Report for the Labour-Management Network, May 2021

Reporting Month Statistics

Reporting Month	Fatalities	Critical Injuries	Total
March 1 - 31, 2021	0	24	24

Reporting Month	Fatalities	Critical Injuries	Total
March 1 - 31, 2020	4	13	17

Fatality & Critical Injury Year-to-Date Overview – Construction

Injury Type	2021 January 1 – March 31	2020 January 1 – March 31
Fatal	3	8
Critical	72	51

Disclaimer: This information has been prepared to assist workplace parties in understanding their rights and duties under the Occupational Health and Safety Act (OHSA) and its regulations. This information does not constitute legal advice. To determine your rights and duties under the OHSA, please contact your legal counsel or refer to the legislation.

Senior Manager's Comment

With the COVID-19 variants still a significant concern in the third wave, eye protection is now required along with appropriate masking when workers must work within 2 metres of one another without an impermeable barrier between them. This change applies to both indoor and outdoor construction work.

If workers must work within 2 metres of one another, a risk assessment must be performed to determine the appropriate level of eye protection and masking. Remember, source control masking may not be appropriate if a worker is performing a task that requires additional respiratory protection, i.e. cutting concrete, in this case, PPE would be required. This also applies to the appropriate level of eye protection. If eye protection is worn solely for the purpose of preventing the spread of COVID-19, it must provide good protection against droplet exposure. Prescription eyeglasses may be appropriate if they are tight fitting, provide good coverage to the eyes and also have side shields. Prescription eyewear without these features would not be considered appropriate in the circumstances, but could be supplemented with a face shield or other eye protection that provides wrap around protection for the eyes. If another hazard to the eyes is identified beyond COVID-19, the appropriate level of eye protection must be used to protect against the hazard while still providing protection against COVID-19

In construction, we are still seeing a significant level of non-compliance with masking. Workers are still working or taking breaks within 2 metres of one another without any form of source control or PPE masking. For masking, bandannas, neck gaiters or other single ply materials are not appropriate for use as source control or PPE. Source control masking should be at least 2 layers of tightly woven fabric, must cover your nose, mouth and chin, and be securely fastened around the back of your head or around your ears. Masking as PPE must be rated for the respiratory hazard that you are protecting against.

Please ensure your workers are aware of the requirements for both masking and eye protection. It is everyone's job to stop the spread of this virus.

Sincerely, Brian Barron

Senior Manager
Construction Health and Safety Program
Occupational Health and Safety Branch
Ontario Ministry of Labour, Training and Skills Development

Section 2 – What's New

Occupational Health Consultation

The Ministry of Labour, Training and Skills Development (MLTSD) is consulting on new or revised occupational exposure limits (OELs) based on the American Conference of Governmental Industrial Hygienists (ACGIH) recommendations for 2018 and 2019. The MLTSD is also proposing to:

- Align the current OELs for silica in Regulation 833 – Control of Exposure to Biological or Chemical Agents (Reg. 833) and O. Reg. 490/09 – Designated Substances (O. Reg. 490/09) under the *Occupational Health and Safety Act* (OHSA) with the limits recommended by the ACGIH.
- Align the current OELs for hydrogen sulfide in Reg. 833 with the limits recommended by the ACGIH.
- Adopt the 2019 version of CSA standard CAN/CSA-Z180.1:19, *Compressed breathing air and systems* in Reg. 833, O. Reg. 490/09 and O. Reg. 278/05 – Asbestos on Construction Projects and in Buildings and Repair Operations (O. Reg. 278/05).

The consultation closes on June 7, 2021.

COVID-19 webinars: Information for employers and workers about ESA and OHSA

Ministry of Labour, Training and Skills Development experts are hosting webinars to answer questions and provide information related to COVID-19 for workers and employers. Log on to better understand rights and obligations under the *Employment Standards Act* (ESA) and the *Occupational Health and Safety Act* (OHSA).

Read more

For more what's **new** – Ministry of Labour articles, see: What's New!

Section 3 – Court Bulletins

Worker's Injuries from Construction Site Fall in Waterloo Results in $60,000 Fine for Innisfil Company

April 20, 2021

Convicted: MTN Construction Inc., head office at 2441 Doral Drive, Innisfil, Ontario, carrying on business as a concrete formwork contractor for the construction industry.

Location of Workplace: A project to construct a high-rise condominium building at 128 King Street North, Waterloo.

Description of Offence: A worker fell 21 feet to the ground, sustaining injuries. Workers had not been given site-specific training nor had they been trained on where and how to properly tie off their fall protection equipment on this job site.

Date of Offence: February 10, 2020.

Date of Conviction: April 19, 2021.

Penalty Imposed:

- Following a guilty plea in provincial offences court in Kitchener, MTN Construction Inc. was fined $60,000 by Justice of the Peace Laura Y. Gorczynski Plate; Crown Counsel Judy L. Chan.
- The court also 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.

Background:

- In 2020, CTN King Inc. was developing a construction project and retained MTN Construction Inc. to provide the concrete formwork at the project.
- By February 10, 2020, the concrete work at the project had progressed to the third floor of the building. That morning two MTN workers were installing column formwork for the walls on the perimeter of the third floor.
- The forms were made to be installed on reinforcing steel (rebar) already in place. In certain places, the rebar was bent 90 degrees at the top, requiring the formwork to be split into two L-shaped forms in order to fit around the rebar. Workers had installed between 50 and 150 similar columns, some of which were of the same L-shaped type. The forms were lifted into place by a tower crane.
- That morning one worker directed the crane operator to lower the first L-shaped form, where it was affixed around the rebar. One side of the form was on the exterior south side of the floor, and the other was on the interior east side. The worker installed one shoring post (a type of scaffolding) on an angle to support the interior side of the form. Although it was the normal practice to also brace the exterior side, in this instance no shoring or bracing was installed to support the exterior side.
- The worker tied fall protection equipment on to the first L-shaped formwork once it was in place. The crane then moved the second L-shaped formwork section to the third floor. Moving it into place was more difficult because of the bend in the rebar, and it was requiring some manipulation by the crane operator and by the worker at the floor level.
- At some point, the centre of gravity of the first formwork section shifted south, away from the building, and the approximately-550-pound formwork fell over the edge of the building, pulling the worker who was tied to it to the ground.
- As a result of falling approximately 21 feet to the ground, the worker sustained serious injuries.
- An investigation conducted by the Ministry of Labour, Training and Skills Development determined that while MTN had a written formwork procedure, workers had not been specifically trained on this written procedure and were

not aware there was a specific written procedure, although they were aware that bracing was required. In any event, the procedure did not contain any specific procedure for bracing formwork. In particular, while it was MTN's usual practice to install a shoring post to brace a form in one direction and a 2"x4" piece of lumber to brace the other direction, there was no specific procedure requiring this to be done. In addition, the formwork engineering drawings did not include any information on how forms should be braced.

- All workers had working at heights training, but had not been given site-specific training, and had not been trained on where and how to properly tie off their fall protection equipment on this job site. MTN had a site tie-off procedure, but none of the workers had been trained on it prior to the incident. Fall protection equipment was made available to workers, but it was left to the workers to decide which type of fall arrest equipment was appropriate for any given circumstance.
- Section 25(1)(c) of the **Occupational Health and Safety Act** states that an employer shall ensure that the measures and procedures prescribed by the act and its regulations are complied with. Section 31(1)(b) of the **Regulation for Construction Projects** prescribes that "every part of a project, including a temporary structure...shall be adequately braced to prevent any movement that may affect its stability or cause its failure or collapse."
- MTN Construction Inc. failed to ensure that the measures and procedures prescribed by section 31(1) of the regulation were complied with at the workplace, contrary to section 25(1)(c) of the act. This is an offence pursuant to section 66(1) of the act.

Section 4 – Critical Injuries

Critical Injuries

Year-to-Date Overview and Comparison - Construction Sector

Injury Type	2021 March 1 – 31	2021 January 1 – March 31
Critical	**24**	**72**

Injury Type	2020 March 1 – 31	2020 January 1 – March 31
Critical	**13**	**51**

NOTE: These figures represent preliminary data and are not to be considered official statistics from the Ministry of Labour, Training and Skills Development. Official statistics will be issued quarterly by the Program Analysis, Evaluation and Outcomes Unit of the Occupational Health and Safety Branch of the Ministry of Labour, Training and Skills Development.

REPORTING MONTH: March 1 - 31, 2021 (24)

4 critical injuries this month were caused by falls from ladders

6 critical injuries this month were caused by slips on work surfaces

Monthly Summary Report: Critical

NOTE: Data are subject to change due to updates in the enforcement database. Only events reported to the ministry are included here. Except for fatalities, event categories in the ministry's data set are based on what was assigned at the time of the initial report to the ministry. The reported event category may not represent what occurred at the workplace.

SECTOR	REPORTED CAUSE	FALL	STRUCK BY	ELECTRICAL CONTACT	EXCAVATION COLLAPSE	OTHER	MONTH	YEAR
RESS		5	1				6	19
INST		1	0				1	5
RESM		3	2				5	15
INDU		1	3				4	12
ROAD		0	0				0	1
EXCA		0	0				0	0
COMM		2	1				3	8
MINP		0	0				0	0
NECC		0	0				0	1
RAIL		0	0				0	0
POWP		0	0				0	1
GRAD		0	0				0	0
SHIP		0	0				0	0
SHAF		0	0				0	0
CAIS		0	0				0	0
GAS		0	0				0	0
ETTL		2	0				2	4
HYDR		1	1				2	2
PAVE		0	0				0	0
SEWW		0	1				1	2
BRID		0	0				0	0
TUNN		0	0				0	1
WIND		0	0				0	0
TELE		0	0				0	1
MONTH		15	9	0	0	0	24	72
YEAR		55	15	0	0	2		

Critical Injuries: Totals: March 1 - 31, 2021 (24)

	Date of Incident	Municipality	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
1	2-Mar-21	Orillia	COMM			Worker fractured hand when materials being moved crushed it	STRUCK BY
2	2-Mar-21	Toronto	COMM			Worker slipped on icy conditions at project and fractured ankle	FALL
3	5-Mar-21	Hamilton	SEWR			Worker was struck by fuelling equipment during refuelling of excavator, fracturing right hand	STRUCK BY
4	7-Mar-21	Dubreuilville	INDU			Worker suffered fracture to arm when it struck the cabin, while operating a bulldozer	STRUCK BY

	Date of Incident	Municipality	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
5	9-Mar-21	Toronto	RESM			Worker was exiting an excavator and suffered multiple fractures to leg when foot was caught in hole	FALL
6	10-Mar-21	Toronto	RESM			Worker suffered fracture to foot when struck by falling piece of equipment	STRUCK BY
7	12-Mar-21	Toronto	COMM			Worker fell while descending from a ladder and fractured their leg	FALL
8	16-Mar-21	Toronto	INST			Worker fell while ascending stairs, fractured left wrist	FALL
9	17-Mar-21		ETTL			Worker fractured right fibula when exiting an excavator	FALL

	Date of Incident	Municipality	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
10	18-Mar-21	Belleville	INDU			Worker fractured wrist after a fall when foot was caught between two pieces of equipment	FALL
11	20-Mar-21	Vaughan	RESS			Worker fractured their ankle when descending from a ladder	FALL
12	21-Mar-21	Richmond Hill	RESS			Worker was critically injured after fall from height	FALL
13	21-Mar-21	Peterborough	HYDR	Diver		Worker suffered fracture to arm when attempting to maneuver equipment into water	STRUCK BY
14	22-Mar-21	Oakville	RESS			Worker suffered loss of	FALL

	Date of Incident	Municipality	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
						consciousness after fall from ladder	
15	22-Mar-21	Toronto	RESS			Worker slipped and feel while unloading materials. Fractured ankle	FALL
16	23-Mar-21	Toronto	RESM			Worker struck by piece of wall form suffered fracture to foot	STRUCK BY
17	24-Mar-21	Kemptville	HYDR			Worker slipped on ramp causing fracture to ankle	FALL
18	24-Mar-21	Markham	RESS			Worker suffered loss of consciousness when struck by shelving being dismantled	STRUCK BY

	Date of Incident	Municipality	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
19	25-Mar-21	London	INDU			Worker struck on foot by backhoe bucket. Left foot was fractured	STRUCK BY
20	26-Mar-21	Toronto	RESM			Worker fell when ladder slipped out of position. Suffered fracture to arm	FALL
21	28-Mar-21	Woodstock	RESS			Worker slipped while moving materials resulting in a fractured ankle	FALL
22	29-Mar-21	Etobicoke	RESM			Worker slipped while walking on wet floor. Suffered fracture to ankle	FALL
23	30-Mar-21	Bracebridge	ETTL			Worker slipped on moss covered rock resulting in fracture to fibula	FALL

	Date of Incident	Municipality	Sector	Occupation	Age	Details (as reported to MOL)	Reported Cause
24	30-Mar-21	Brunner	INDU			Worker critically injured after collapse of structure worker was on.	STRUCK BY

Section 5 – Fatal Injuries

Fatal Injuries

Year-to-Date Overview and Comparison - Construction Sector

Injury Type	2021 March 1 – 31	2021 January 1 – March 31
Fatal	**0**	**3**

Injury Type	2020 March 1 – 31	2020 January 1 – March 31
Fatal	**2**	**4**

Monthly Summary Report – Fatal March 1 - 31, 2020 – (0)

Ministry of Labour, Training and Skills Development

Occupational Health and Safety Branch

Construction Health and Safety Program

Ontario

Total Year-to-Date Fatal Injuries: January 1 – March 31, 2021 (3)

PROJECT SECTOR	REPORTED CAUSE	FALL	STRUCK BY	ELECTRICAL CONTACT	EXCAVATION COLLAPSE	OTHER	MONTH	YEAR
RESS							1	1
COMM								
EXCA								
INDU								
RESM								
ROAD								1
SEWW								
TUNN							1	1
INST								
MONTH							2	3
YEAR			3					

	Date of Incident	Municipality	Project Sector	Employer Sector (NAICS)	Occupation	Age	Details (as reported to MOL)
1	21-Jan-21	Mississauga	TUNN	Other Heavy and Civil Engineering Construction (237990)	Labourer	31	A worker sustained fatal injuries when struck by equipment in a shaft/tunnel
2	25-Jan-21	Ottawa	RESS	Poured Concrete	Concrete Formworks	55	Worker was fatality injured

				Foundation and Structure Contractors (238110)			when struck by a concrete wall collapse.
3	24-Feb-21	Sudbury	ROAD	Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing (532410)	Mobile Crane Operator	29	Mobile crane overturned while driving on project road, resulting in fatal injuries to one worker

All new entries (current month and reconciled data) appear in **bold**.

NOTE: Some detail will inevitably be missing from the PLMHSC Report. The document is intended to provide an initial overview, not a comprehensive report. Annual data reporting approved by the Director should be used by stakeholders if they wish to see all data available to the Ministry related to an event.

SECTOR DESCRIPTION	SHORT DESC
Asbestos Removal - Type 1	ASB1
Asbestos Removal - Type 2	ASB2
Asbestos Removal - Type 3	ASB3
Bridge Construction	BRID
Cable	CABL
Caisson	CAIS
Cofferdam	COFF
Commercial Building Construction	COMM
Diving Construction	DCON

Diving Environmental	DENV
Diving Industrial	DIND
Diving Mining	DMIN
Electrical Towers & Transmission Lines	ETTL
Excavation	EXCA
Gas Service Connection	GAS
Excavation - Grading	GRAD
Hydro	HYDR
Industrial Building Construction	INDU
Institutional Building Construction	INST
Marine Construction	MARE
Mining Plant Construction	MINP
Moving of a Building/Structure	MOVE
NEC - Construction	NECC
NEC - Diving	NECD
Asphalt Paving	PAVE
Pipeline	PIPE
Hydroelectric Power Plants & Rel	POWP
Railway	RAIL
Apartment & Other Multiple Housing	RESM
Single Family Housing	RESS
Highway & Road Construction	ROAD
Sewer/Watermain Construction	SEWW
Shaft Construction	SHAF
Shipbuilding & Repair	SHIP
Subway	SUBW
Telephone	TELE
Trenching	TREN
Tunnel	TUNN
Well Drilling	WELL
Window Cleaning Services	WIND