



Toronto Metal Fabrication Company Fined \$50,000 After Worker Injured By Machine

October 6, 2017 5:05 P.M.

Convicted: Drummond Metal Fabrication Ltd., formerly known as Repath Industries Ltd., 39 Drummond St., Toronto, Ontario

Location of Workplace: 205 Adesso Drive, Vaughan, Ontario

Date of Offence: October 21, 2015

Description of Offences: A temporary worker at a metal fabrication plant was critically injured while operating a metal-polishing lathe. Under Ontario's health and safety laws the worker should have been protected from injury by a shield or barrier and should have been provided with protective apparel.

Date of Convictions: October 2, 2017 at Provincial Offences Court/Ontario Court of Justice, 465 Davis Drive, Newmarket, Ontario by Justice of the Peace E. Linda DeBartolo; Crown Counsel William Robinson.

Penalties Imposed

- Drummond Metal Fabrication Ltd. was fined \$50,000 after being found guilty as an employer of the following offences: Failing to ensure that a machine was shielded or guarded so that the product or material being processed does not endanger the safety of a worker as prescribed by section 26 of Ontario's *Regulation 851/Industrial Establishments Regulation*, contrary to section 25(1)(c) of the *Occupational Health and Safety Act (OHSA)*.
- Failing to ensure that a worker was wearing apparel sufficient to be protected from injury from a spinning metal plate as prescribed by section 84(e) of *Ontario Regulation 851*, contrary to section 25(1)(c) of the *OHSA*.

On January 20, 2017 a supervisor formerly employed by the company was fined \$3,500 after pleading guilty to failing to ensure that a worker wore apparel sufficient to protect the worker from injury from a spinning metal plate being grinded, contrary to section 84(e) of *Regulation 851* and section 27(1)(a) of the *OHSA*.

In addition to the fine, the court 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

- Drummond Metal Fabrication Ltd. (formerly known as Repath Industries Ltd.) contracted with a temporary employment agency to hire a worker as a metal polisher on or about October 16, 2015.
- On October 21, 2015, the worker was tasked with polishing a circular metal plate for use as a furniture component by using a metal-polishing lathe. The lathe was mounted with two circular grinders or polishers that rotated when the machine was in operation.
- The worker was instructed to polish the metal plate by inserting a metal rod through a hole in the centre of the metal plate. While holding on to the rod, the worker was then told to apply the metal plate to the rotating grinder. This would cause the metal plate to spin and allow for it to be polished.
- The spinning metal plate was not guarded by a shield or barrier. The worker was not provided with protective apparel to prevent injury by the spinning metal plate.
- The worker lost control of the metal plate soon after applying it to the rotating grinder. The spinning metal plate touched the worker's arm and caused a severe leg injury.
- Under the *Occupational Health and Safety Act* and the *Industrial Establishments Regulation*, it is an offence for an employer to fail to ensure that a machine is shielded or guarded so that a product or material being processed does not endanger the safety of any worker.
- It is also an offence for an employer to fail to ensure that where a worker is exposed to the hazard of injury from contact of the worker's skin with a sharp or jagged object which may puncture or cut a worker's skin, the worker is provided with apparel sufficient to protect the worker by injury.

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