



Vaughan Paving Fined \$125,000 After Worker Fatally Injured by Equipment

June 20, 2017 3:45 P.M.

NEWMARKET, ON - Vaughan Paving Ltd. pleaded guilty and was fined \$125,000 after a worker was struck by equipment and later died from the injuries.

Vaughan Paving Ltd., a Concord-based company that provides residential and commercial paving, concrete, grading and other services, was subcontracted to install concrete curbs and sidewalks at a commercial strip mall on Bullock Drive in Markham.

On August 27, 2014, a crew of company workers was grading and levelling the parking lot of the mall in preparation for concrete curbs. Workers were using equipment - a bulldozer and a skid steer - that had been left on site from other contractors. A supervisor was operating the bulldozer and a worker was operating the skid steer. A labourer was working on foot and was taking measurements of elevations at the east side of the project boundary.

The labourer was communicating the measurements to the supervisor, who would then use the bulldozer to blade the area to the desired elevation. The skid steer was used to level the parking lot and to deliver granular material to those areas where it was required.

The labourer had completed measuring the level of the grade in front of the bulldozer. The supervisor was sitting in the cab of the stationary bulldozer with its motor idling, watching the labourer and waiting for the labourer to move, so the bulldozer could be moved forward.

The supervisor observed the labourer walking backwards from the location and that the worker was walking directly behind the track of the skid steer, which was reversing. The supervisor unsuccessfully tried to alert the others by shouting; the horn on the bulldozer was not working. The skid steer drove into and struck the labourer.

The labourer was taken to Sunnybrook Health Sciences Centre, and later passed away.

A Ministry of Labour engineer investigated the technical aspects of the incident, and found that the forward/reverse, turning and stopping functions of the skid steer functioned as designed at the time of the incident, although there was no functioning reverse alarm. There were large

'blind spots' on the rear side corners of the skid steer, and there was no signaller to direct the skid steer while it was operating in reverse.

Section 104(3) of the Ontario Construction Projects Regulation requires that "operators of vehicles, machines and equipment shall be assisted by signallers if... the operator's view of the intended path of travel is obstructed' or if "a person could be endangered by the vehicle, machine or equipment or by its load."

The defendant's failure to have a signaller assisting the operator of the skid steer meant that it failed to ensure compliance with the regulation. This is also an offence under the Occupational Health and Safety Act.

Vaughan Paving Ltd. received a fine of \$125,000 from Justice of the Peace Herbert B. Radtke in Newmarket court on June 19, 2017.

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

465 Davis Drive

Newmarket, Ontario

Judge:

Justice of the Peace Herbert B. Radtke

Date of Sentencing:

June 19, 2017

Defendant:

Vaughan Paving Ltd.

220 Basaltic Road

Concord, Ontario

Matter:

Occupational health and safety

Conviction:

Occupational Health and Safety Act

Section 25(1)(c)

Regulation 213/91 (Construction Projects Regulation)

Section 104(3)(1)

Section 104(3)(2)

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