



Window Manufacturer Fined \$150,000 After Worker Dies, Another Injured

February 3, 2017 4:45 P.M.

NEWMARKET, ONTARIO - A window and door manufacturer in Concord pleaded guilty and was fined \$150,000 after one worker died and another was injured by material that fell from a work station.

The company, FranCar 2000 Inc., manufactures window walls and doors for high-rise condominiums, office buildings and hotels across North America. It operates a facility located at 330 Applewood Crescent in Concord.

On March 1, 2015, two workers were in the process of adding vent sashes to windows that were taken off the assembly line and placed on a large free-standing work station, called an easel, in the work area. The easel was used for window assembly and an area at the back of the easel had become a location for storage of extra and loose material; horizontal bars had been added to the back of the one easel and some extra or loose material could be leaned against it. During the course of the day, workers placed a volume of these materials behind the easel. The easel began to tip over.

One worker was struck by the easel and pushed away from the direction of its fall. The easel continued to fall over, striking a second worker who was also in the area, knocking the worker to the ground. The easel and the material stored behind it landed on top of the second worker.

As a result of being struck by the easel, the first worker suffered injury. The second worker died as a result of crushing injuries from the weight of the easel and material.

The Ministry of Labour investigation determined that the back of the easel had been used as a storage location for some materials for a number of years prior to the incident, and the additional weight of the material added on that day, against and behind the easel, caused it to tip and fall. Section 45(b)(i) of Ontario Regulation 851 - the Industrial Establishments Regulation - requires that materials articles or things shall be transported, placed or stored so that the material, articles or things, will not tip, collapse or fall.

Court was told that the company has taken a number of steps to guard against similar incidents, which includes securing easels to the floor, hiring health and safety coordinators to supplement existing safety staff, a health and safety engineering review and putting into place detailed workplace-specific procedures.

FranCar 2000 Inc. was fined \$150,000 by Justice of the Peace Karen Walker in Newmarket court on February 3, 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 Karen Walker

Date of Sentencing:

February 3, 2017

Defendant:

FranCar 2000 Inc.

330 Applewood Crescent

Concord, Ontario

Matter:

Occupational health and safety

Convictions:

Occupational Health and Safety Act

Section 25(1)(c)

Ontario Regulation 851 (Industrial Establishments Regulation)

Section 45(b)(i)

Crown Counsel:

Joe Ferraro/Dan Kleiman

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