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For Immediate Release  
June 28, 2006

## **DANYA PROFORMA INC. AND FLYNN CANADA LTD. FINED FOR HEALTH AND SAFETY VIOLATIONS**

BROCKVILLE, Ont. – Danya Proforma Inc., a St. Laurent, Que.-based construction company, was fined \$115,000 and Flynn Canada Ltd., a Winnipeg, Man.-based roofing company, was fined \$70,000, both on June 26, 2006, for violations of the Occupational Health and Safety Act that resulted in serious injuries to a worker at a construction site in Brockville.

On October 19, 2004, a worker was putting screws into insulation material on a roof when the worker stepped backwards through a hole and fell more than 5.8 metres (19 feet). The worker landed on a pallet of steel studs and a piece of hardwood on the concrete floor below. The worker, who had been unaware of the hole, suffered a shattered hip, bruised arm and a cut to the forehead. The incident occurred at a construction project for a new retail building at 1942 Parkdale Avenue in Brockville. The worker was employed by Flynn Canada Ltd., which had been contracted by the project's constructor, Danya Proforma Inc., to install the roof on the building.

A Ministry of Labour investigation found that two workers for Danya Proforma Inc. had cut a 71-by-91-centimetre (28-by-36-inch) hole in the roof's northeast corner on October 18, 2006. The workers had placed a wooden pallet over the hole, but it was not securely fastened or identified in any way as covering the opening. The next day Flynn Canada Ltd.'s supervisor was temporarily away from the job site. One of the roofing workers removed the wooden pallet to place an insulation sheet around the roof's opening. The roofing worker then replaced the wooden pallet, but did not securely fasten it to the roof.

Following a trial, Danya Proforma Inc. was found guilty of three charges as follows:

1. Failing, as a constructor, to ensure the hole in the roof was covered by a securely-fastened protective covering, which was identified as covering the opening, as required by Section 26.3(2) of the Regulations for Construction Projects. This was contrary to Section 23(1)(a) of the act.
2. Failing, as an employer, to ensure the hole in the roof was covered by a securely-fastened protective covering, which was identified as covering the opening, as required by Section 26.3(2) of the Regulations for Construction Projects. This was contrary to Section 25(1)(c) of the act.
3. Failing, as a constructor, to protect the safety of the injured worker by failing to ensure the worker did not fall through the hole in the roof. This was contrary to Section 23(1)(c) of the act.

Justice of the Peace Richard Sculthorpe, of the Ontario Court of Justice in Brockville, fined Danya Proforma Inc. \$75,000 on the first count and \$20,000 on each of the second and third counts.

Flynn Canada Ltd. pleaded guilty, as an employer, to one charge of failing to take the following reasonable precautions:

- Ensuring that either a guardrail system or a protective covering, meeting the requirements of Section 26.3 of the Regulations for Construction Projects, was used to prevent the worker from falling through the hole in the roof.
- Informing workers, including the injured worker, that the hole had been cut in the roof.
- Informing workers, including the injured worker, that a wooden pallet had been placed over the hole in the roof.

This was contrary to Section 25(2)(h) of the act.

Justice of the Peace Sculthorpe imposed a fine of \$70,000 on Flynn Canada Ltd.

In addition to the fines against the two companies, 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

<b>Location:</b>	Ontario Court of Justice 41 Court House Square, Courtroom 2 Brockville, Ontario
<b>Judge:</b>	Justice of the Peace Richard Sculthorpe
<b>Date / Time:</b>	June 26, 2006, 9 a.m.
<b>Defendants:</b>	Danya Proforma Inc.; and Flynn Canada Ltd.
<b>Matter:</b>	Occupational Health & Safety

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