



## **Town of Innisfil Fined \$100,000 After Worker Suffers Critical Injuries**

August 30, 2017 3:15 P.M.

BARRIE, ON - The Corporation of the Town of Innisfil pleaded guilty and has been fined \$100,000 after a worker was critically injured by a large shelving unit that was being moved by a loader equipped with forks.

On January 27, 2016, three workers employed by the town in its operations department were moving equipment and machinery from the maintenance and storage bay at the Innisfil Public Works building to the new Innisfil Operations Centre; the old building was slated for demolition. The afternoon shift crew was moving some of the last pieces of equipment and machinery onto a trailer for transport to the new operations centre.

One of the workers was operating the loader and the other two workers alternately assisted the operator. They loaded five pieces of equipment and machinery onto the trailer without incident. The workers were moving the last large item that was to go onto the trailer - a six-foot-tall bolts bin shelving unit that held metal items. The shelving unit was not secured to the loader; one worker walked beside the loader, and as the loader advanced to the trailer, the operator could see less and less of the worker on foot.

The shelving unit made contact with the side of the trailer and the unit fell where the worker on foot was standing. The injured worker was unconscious for a time and suffered critical injuries.

The court found that the defendant failed to ensure the procedures provided in the Industrial Establishments Regulation (Regulation 851) were followed. Section 56 of that regulation states that where the operator of a vehicle, mobile equipment, crane or similar material handling equipment does not have a full view of the intended path of travel, there must be a competent person acting as a signaler. The signaler must be stationed in full view of the operator, with a full view of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment and its load. The signaler must also be clear on the intended path of travel.

Failing to follow the procedures in the regulation is also an offence under the Occupational Health and Safety Act.

Justice Cecile Applegate imposed a fine of \$100,000 on August 30, 2017 at the Ontario Court of Justice in Barrie.

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:**

Ontario Court of Justice

75 Mulcaster Street

Barrie, Ontario

#### **Judge:**

Justice Cecile Applegate

#### **Date of Sentencing:**

August 30, 2017

#### **Defendant:**

The Corporation of the Town of Innisfil

2101 Innisfil Beach Road

Barrie, Ontario

Workplace:

2183 Innisfil Beach Road

Innisfil, Ontario

**Matter:**

Occupational health and safety

**Conviction:**

Occupational Health and Safety Act

Section 25(1)(c)

**Crown Counsel:**

Catherine Glaister

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