
Sleep Country Canada Fined \$60,000 After Delivery Worker Injured In Traffic

April 6, 2017 4:30 P.M.

TORONTO, ONTARIO - Mattress retailer Sleep Country Canada Inc. pleaded guilty and has been fined \$60,000 after a worker was critically injured in traffic while completing a delivery in north Toronto.

On January 21, 2016, a worker employed by Sleep Country as a delivery helper was making an evening delivery with a co-worker at an apartment building on the south side of Finch Avenue West near Weston Road.

Finch Avenue West at that location consists of two eastbound lanes, two westbound lanes and a centre lane used as a two-way left turn lane. The co-worker was driving a Sleep Country 5-ton straight truck and needed to reverse out of the building's driveway onto Finch Avenue West eastbound to return to the company's distribution centre.

Since the co-worker/driver did not have a view of the passing traffic, the delivery helper stood across the street on the furthest eastbound lane of Finch Avenue to stop traffic and signal the truck to back out onto Finch. While doing so, the delivery helper was struck by an approaching eastbound vehicle and suffered broken bones and other critical injuries.

At the time of the incident, it was dark and the helper was wearing the black-and-grey Sleep Country spring uniform jacket and black pants and was not wearing any high visibility safety apparel; the driver of the vehicle stated that he did not see the helper on the roadway.

Sleep Country failed as an employer to take the reasonable precaution of ensuring that workers required to direct vehicular traffic were provided with high visibility safety apparel, contrary to section 25(2)(h) of the Occupational Health and Safety Act. This is an offence pursuant to section 66(1) of the act.

Sleep Country pleaded guilty and was fined \$60,000 in Toronto court by Justice of the Peace Milan Then on April 6, 2017.

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.

Court Information at a Glance

Location:

Provincial Offences Court/Ontario Court of Justice

70 Centre Avenue

Toronto, Ontario

Judge:

Justice of the Peace Milan Then

Date of Sentencing:

April 6, 2017

Defendant:

Sleep Country Canada Inc.

Head office and distribution centre:

140 Wendell Avenue, Unit 1

Toronto, Ontario

Matter:

Occupational health and safety

Conviction:

Occupational Health and Safety Act

Section 25(2)(h)

Section 66(1)

Crown Counsel:

Judy L. Chan

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