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For Immediate Release
May 16, 2006

MORAN MINING & TUNNELLING LTD. CONVICTION FOR HEALTH AND SAFETY VIOLATION UPHELD ON APPEAL

SUDBURY, Ont. – A conviction under the Occupational Health and Safety Act involving Moran Mining & Tunnelling Ltd., a Sudbury-based mining contractor, was upheld on appeal on May 12, 2006.

On September 28, 2004, the company was fined \$100,000 for a violation of the act that resulted in the death of an employee at Creighton Mine in Sudbury. On March 7, 2002, the worker was on the bottom deck of a two-level work platform helping drill the walls of a ventilation shaft when the worker fell off the edge of the platform through a space between the platform and a wall of the ventilation shaft. The worker's body was found about 39 metres (128 feet) below at the bottom of the ventilation shaft. A Ministry of Labour investigation found the worker was wearing a fall arrest harness, but the harness had not been connected to anything. The worker was employed by Moran Mining & Tunnelling Ltd., which was contracted to develop a "raise" (ventilation shaft) at Creighton Mine.

Following a trial in 2004, Moran Mining & Tunnelling Ltd. was found guilty, as an employer, of failing to ensure a fall arrest system was used to protect the worker in a situation where the worker was exposed to the hazard of falling more than three metres (9.8 feet), as required by Section 14 of the Regulations for Mines and Mining Plants. This was contrary to Section 25(1)(c) of the act.

The fine was imposed by Justice William Fitzgerald of the Ontario Court of Justice in Sudbury. 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.

The conviction was upheld by Justice Patricia Hennessy of the Superior Court of Justice in Sudbury.

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Court Information at a Glance

Location: Superior Court of Justice
155 Elm Street West
Sudbury, Ontario

Judge: Justice Patricia Hennessy

Date / Time: May 12, 2006

Defendant: Moran Mining & Tunnelling Ltd.

Matter: Occupational Health & Safety

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