



Achieving Excellence

Homeowner Fined \$20,000



By John Ford

In our last newsletter we included an article about a homeowner who was fined under the Occupational Health and Safety Act (O.H.S.A.). The situation involved a trim carpenter, who fell about 3.2 metres (10.5 feet) through a stairwell opening on the first floor to the basement, and died as a result of the fall. Since publication, several people have asked me how the homeowner could be charged. Here are some interesting facts:

A new family residence under construction is a “*construction project*” as defined by the Act. In O.H.S.A. definition 1(1) “*constructor*” means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer. Section 23(1) reads “*A constructor shall ensure, on a project undertaken by the constructor that, (a) the measures and procedures prescribed by this Act and the Regulations are carried out on the project.*” Construction Regulations prescribe a guardrail system where a worker is exposed to a fall. Apparently, the homeowner was the constructor and failed to ensure the prescribed guardrail system was in place.

If the homeowner had clearly contracted one employer to act as the constructor, including the duties as laid out in the Act and Construction Regulations, then perhaps that employer would have had the constructor’s responsibilities and not the homeowner. Perhaps, more importantly, the guardrail system would have been in place. ☺

Bill C-45 An Act to Amend The Criminal Code (Criminal Liability of Organizations)

The provisions of Bill C-45 are a compilation of the existing rules with new reforms, which will modernize the law to reflect the increasing complexity of corporate structures. Bill C-45 deals only with the criminal responsibility of the organization.

Summary:

This enactment amends the *Criminal Code* to

- (a) establish rules for attributing to organizations, including corporations, criminal liability for the acts of their representatives;
- (b) Establish a legal duty for all persons directing work to take reasonable steps to ensure the safety of workers and the public;
- (c) Set out factors for courts to consider when sentencing an organization; and
- (d) Provide optional conditions of probation that a court may impose on an organization.

For more information, please visit the following websites:

www.parl.gc.ca or
www.canada.justice.gc.ca ☺

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Ministry of Labour News

Canadian Speakertech Inc. fined \$85,000 for a violation of the Occupational Health and Safety Act that resulted in serious hand injuries to a worker.

On Oct. 29, 2001, a worker was working with two others on a machine to cut wood pieces. Part of the machine's operational cycle was automated and part required use of a hold button by an operator. The worker was injured by a saw blade when the button was used in an untimely manner so that the machine improperly commenced its cycle.

Canadian Speakertech Inc. pleaded guilty, as an employer, to failing to take every precaution reasonable in the circumstances for the protection of the worker. This was contrary to Section 25(2)(h) of the Act.

Lafarge Canada Inc. fined \$150,000 for a violation of the Occupational Health and Safety Act that resulted in the death of a worker.

On Dec. 6, 2001, while on a wooden platform in a silo, a worker fell through an uncovered opening 6.4 metres (21 feet) to the bottom of the silo. The worker died as a result of the fall.

Lafarge Canada Inc. pleaded guilty, as an employer, to failing to ensure there was a guardrail around the perimeter of an uncovered opening in a floor, roof or other surface to which a worker had access. This was contrary to Section 25(1)(a) of the Act.

I wish outer space guys would conquer the Earth and make people their pets. Because I'd like to have one of those little beds with my name on it.

Ontario Power Generation Inc. fined \$350,000 for a violation of the Occupational Health and Safety Act that resulted in the death of a worker. **The fine was the highest ever imposed for an equipment guarding violation.**

On Oct. 15, 2002, a worker was helping to remove coal dust and pieces of coal when the worker became caught in an unguarded pinch point in an inclined conveyor, which was part of a coal handling system. The conveyor was used to transfer coal between a junction house and coal storage/blending silos. Moments before the accident, the worker was seen under the conveyor, near the tail pulley, holding a scraper. The conveyor was operating while the cleaning process was taking place. The worker died as a result of the injuries. A Ministry of Labour investigation found guarding devices lacking on the conveyor at a number of hazardous pinch points near the tail pulley.

Ontario Power Generation Inc. pleaded guilty, as an employer, to failing to ensure in-running nip hazards on the conveyor were guarded to prevent access to the pinch point, as required by Section 25 of the Industrial Regulations, contrary to Section 25(1)(c) of the Act.

George O. Hill Supply Limited fined \$17,500 for a violation of the Occupational Health and Safety Act.

On Feb. 15, 2002, two workers were elevated about 4.5 - 6 metres (15 - 20 feet) in a "basket" which was attached to a zoom-boom man lift, when an upper attachment bracket broke, causing the basket to tip forward. The

workers stopped their fall by grabbing onto a chain hanging from the basket and slowly lowered themselves to the ground. No injuries were reported. A Ministry of Labour investigation determined that the workers' employer, Pascol Engineering, had rented the zoom-boom man lift earlier that day from George O. Hill Supply Limited. The Ministry determined the upper attachment bracket had cracks prior to being rented.

George O. Hill Supply Limited pleaded guilty, as a supplier, to failing to ensure the zoom-boom man lift was in good condition, contrary to Section 31(1)(a) of the Act.

Semple-Gooder Roofing Limited fined \$150,000 for a violation of the Occupational Health and Safety Act that resulted in the death of a worker.

On July 28, 2001, while working as a grounds person in a fenced area used to house tankers, propane tanks, dump trailers and roofing materials, the worker opened a gate to the fenced area for a truck. After hooking up to a trailer, the driver then moved the tractor-trailer out of the fenced area and reversed to park the truck. While reversing, the vehicle struck and dragged the worker approximately 10 metres (33 feet). The victim was trapped under the wheels of the trailer and died as a result of the injuries.

Semple-Gooder Roofing Limited pleaded guilty, as an employer, to failing ensure that operators of vehicles are assisted by a signaller when the operator's view of the intended path of travel is obstructed and a person could be endangered by the vehicle or by its load, contrary to Section 104(3) of the Construction Regulations, and contrary to Section 25(1)(c) of the Act.

To Tow or Not To Tow... ...With Lift Trucks? That Is The Question!



By Frank Keegan

We frequently notice workers using dangerous towing practices. One very troubling practice is that of towing a lift truck with another lift truck.

A number of fatal accidents have resulted from one lift truck towing another lift truck. In one such accident, the chains connecting the two lift trucks failed under the stress and sprang back. The flying chains hit the operator between the shoulder blades and crushed part of the operator's spine.


Why is this practice so unsafe? Let's start with the chain or cable connecting the two lift trucks. Where did the chain come from? Is the chain meant to be used under these conditions? It is not uncommon to find that chains used for towing have been purchased from a hardware store and are not properly rated for towing.

Is the chain or cable certified for the stress? Even if the chain or cable is certified, do we know how much stress we are applying to it? We can find out how much the lift truck weighs. The chain is likely to be stressed well beyond that amount. We have no way of knowing how much load we are applying to the chain. When a lift truck gets stuck, it either falls into a hole or hangs up on an obstruction. The lift truck must be raised up and out of the hole, or must be hauled over the obstruction. Imagine trying to pull a truck when its wheels are blocked. A lot more stress is placed on the tow chain than just the weight of the machine. Many times, the only way to get a lift truck moving using another lift truck is to allow slack in the tow chain and then jerk it. This creates "shock loading." Chains and cables are not usually designed or rated for this kind of stress. The question is not *if* the chain will fail, but *when* the chain will fail.

Other things can go wrong, of course. Inspect the pins on the back of the lift truck. Are the pins bent or deformed? Have they been used in other towing situations?

There are much better solutions. A couple of options would be to call in a proper tow truck or to dig underneath the lift truck, position a ramp, and drive the lift truck out. The best solution is to eliminate the hazard. If lift trucks are getting stuck in places, take a look at how those places can be fixed. Perhaps a concrete, asphalt, or cold patch is needed. Maybe a different machine or a different way of doing the job is needed. Make sure the operators are properly trained to use lift trucks correctly and to spot hazards before they turn into accidents. It is important to come up with a solution that works in your workplace.



If you would like more information,
please contact Frank Keegan
(905) 873-3031 or
email: fkeegan@cybertrain.on.ca 

Ask The Expert...

Q. Our Low Lift Walkie Pallet Truck Operators have been trained to do a pre-shift inspection. Each operator is certified as a competent person. Our trailers are loaded on the night shift, and a pallet truck is required for the morning. The pallet truck is the last item to be placed on the trailer, prior to sealing the doors. The worker using the pallet truck cannot inspect it before requiring it in the field. My question is: can one worker do a pre-shift inspection on a battery operated pallet unit when another worker will be using it?

A. This compliance issue can be solved by explaining to all parties that a competent person did the required inspection, and that the user of the equipment agreed that the inspector was competent and qualified.

Training Services recommends you include a daily inspection in your lifting device program. The pre-shift inspection form should be signed by the person doing the check and monitored daily by Supervisors.

The Ministry of Labour published a guideline for the safe operation of powered lift trucks in 1999. The Ministry relies on this guideline, and the legal requirements under the Occupational Health and Safety Act, to meet the necessary standards for the safe operation of lifting devices. Low Lift Walkie Pallet Trucks are classified by the Ministry guideline as Class 3 Lift Code 2.

Another standard frequently used for the safe handling of lifting devices is C.S.A. Standard B-335-94, which is currently under review.

For more information on the use of Material Handling Equipment, please call William Gow at Training Services, (905) 873-3031, or email him at wgow@cybertrain.on.ca ☎



William Gow

After several years with DuPont of Canada and I.A.P. A., Bill joined Training Services and CyberTrain. He has provided training on Due Diligence, Professional Supervisory Development, Safety Health and the Law, Lift Truck Operator, Workplace Inspections, Accident Investigation, Joint Health and Safety Committee, Material Handling, and many other subjects. Due to his extensive knowledge in the field of Health and Safety, Bill has been a Key Note Speaker for the Nova Scotia Safety Council, as well as I.A.P.A. Conferences in Ontario and British Columbia. Bill is a qualified facilitator for Canada's newest Due Diligence / Achieving Compliance programs.



Professional Driver Training Video: "In a Heartbeat"

"In a Heartbeat" is not a traditional training video. It reflects Trimac's attempt to learn from a tragedy: an accident which occurred on Oct. 1 '98 near Thunder Bay, Ontario, that involved a third party fatality. A film crew at the accident scene provided actual incident footage. This critical eye-witness film, together with a re-enactment of the facts, turns this tragic loss into an important training/safety video. The information it contains is as relevant for a professional driver as it is for a teenager with a learner's permit. You may find this video very useful in your professional driver training.

"In a Heartbeat" is available at no charge. However, users are asked to consider donating to the scholarship fund set up in accident victim Lyndsay Thomas' memory. The scholarship benefits students from the USA and Canada who attend the summer fine arts camp at the University of Alaska Fairbanks. You may send your cheque made payable to "The Lyndsay Thomas Memorial Fund" to: Att: Dorothy Robison, Trimac, 1900 800-5 Avenue SW, Calgary, AB, T2P 5A3, phone: (403) 298-5306. Donations are tax deductible. Please include a return address on your cheque. ☎

Training At Its Best!



By Frank St. Pierre

There are secrets to providing high quality, interactive, and highly participatory training. To produce superior results:

- 1) The **Instructor's personality** is critical to creating a good, results-oriented learning environment. A major issue is whether his or her teaching style is conducive to participant education. A positive attitude often determines course acceptance or rejection, but attitude alone is not enough.
- 2) The Instructor must possess expertise in the **real life issues**. Has the Instructor **“walked the walk?”** Participants look to the Instructor as the “guru” of the topic at hand. Nothing replaces instructor credibility.
- 3) The Instructor must utilize adult teaching techniques.
- 4) The **Course Content** must target clearly defined learning objectives. These objectives need to be obtainable and need to provide real benefits.
- 5) The course should use interactive workshops, which challenge the participant and stimulate the intellect.
- 6) The Instructor must decide in advance how to best judge the **effectiveness of the training**. Test participants for the knowledge presented and provide hands-on testing of the specific skills achieved.
- 7) The Course Content should include **policies, measures, procedures and company specific notices** for review, discussion and distribution.

We at Training Services provide the best of the above. When **Ministry Inspectors request records** of training, we provide, *at no cost*, an **Executive Summary** outlining the programs given, who attended, the instructor's qualifications, and the date. Clients find this valuable. They keep coming back to us because they believe that the quality of the instruction is critical and that Training Services is a superior training provider.

Training Services has represented business interests in several consultation processes with the Ministry of Labour. We are a major contributor to Regulatory changes and CSA Standards. **You benefit by receiving accurate, in-depth interpretations.** Our committed staff of seasoned professionals, our superior programs and course content, our Adult Teaching Techniques, and our experience of 14 years in business make Training Services the best.

To contact Frank St. Pierre, please call: (905) 873-3031 or email: fstpierre@cybertrain.on.ca &

Did you know...

All Training Services Seminars Include:

Detailed Course Outlines: Available for all of our seminars upon request.

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Certificates: Every participant receives a certificate which includes the seminar name, participant name, date, instructor signature, and company logo upon request. In addition, all this essential information is kept on file for up to 4 years. Information on what seminars were provided when and to whom is readily available in the future, should you need it.

Detailed Workbook: Every participant receives a detailed workbook for every seminar that they may keep for future reference. Each manual can also include your company logo and specific procedures and/or policies upon request.

Executive Summary Report: A value added service provided free of charge. This report includes seminar outlines for every seminar booked. It also contains a complete list of dates, list of attendees, instructor, and length of seminar. Detailed instructor qualifications and participant evaluations are also included.

**For a free information package containing a complete list of Seminars and Services offered by Training Services, please contact your Training Services Associate or the head office at:
Phone: (905) 873-3031
Email: info@cybertrain.on.ca**

Subject: Creepy

Acocdrnig to an elgnsih unviesitry sutdy the oredr of letetrs in a wrod dosen't mtttaer, the olny thng thta's iopmrrantt is that the frsrit and lsat ltteer of eevry word is in the crorcet ptoision.

The rset can be jmbueld and one is stlil able to raed the txet wiohtut delftfuiiy.

New Year's Resolutions for Pets



8. Try to understand that the cat is from Venus and I am from Mars.
7. I will no longer be beholden by the sound of the can opener.

6. Have a torrid one-night stand with a street mutt.
5. Take time from my busy schedule to stop and smell the behinds.
4. Hamster: Don't let them figure out I'm just a rat on 'roids or they'll flush me!
3. Grow opposable thumb; break into the pantry; decide for MYSELF how much food is "too" much.
2. Get out of the castle more, maybe swim counter-clockwise this year.

And the Number 1 New Year's Resolutions Made by Pets...

1. I will NOT chase the blasted stick unless I see it LEAVE HIS HAND!!



**When they say
"INSTANT CREDIT"
Don't they actually mean
"INSTANT DEBT"?**

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Good Start for an Audit!!

To get the audit process off on an appropriate start, the auditor opened his briefcase, took out a stone the size of his fist, placed it on the desk in front of me and asked, "What do you see?"

"Well" I said, "it looks like a stone."

"Wrong" said the auditor, "that is my heart, now let's begin your audit!"

**According to official figures,
43% of all statistics are totally worthless**



Excellence Through Education