resulted in serious injuries to a young employee at a road construction site in Burlington, Ont.

On September 19, 2005, a worker was patching holes in asphalt when a traffic accident occurred resulting in the worker being pushed along concrete barriers for some distance. The worker suffered a double fracture to the right ankle and cuts, scrapes and bruises, and was off work for six weeks. The incident occurred on the west side of Appleby Line at a \$13.5 million project involving construction of a new north-south Appleby Line underpass, and construction and rehabilitation of a CN Rail line running east-west across Appleby Line in Burlington's east end. Dagmar Construction Inc. was constructor of the project.

Just prior to the incident the worker's supervisor had left a company truck parked partially in the right lane. A vehicle, travelling south on Appleby Line, cut off a dump truck, which, in turn, swerved and hit the supervisor's truck, propelling it against the concrete barrier and trapping the worker who was working on the travelled side of the barriers. Both the vehicle and dump truck were unrelated to the construction project.

A Ministry of Labour investigation found no traffic control measures such as barriers, barricades, flashing lights and warning signs were in use at the site to protect the worker.

Dagmar Construction Inc. pleaded guilty, as a constructor, to failing to ensure the necessary traffic control measures were used at the project to adequately protect the worker on the travelled side of the barriers, as required by Section 67(2) of the Regulations for Construction Projects. This was contrary to Section 23(1)(a) of the act.

The fine was imposed by Justice Richard LeDressay of the Ontario Court of Justice in Milton. 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
491 Steeles Avenue East, Courtroom 2
Milton, Ontario

Judge: Justice Richard LeDressay

Date / Time: December 14, 2006, 9:45 a.m.

Defendant: Dagmar Construction Inc.

Matter: Occupational Health & Safety

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