

06-28

For Immediate Release
February 28, 2006

T. J. WARE MAINTENANCE INC. AND DIRECTOR FINED FOR HEALTH AND SAFETY VIOLATIONS

KITCHENER, Ont. – T. J. Ware Maintenance Inc., a Guelph, Ont.-based company operating as Hy-Grade Steel Roofing System, a manufacturer, seller and installer of steel roofing “shakes” (shingles), was fined \$50,000 and a director was fined \$2,500 on February 27, 2006 for one violation each of the Occupational Health and Safety Act that resulted in serious injuries to an employee.

On October 4, 2004, a worker was helping to install a new steel roof over an existing roof when the worker fell off the roof about 5.96 metres (19.5 feet) to a concrete walkway below. Just before the incident the worker had disconnected a lifeline in order to move to another spot to fix a shake. Before the worker could reconnect the lifeline, the worker’s foot became caught underneath some strapping, causing a loss of balance. The worker suffered multiple fractures, broken bones and teeth as well as lacerations. The incident occurred at Calvin Presbyterian Church at 248 Westmount Road East in Kitchener, Ont.

T. J. Ware Maintenance Inc. pleaded guilty, as an employer, to failing to ensure the worker wore a lifeline, as required by Section 26.1(2) of the Regulations for Construction Projects. This was contrary to 25(1)(c) of the act.

A company director pleaded guilty to failing to take all reasonable care to ensure the company prepared and reviewed at least annually a written occupational health and safety policy and developed and maintained a program to implement that policy, as required by Section 25(2)(j) of the act. This was contrary to Section 32(a) of the act.

The fines were imposed by Justice of the Peace Sharon Woodworth of the Ontario Court of Justice in Kitchener. 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.

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Court Information at a Glance

Location: Ontario Court of Justice
77 Queen Street North, Courtroom 1
Kitchener, Ontario

Judge: Justice of the Peace Sharon Woodworth

Date / Time: February 27, 2006, 9 a.m.

Defendants: T. J. Ware Maintenance Inc.
carrying on business as
Hy-Grade Steel Roofing System;
and a company director

Matter: Occupational Health & Safety

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