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CHRIMA IRON WORK LIMITED FINED \$125,000 FOR HEALTH AND SAFETY VIOLATION

STRATFORD, Ont. – Chrima Iron Work Limited Corp., a steel manufacturer based in Stratford, was fined \$125,000 on March 6, 2006 for a violation of the Occupational Health and Safety Act that resulted in the death of an employee.

On August 23, 2001, a worker was helping to move a partially-constructed “smoke box” (large metal piece) so it could be welded on another side when the 285-kilogram (628-pound) box fell onto the worker. At the time of the incident the worker was on the ground pushing on the bottom of the smoke box while a second worker was using a forklift to lift the smoke box. The first worker was attempting to tilt the smoke box onto the forklift’s forks but, rather than falling back, the smoke box fell forward. The first worker was taken by ambulance to Stratford General Hospital and died early the next morning. The incident occurred at the company’s plant at 4440 Perth Road 107 in Perth East Township in the Stratford area.

Following a trial, Chrima Iron Work Limited was found guilty, as an employer, of failing to ensure the smoke box was transported so that it did not tip, collapse or fall, as required by Section 45(b)(i) of the Regulations for Industrial Establishments. This was contrary to Section 25(1)(c) of the act.

The trial was the second to take place. The matter was originally tried by Justice of the Peace Ron Trachey in the Ontario Court of Justice in Stratford on June 2, 2003, resulting in the charge being dismissed. However, the Crown appealed and the decision was overturned on June 21, 2004 by Justice Katie McKerlie of the Ontario Court of Justice in Stratford. The retrial resulting in the current conviction took place before Justice of the Peace Susan Hoffman in the Ontario Court of Justice in Stratford on December 7, 2004 and May 30 and 31, 2005. Justice of the Peace Hoffman registered a conviction on October 27, 2005 finding that a truly diligent employer would have ensured procedures for transporting large metal fabricated products were written, posted and presented to employees on a regular and ongoing basis.

In addition to the fine imposed by Justice of the Peace Hoffman, 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.

Contacts:
Belinda Sutton
Ministry of Labour
416-326-7405

Alex Bednar
Crown Counsel
Legal Services Branch
Ministry of Labour
416-212-1069

Court Information at a Glance

Location:	Ontario Court of Justice 1 Huron Street, Courtroom 1 Stratford, Ontario
Judge:	Justice of the Peace Susan Hoffman
Date / Time:	March 6, 2006, 10 a.m.
Defendants:	Chrima Iron Work Limited
Matter:	Occupational Health & Safety

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