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For Immediate Release
February 28, 2006

TONY MARSMAN CONSTRUCTION LIMITED FINED \$50,000 FOR HEALTH AND SAFETY VIOLATION

LONDON, Ont. – Tony Marsman Construction Limited, a construction company based in London, was fined \$50,000 on February 22, 2006 for a violation of the Occupational Health and Safety Act that resulted in serious injuries to a young worker at a residential construction project.

On May 11, 2004, a worker was installing flooring in a partially-built house when the worker fell more than 3.35 metres (11 feet) from the second storey to a concrete garage floor below. The worker suffered two broken wrists and a broken facial bone. A Ministry of Labour investigation found that the worker was working without any fall protection equipment. The incident occurred at a construction site on Fogerty Street in London, where 30 homes were being built. The worker was employed by a house framing company, which had been contracted to install flooring by a home building company, which, in turn, had been contracted by Tony Marsman Construction Limited, the project's constructor.

Following a trial, Tony Marsman Construction Limited was found guilty, as a constructor, of failing to ensure the worker was protected from falling, as required by Section 26.1 of the Regulations for Construction Projects. This was contrary to Section 23(1)(a) of the act.

The company was fined by Justice of the Peace Helen Gale of the Ontario Court of Justice in London. 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
824 Dundas Street, Courtroom 102
London, Ontario

Judge: Justice of the Peace Helen Gale

Date / Time: February 22, 2006, 11 a.m.

Defendant: Tony Marsman Construction Limited

Matter: Occupational Health & Safety

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