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For Immediate Release
July 6, 2006

FLEX-N-GATE CANADA COMPANY FINED \$50,000 FOR HEALTH AND SAFETY VIOLATIONS

WINDSOR, Ont. – Flex-N-Gate Canada Company, an auto parts manufacturer based in Tecumseh, Ont., was fined \$50,000 today for two violations of the Occupational Health and Safety Act that resulted in injuries to an employee.

On January 28, 2004, a worker cut three of four metal straps on a bundle of 170 large metal sheets on the floor and then walked away to discard debris. A second worker then loaded the bundle, which was held together with just one remaining strap, onto the forks of a forklift and began lifting the load. The sheets slid off the forks towards the first worker, who was standing about 4.9 metres (16 feet) away. The sheets pinned the first worker's left foot to a bin used to store waste material, resulting in lacerations to the foot. The first worker was off work for 4 ½ months. At the time of the incident the sheets were being lifted by the forklift onto a production line at the company's plant at 538 Blanchard Park in Tecumseh.

A Ministry of Labour investigation found that the cutting of three of four straps on the 2,313-kilogram (5,100-pound) bundle was done in preparation for the bundle being lifted by the forklift and was part of a long-standing practice at the workplace. The sheets, each about 46 by 206 centimetres (18 by 81 inches) in size, were going to be used to make bumpers for autos.

Following a trial, Flex-N-Gate Canada Company was found guilty, as an employer, of:

1. Failing to ensure the sheets were moved in a way that did not endanger the worker's safety, as required by Section 45(a) of the Regulations for Industrial Establishments. This was contrary to Section 25(1)(c) of the act; and
2. Failing to provide information, instruction and supervision to the worker to protect the worker's health and safety. This was contrary to Section 25(2)(a) of the act.

Justice of the Peace Maureen Ryan-Brode, of the Ontario Court of Justice in Windsor, fined the company \$25,000 on each count. 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
251 Goyeau Street, Courtroom 303
Windsor, Ontario

Judge: Justice of the Peace Maureen Ryan-Brode

Date / Time: July 6, 2006, 10 a.m.

Defendant: Flex-N-Gate Canada Company

Matter: Occupational Health & Safety

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