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For Immediate Release
May 31, 2006

VITAFOAM PRODUCTS CANADA LIMITED FINED \$265,000 FOR HEALTH AND SAFETY VIOLATION

TORONTO – Vitafoam Products Canada Limited, a supplier of foam products for use in automobiles and furniture, with a foam products manufacturing plant in Toronto, was fined \$265,000 on May 30, 2006 for a violation of the Occupational Health and Safety Act that resulted in the death of an employee.

On June 21, 2004, a nightshift worker entered a “rebond ribbon mixer” (a machine that was much like a giant food processor with a bin and auger-like blades used to mix shredded foam with a binding chemical) when the mixer was started. The worker died as a result. Prior to entering the mixer the worker had shut off the machine by turning a master key on the operating panel. While the worker went inside to replace a “binder pipe” (a pipe through which the binder chemical was supplied to the mixer), a second worker, unaware the first worker was inside, started up the mixer. The incident occurred at the company’s plant at 150 Toro Road in Toronto.

A Ministry of Labour investigation found that the mixer had not been locked out prior to the first worker entering it. There was also no notification the first worker had entered the mixer and no procedure or training for other workers to ensure no person was inside before starting up the machine. There were no devices or mechanisms to automatically disconnect the power when someone was inside the mixer. In addition, on the night of the incident, the company did not have a supervisor on duty. At the time of the incident, the company was in the process of installing a device that would have ensured the mixer could not be turned on while someone was inside, whether or not it had been locked out.

Vitafoam Products Canada Limited pleaded guilty, as an employer, to failing to take every precaution reasonable in the circumstances, including the following precautions:

- lock out the controls of the rebond mixer with a lock before entry
- disconnect all power sources for the rebond mixer before entry
- ensure the control was turned off with the key and that the key was taken by the worker entering the rebond mixer
- lock out computer controls before the worker entered the rebond mixer
- provide clear notice to all workers whenever someone was inside the rebond mixer
- provide adequate training on the need to lock out and disconnect power, on how to effectively lock out the controls and disconnect power, and on the need to provide clear notification of the presence of a person in the rebond mixer
- provide adequate training on the need to inspect the rebond mixer before starting it
- provide clear procedures setting out effective ways of achieving the foregoing

- take adequate steps to ensure these procedures were followed
- provide additional and/or better supervision of all workers operating and entering the rebond mixers and/or
- provide night shift supervision.

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

The fine was imposed by Justice of the Peace Bobby Hundal of the Ontario Court of Justice at Old City Hall in Toronto. 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.

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Court Information at a Glance

Location: Ontario Court of Justice
Old City Hall
60 Queen Street West, Courtroom H
Toronto, Ontario

Judge: Justice of the Peace Bobby Hundal

Date / Time: May 30, 2006, 1:45 p.m.

Defendant: Vitafoam Products Canada Limited

Matter: Occupational Health & Safety

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