



Toronto Plastics Company, Supervisor, Fined After Worker Suffers Permanent Injury

September 29, 2017 5:40 P.M.

TORONTO, ON - An employer and a supervisor pleaded guilty and were fined a total of \$53,000 after a temporary worker was permanently injured on a forklift.

The incident took place on April 28, 2016, at Regency Plastics Company Limited located at 358 Flint Road in Toronto. The company manufactures industrial polyethylene packaging.

A temporary worker and a permanent worker had been assigned a task on the other side of the establishment. In order to get there, the permanent worker operated a lifting device known as a "Yale" forklift, which only had one seat for the operator. The permanent worker was able to start the forklift because the key to the forklift had been left in the ignition.

The temporary worker proceeded to stand on the forks of the forklift, in front of and facing the permanent worker/operator, whose field of view was obstructed by the temporary worker. The forklift collided with a structural steel column located in the central area of the establishment.

The temporary worker suffered a crushing injury in the collision, resulting in a permanent injury.

During their employment at Regency Plastics, neither worker had received forklift training, nor were they certified or authorized to operate any forklifts.

Under the Occupational Health and Safety Act (OHSA), an employer has the duty to ensure that the measures and procedures prescribed by Ontario labour regulations are carried out at a workplace.

In addition, a supervisor must ensure that a worker works in the manner and with the protective devices, measures and procedures prescribed by the applicable regulations.

Ontario Regulation 851 - the Industrial Establishments Regulation - requires that a lifting device be operated only by a "competent person." The co-worker was not a "competent person" as defined by the OHSA. The definition under the act means a person who (a) is qualified because of knowledge, training and experience to organize the work and its performance; (b) is familiar

with the OHSA and the regulations that apply to the work, and (c) has knowledge of any potential or actual danger to health or safety in the workplace.

Both the company and a supervisor, Joe Latchminarine, pleaded guilty in Toronto court on September 28, 2017. Justice of the Peace Jane Hawtin imposed a fine of \$50,000 on Regency Plastics and a fine of \$3,000 on the supervisor.

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 Jane Hawtin

Date of Sentencing:

September 28, 2017

Defendants:

Regency Plastics Company Ltd.

358 Flint Road

Toronto, Ontario

Joe Latchminarine

Supervisor

Matter:

Occupational health and safety

Convictions:

Occupational Health and Safety Act

Section 25(1)(c)

Section 27(1)(a)

Ontario Regulation 851 (the Industrial Establishments Regulation)

Section 1(1)

Section 51(2)(a)(i)

Crown Counsel:

Indira Stewart

