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For Immediate Release
January 23, 2006

TWO TORONTO-AREA CONSTRUCTION COMPANIES AND TWO SUPERVISORS FINED FOR HEALTH AND SAFETY VIOLATIONS

OWEN SOUND, Ont. – Bird Construction Company Limited, a construction company based in Etobicoke, Ont., was fined \$70,000, and Formcrete Contracting Ltd., a construction company based in Richmond Hill, Ont., was fined \$60,000 and two supervisors were fined \$3,000 each today for one violation each of the Occupational Health and Safety Act that resulted in serious injuries to a worker at a construction site in the Georgian Bay area.

On August 13, 2004, a worker was working on a 3.65-metre (12-foot), single-section, aluminium ladder driving a nail into a ledge that was being fastened to formwork (structures into which concrete is poured) when the worker slipped and fell onto a protruding “rebar” (a piece of reinforcing steel used in concrete formwork) that was directly below the worker. The rebar penetrated the worker’s abdomen causing serious injuries. At the time of the incident the ladder was set up on a level section of dirt and was leaning against a vertical section of formwork. The incident occurred at a conference centre that was being built in the Town of the Blue Mountains at 242 Jozo Weider Boulevard, located about five kilometres (three miles) west of Collingwood, Ont. The injured worker was employed by Formcrete Contracting Ltd., which had been contracted by the centre’s constructor, Bird Construction Company Limited, to do foundation work for the building.

A Ministry of Labour investigation found the rebar was not protected in a manner that ensured worker safety. This was one of the factors that contributed to the incident. The ladder was also not secured to anything.

Bird Construction Company Limited pleaded guilty, as a constructor, to failing to ensure measures and procedures were carried out, as required by Section 36 of the Regulations for Construction Projects. This was contrary to Section 23(1)(a) of the act.

Formcrete Contracting Ltd. pleaded guilty, as an employer, to failing to ensure measures and procedures were carried out, as required by Section 36 of the Regulations for Construction Projects. This was contrary to Section 25(1)(c) of the act.

A supervisor, who was the site superintendent for the constructor, pleaded guilty to failing to ensure the worker worked in a manner and with protective devices, measures and procedures, as required by Section 36 of the Regulations for Construction Projects. This was contrary to Section 27(1)(a) of the act.

Another supervisor, who worked for the employer and who was the direct supervisor of the worker, pleaded guilty to failing to ensure the worker worked in a manner and with protective devices, measures and procedures, as required by Section 36 of the Regulations for Construction Projects. This was contrary to Section 27(1)(a) of the act.

The fines were imposed by Justice of the Peace Bridget Foster of the Ontario Court of Justice in Owen Sound. In addition to the fines, 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.

-30-

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

Alicia Gordon-Fagan
Crown Counsel
Legal Services Branch
Ministry of Labour
416-326-7971

<u>Court Information at a Glance</u>	
Location:	Ontario Court of Justice 595 9 th Avenue East, Courtroom 1 Owen Sound, Ontario
Judge:	Justice of the Peace Bridget Foster
Date / Time:	January 23, 2005, 10 a.m.
Defendant:	Bird Construction Company Limited; Formcrete Contracting Ltd; and Two supervisors
Matter:	Occupational Health & Safety

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