
Three Companies Fined Total of \$460,000 After Worker Injured During Windsor Detention Facility Construction

November 16, 2017 3:15 P.M.

Convicted: Three defendants:

- Bondfield Construction Company Limited, 407 Basaltic Road, Concord, Ontario, and the contractor in charge of the project.
- J.M.R. Electric Ltd., 137 Thames Road East, Exeter, Ontario, contracted by Bondfield to perform electrical installations at the project.
- Toromont Industries Ltd., 3131 Highway 7 West, Concord, Ontario, contracted with J.M.R. Electric for a portion of the electrical work and the employer of the injured worker.

Location (workplace): 4819 8th Concession Road, Windsor, Ontario, now known as the South West Detention Centre (SWDC), a provincially-operated jail facility.

Description of Offence: While the building was under construction, a worker was cleaning a circuit breaker compartment with a conductive tool. The worker made contact with live electricity and was injured in an arc flash that produced a large ball of fire. Another worker used a fire extinguisher to put out the flames. The injured worker required hospitalization.

Date of Offence: May 28, 2013.

Date of Conviction: After nine days at trial in Windsor, releasing Reasons for Judgment on May 5, 2017 and a sentencing hearing on August 17, 2017, Justice of the Peace Maureen Ryan-Brode released sentencing on October 27, 2017; Crown Counsel Dan Kleiman.

Penalty Imposed

- Bondfield Construction was convicted on two counts and fined \$175,000.
- J.M.R. Electric was convicted on two counts and fined \$75,000.
- Toromont Industries was convicted on three counts and fined \$210,000.
- 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

- The companies were convicted for violations of *Ontario Regulation 213/91, the Construction Projects Regulation*, contrary to the *Occupational Health and Safety Act*, Section 23(1)(a), as it applies to electrical hazards in construction projects.

- All three companies were convicted under section 190(4) of the regulation, which states that "the power supply to the electrical equipment, installation or conductor shall be disconnected, locked out of service and tagged... before the work begins, and kept disconnected, locked out of service and tagged while the work continues."
- All three companies were convicted under section 184(1) of the regulation, which states that "no person, other than a person authorized to do so by the supervisor in charge of the project, shall enter or be permitted to enter a room or other enclosure containing exposed energized electrical parts."
- Toromont was convicted under section 187 of the regulation, which states that "tools, ladders, scaffolding and other equipment or materials capable of conducting electricity shall not be stored or used so close to energized electrical equipment, installations or conductors that they can make electrical contact."

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