



Toronto Company Fined \$60,000 for Ignoring Orders to Address Safety Violations

October 6, 2017 2:30 P.M.

Convicted: Rex Pak Limited, 85 Thornmount Drive, Toronto, Ontario

Type of Business and Location: Industrial establishment specializing in dry food blending and packaging with 30 production lines and three operational blend rooms at 85 Thornmount Drive, Toronto

Description of Offence: The company failed to comply with orders issued by a Ministry of Labour health and safety inspector to eliminate in-running nip hazards and pinch points that could endanger the safety of workers. Failure to provide machine guarding is an offence under the *Occupational Health and Safety Act* and the *Industrial Establishments Regulation (Regulation 851)*; failure to comply with orders by an inspector is also an offence under the *Occupational Health and Safety Act*.

Date of Offences: December 1, 2016 and May 24, 2017

Date of Conviction: October 4, 2017 in Provincial Offences Court/Ontario Court of Justice at 70 Centre Avenue, Courtroom C6, Toronto, by Justice of the Peace Sunny Ng; Crown Counsel Alessandra Hollands

Penalty Imposed

- Rex Pak Limited pleaded guilty to two charges of failing to comply with orders issued by a health and safety inspector and was fined \$60,000.
- 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

- On August 30, 2016, a Ministry of Labour health and safety inspector attended the workplace for a follow-up visit in order to verify compliance with a previously issued machine guarding order.
- Although that order was complied with, the inspector observed additional machine guarding contraventions. It was possible for workers to be exposed to moving parts and in-running nip hazards on various parts of the machinery on nine production lines.

- This resulted in 27 orders requiring Rex Pak to ensure that each of the observed exposed moving parts and in-running nip hazards were equipped with and guarded by a guard or other device that prevents access to hazardous moving parts and pinch points, as required by sections 24 and 25 of the *Industrial Establishments Regulation* under the *Occupational Health and Safety Act*.
- On December 1, 2016 the inspector conducted a follow-up visit to verify compliance with the orders issued on August 30, 2016. None of the 27 orders had been complied with.
- In addition, the inspector noted further machine guarding contraventions relating to worker access to exposed moving parts and in-running nip hazards on various parts of the machinery on 14 other production lines as well as a defeated existing interlock sensor on one other production line,
- The inspector issued 34 additional orders; 32 of which related to machine guarding.
- On May 24, 2017, the inspector returned to the workplace for a follow-up visit to verify compliance with the orders issued on August 30, 2016 and December 1, 2016. The inspector noted non-compliance with 16 of the 27 machine guarding orders issued on the August 30, 2016 visit and 12 of the 34 machine guarding orders issued on the December 1, 2016 visit.
- As a result, Rex Pak failed as an employer to comply with orders of an Inspector at a workplace, contrary to section 66(1)(b) of the *OHSA*.

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