

Ministry of Labour, Immigration, Training and Skills Development

Industrial Health and Safety Report

Labour Management Network

March 2023

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 OHSA, please contact your legal counsel or refer to the legislation.

Section 1 – Events

Events

Reporting Month	Fatal	Critical	Work Refusals
January 2023	2	166	17
January 2022	8	126	31
February 2023	3	179	20
February 2022	3	200	25

Year To Date

Reporting Months	Fatal	Critical	Work Refusals
January – December 2023	5	345	32
January – December 2022	11	326	56

Fatal Injury Summary

Date	Region	Details	Sector
January 12	Southwest	Explosion	Manufacturing
January 28	West	Crushed by	Farming
February 8	West	Pierced by equipment	Manufacturing
February 15	Central East	Crushed by equipment	Recycling
February 27	Southwest	Slip and fall - same level	Manufacturing

Types of Events

Complaint	Injury/Incident	Occupational Illness & Disease	Occurrence	Reprisal	Work Refusal
1047	603	208	11	46	37

Work Refusals Summary

Type	Number of Refusals
Covid	
Other	7
General	6
Exposure	8
Violence	16

Sector	Number of Refusals
Industrial	11
Construction	1
Government	2
Corrections	5
Education	10
Mining	4
Transit	4

Top 10 Events by Sector

Sector	Number of Events
Education	154
Wood & Metal Fabrication	149
Retail	144
Industrial Services	122
NEC - Industrial	111
Food, Beverage & Tobacco	101
Automotive	99
Transportation	94
Restaurants	80
Government	70

Section 2 – Orders

Top 5 Time unknown orders issued: January 1 – February 28

OHSA	Number issued	Subject
25(1)(b)	97	An employer shall ensure that, (b) the equipment, materials and protective devices provided by the employer are maintained in good condition
25(2)(h)	39	An employer shall, (h) take every precaution reasonable in the circumstances for the protection of a worker
25(2)(a)	20	An employer shall provide information, instruction and supervision to a worker to protect the health or safety of the worker
25(1)(e)	8	An employer shall ensure that, (e) a building, structure, or any part thereof, or any other part of a workplace, whether temporary or permanent, is capable of supporting any loads that may be applied to it, (i) as determined by the applicable design requirements established under the version of the Building Code that was in force at the time of its construction, (ii) in accordance with such other requirements as may be prescribed, or (iii) in accordance with good engineering practice, if subclauses (i) and (ii) do not apply
30(1)	6	Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.
Reg 851/90		
24	36	Where a machine or prime mover or transmission equipment has an exposed moving part that may endanger the safety of any worker, the machine or prime mover or transmission equipment shall be equipped with and guarded by a guard or other device that prevents access to the moving part.
25	28	An in-running nip hazard or any part of a machine, device or thing that may endanger the safety of any worker shall be equipped with and guarded by a guard or other device that prevents access to the pinch point.
51(1)(b)	14	A lifting device shall (b) be thoroughly examined by a competent person to determine its capability of handling the maximum load as rated, (i) prior to being used for the first time, and (ii) thereafter as often as necessary but not less frequently than recommended by the manufacturer and in any case, at least once a year, and a record shall be kept, signed by the competent person doing the examination
45(b)	6	Material, articles or things shall be transported, placed or stored so that the material, articles or things, (i) will not tip, collapse or fall, and (ii) can be removed or withdrawn without endangering the safety of any worker
13(1)(b)	6	there shall be a guardrail, (b) at an open side of, (i) a raised floor, mezzanine, balcony, gallery, landing, platform, walkway, stile, ramp or other surface, or (ii) a vat, bin or tank, the top of which is less than 107 centimetres above the surrounding floor, ground, platform or other surface

OHSA Order Summary – Industrial Program

Type of order	Number issued
Time Based Order	3082
Stop Use/Stop Work Order	205
Requirement Time Based	336
Time Unknown	114
Forthwith Order	139
Plan Order	36
Requirement Forthwith	6
Requirement Time Unknown	1
Orders by Case Type	Number
Inspection	2286
Investigation	1622
Consultation	11

Reg 851/90 Order Summary

Type of order	Number issued
Forthwith	275
Time based	1558
Time unknown (accompanying order to plan or stop)	134
Orders by Case Type	Number
Inspection	1387
Investigation	577
Consultation	1

Section 3 – Court Bulletins

Workplace Injury Results in \$60,000 Fine for Sault Ste. Marie Company

Convicted: R. F. Contracting Inc., Sault Ste. Marie, Ontario

Location of Workplace: 657 Base Line, Sault Ste. Marie, Ontario

Description of Offence: A worker was seriously injured while cleaning an industrial furnace. The worker, whose fall protection harness and tether were not anchored, fell approximately 28 feet inside the furnace. R. F. Contracting Inc. failed to ensure that the measures and procedures prescribed by section 85(a) of Regulation 851, R.R.O. 1990, were carried out at a workplace, contrary to section 25(1)(c) of the **Occupational Health and Safety Act**.

Date of Offence: April 21, 2020

Date of Conviction: January 24, 2023

Penalty Imposed:

- Following a guilty plea in the Ontario Court of Justice, Sault Ste. Marie, R. F. Contracting, Inc. was fined \$60,000 by Justice of the Peace Kyle Cachagee; Crown Counsel, Wes Wilson.
- 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:

- On April 21, 2020, four workers were cleaning out an industrial biomass furnace.
- One of the workers, who was wearing an unanchored fall protection harness and tether, stepped inside the furnace.
- Since their fall protection was not anchored, the worker fell approximately 28 feet inside the furnace, sustaining serious injuries.
- R. F. Contracting Inc. failed to ensure that the measures and procedures prescribed by section 85(a) of Regulation 851, R.R.O. 1990, were carried out at a workplace, contrary to section 25(1)(c) of the **Occupational Health and Safety Act**.

Court Bulletin 2

Kitchener Company and CEO Fined \$100,000 in Total for Machine Guarding

Convicted: THS Industries Ltd., 501 Manitou Drive, Kitchener, Ontario, a steel nail manufacturing company; Xiaoye He, Director, THS Industries Ltd.

Location of Workplace: 501 Manitou Drive, Kitchener, Ontario

Description of Offence:

THS Industries Ltd., as an employer, and Xiaoye He, as a Director, failed to take all reasonable care to ensure equipment, materials and protective devices, as prescribed by Section 25 of Ontario Regulation 851/90, were provided for nail-maker machines, leaving workers at risk of accessing moving parts inside the machines.

Date of Offence: December 22, 2021

Date of Conviction: January 17, 2023

Penalty Imposed:

- THS Industries Inc. was fined \$85,000 and Xiaoye He, the company's Chief Executive Officer (CEO), was fined \$15,000 following guilty pleas at the Ontario Court of Justice in Kitchener. The fines were imposed by Justice of the Peace Sharon Woodworth. Crown Counsel was Neil Dietrich.
- 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:

- On December 22, 2021, occupational health and safety inspectors from the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) visited THS Industries Ltd. to investigate an anonymous complaint that workers were bypassing machine guarding devices on nail-maker machines.
- Section 25 of the Regulation for Industrial Establishments states that an in-running nip hazard or any part of a machine, device or thing that may endanger the safety of any worker shall be equipped with and guarded by a guard or other device that prevents access to the pinch point.
- The investigation found unfixed access gates on several machines.

- In one case, a worker was seen working inside an open access gate of a running machine. In another case, a machine's lid was open while the machine was running.
- MLITSD inspectors found that fixed guards had been removed around a significant number of nail-maker machines and at multiple locations on each machine.
- There were no injuries, but the lack of a fixed guarding device created access to an in-running nip hazard that could have resulted in serious injuries to a worker.
- THS Industries Ltd., as an employer, and Xiaoye He, as a Director, failed to take all reasonable care to ensure equipment, materials and protective devices, as prescribed by Section 25 of Ontario Regulation 851/90, were provided for nail-maker machines. For THS Industries Ltd., this was contrary to section 25(1)(a) of the **Occupational Health and Safety Act (OHS Act)**. For Xiaoye He, this was contrary to OHS Act section 32(a).
- This was the third conviction in six years for THS Industries Ltd.

Court Bulletin 3

Workplace Injury Results in \$50,000 Fine for Toronto Industrial Bakery

Convicted: Niche Bakers Corp., Toronto, Ontario

Location of Workplace: 6680 Finch Avenue West, Toronto, Ontario

Description of Offence: A worker was seriously injured while cleaning an industrial dough mixer. Contrary to safety procedures, the machine's control switch was not locked out to prevent it from being activated. As a result, the worker was injured by the moving blades. Niche Bakers Corp. failed to ensure that the measures and procedures prescribed by section 76(a) of Regulation 851, were carried out at a workplace, contrary to section 25(1)(c) of the **Occupational Health and Safety Act**.

Date of Offence: March 22, 2021

Date of Conviction: January 13, 2023

Penalty Imposed:

- Following a guilty plea in the Ontario Court of Justice, Old City Hall, Niche Bakers Corp. was fined \$50,000 by Justice of the Peace, Moira J. Callahan; Crown Counsel, Graeme Adams.

- 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:

- On March 22, 2021, two workers were cleaning an industrial dough mixer, also known as a “dough chunker.”
- The dough chunker was inside a gated and fenced zone, with the entrance controlled by safety gates/swing-out doors which, when in the opened position, would prevent the dough chunker from starting. When workers were inside the gated zone the power was required to be off and the safety gates left open.
- One worker was inside the gated zone to clean the dough chunker. A second worker was at the control panel outside the zone and, contrary to safety procedures, closed the safety gates and reset the system to cycle.
- When asked by the first worker, the second worker turned on the dough chunker momentarily to rotate the uncleaned portions of machine parts into position for the first worker to clean.
- As a result, the first worker was seriously injured by the rotating blades.
- Section 76(a) of Ontario Regulation 851 states that where the starting of a machine may endanger the safety of a worker, control switches or other control mechanisms shall be locked out so that the machine cannot be activated.
- Niche Bakers Corp. failed to ensure that the measures and procedures prescribed in the regulation were carried out at a workplace, contrary to section 25(1)(c) of the **Occupational Health and Safety Act**.

Court Bulletin 4

Food Manufacturer Fined \$100,000 After Worker Injured by Unguarded Machinery

Convicted: Handi Foods Ltd., a cracker and snack manufacturer with a head office at 190 Norelco Drive, Toronto

Location of Workplace: Manufacturing plant at 190 Norelco Drive, Toronto

Description of Offence: A worker was severely injured by unguarded equipment. Handi Foods Ltd. failed, as an employer, to ensure machinery was guarded to prevent access to its pinch point, as required by Ontario Regulation 851, Section 25.

Date of Offence: November 1, 2021

Date of Conviction: February 3, 2023

Penalty Imposed:

- Handi Foods Ltd. was fined \$100,000 following a guilty plea at the Ontario Court of Justice at Old City Hall, Toronto. The fine was imposed by Justice of the Peace J. Carter. Crown Counsel was Line Forestier.
- 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:

- On October 27, 2021, a worker at the Handi Foods Ltd. plant in Toronto was stationed at a production line that was making crackers.
- The worker noticed dough accumulating in a roller and attempted to dislodge it, while the machine was operating, by using a tool that could fit through an opening in the mesh cover guard that prevented access to the machine's pinch point.
- When that failed, the worker lifted the hinged cover guard, reached into the area to remove the dough and got caught in the pinch point, becoming severely injured.
- The guard was equipped with an interlock switch that was supposed to automatically stop the machine when it was lifted, to prevent injury.
- However, four days prior the maintenance supervisor had directed a bypass to be installed, allowing the guard to be lifted without stopping the machine. The interlock had been malfunctioning, preventing the machine from running smoothly.
- A danger sign was placed on the guard to remind workers about the bypass.
- Manufacturer's documentation for the machine stated that its interlocks and guards should not be bypassed.
- Handi Foods Ltd. violated Section 25(1)(c) of the Occupational Health and Safety Act by failing, as an employer, to ensure an in-running nip hazard was equipped with and guarded by a guard or other device that prevents access to the pinch point, as required by Ontario Regulation 851, Section 25.
- The company has a prior conviction relating to a worker being injured by unguarded equipment in 2007.

Court Bulletin 5

Workplace Injury Results in \$90,000 Fine for Orillia Foundry

Convicted: Kubota Materials Canada Corporation, Orillia, Ontario, a foundry and materials fabricator and supplier of alloy-steel castings and assemblies

Location of Workplace: 25 Commerce Road, Orillia, Ontario

Description of Offence: A worker was seriously injured while manually clearing a blockage from an industrial machine. Contrary to safety procedures, the machine did not have a guard to prevent access to the machine's moving parts. Kubota Materials Canada Corporation failed to ensure that the measures and procedures prescribed by section 24 of Regulation 851/90, were carried out at a workplace, contrary to section [25\(1\)\(c\) of the Occupational Health and Safety Act](#).

Date of Offence: October 2, 2021

Date of Conviction: January 19, 2023

Penalty Imposed:

- Following a guilty plea in the Ontario Court of Justice, Orillia, Kubota Materials Canada Corporation was fined \$90,000 by Justice of the Peace, Ann Forfar; Crown Counsel, Madeleine Chin-Yee.
- 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:

- On October 2, 2021, a worker was operating a Sieving Classifier, a machine used in the process of refining a powdered substance called TXAX, an asbestos alternative used as friction material in brake and clutch components of machines and automobiles.
- While operating the machine, the worker noticed it was blocked, as the collection bucket below the rotary valve was not filling with material.
- The worker attempted to manually clear the blockage at the bottom of the machine, which housed an exposed moving part that was not equipped with a guard.
- As a result, the worker was seriously injured by the machine's moving parts.
- Kubota Materials Canada Corporation failed as an employer to ensure that the machine was equipped with and guarded by a guard or other device that prevented access to the exposed moving parts.
- As a result, the employer endangered the safety of the worker, thereby violating section 24 of the Regulation for Industrial Establishments, contrary to section 25(1)(c) of the [Occupational Health and Safety Act](#).

Countertop Manufacturer Fined \$50,000 After Worker Seriously Injured in London

Convicted: Hyundai L and C Canada Inc., operating as HanStone Canada, 644 Main Street, Suite 502, Moncton, New Brunswick, a manufacturer of stone products such as quartz countertops

Location of Workplace: 2860 Innovation Drive, London, Ontario

Description of Offence: A worker was injured after falling from a crumbler machine. The worker had just finished cleaning the front of the crumbler when the incident occurred. The worker was working on an unguarded rail on the machine, and was returning to a platform, when the incident occurred. The worker was unaware the machine should only be cleaned from the platform, which was protected by a guardrail. The employer failed to provide information, instruction and supervision to the worker on the safe cleaning of the crumbler machine.

Date of Offence: January 12, 2022

Date of Conviction: February 17, 2023

Penalty Imposed:

- Following a guilty plea in the Ontario Court of Justice in London, HanStone Canada was fined \$50,000 by Justice of the Peace Kristine Marie Diaz. Crown Counsel was Judy 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:

- On January 12, 2022, workers were assigned to clean a “crumbler” (a machine that crushes stone material into smaller pieces) at HanStone Canada’s facility in London. The crumbler needed to be cleaned each time there was a changeover in quartz products due to colour changes in the stone.
- The crumbler was rolled out of an enclosed area into a cleaning area adjacent to a production line. It was moved along metal rails, between two tall platforms, to the end of the rails. The end was two feet beyond the platforms.

- The platforms had guard rails on the open sides. There was an eight-inch gap between the end of the guardrail and the machine. The platforms were accessed by fixed ladders at each end.
- One of the workers left the right-side platform via the gap and walked out onto the unguarded rail, balancing to clean the front of the machine. The worker used an air tool connected to an air hose to do the cleaning.
- When done, the worker turned to get back onto the platform and descend the ladder. The air hose became tangled between the worker's legs, causing the worker to fall about 4.8 feet to the floor below and be injured.
- An investigation by the Ministry of Labour, Immigration, Training and Skills Development found there was no written job instruction, training, policy or procedure for the task of cleaning the crumbler.
- The worker, newly hired, was trained by two co-workers, who themselves were not given any specific training on the task. One of the co-workers showed the injured worker how to clean the front of the machine from the rail. The injured worker saw the co-worker cleaning it that way too.
- The injured worker's supervisor advised the ministry that the front of the machine should be cleaned before the machine is rolled all the way out so it could be reached from the platform. However, neither the injured worker, nor the co-workers who trained the injured worker, were aware of that step. The workers were left to work out the task's details themselves.
- HanStone Canada failed as an employer to provide information, instruction and supervision to the worker, to protect the worker's health and safety, contrary to section 25(2)(a) of the **Occupational Health and Safety Act** (OHSA).