



## Windsor Roofing Company Fined in Young Worker Fatality

October 6, 2017 3:50 P.M.

**Convicted:** Dayus Roofing Inc., 5120 Halford Road, Windsor, Ontario

**Location of workplace:** Menard Street, Windsor

**Description of Offence:** A young worker fell from the roof of a house that was being re-shingled. A lanyard was apparently detached from a safety line at the time. The young worker was hospitalized for over six months but did not regain consciousness and passed away.

**Date of Offence:** December 11, 2015

**Date of Conviction:** July 17, 2017

### Penalty Imposed

- Dayus Roofing Inc. pleaded guilty to the offence of failing, as an employer, to ensure that the measures and procedures prescribed by section 26.1(2) of *Ontario Regulation 213/91 (the Construction Projects Regulation)*, were carried out in the workplace. This requires an employer to adequately protect workers with a guardrail system, or with another fall protection method such as a travel restraint system, a fall restricting system or a fall arrest system. This failure was contrary to section 25(1)(c) of the *Occupational Health and Safety Act*.
- Dayus Roofing was fined \$90,000 in Provincial Offences Court/Ontario Court of Justice, 251 Goyeau Street, Windsor, by Justice of the Peace Susan E. Whelan; Crown Counsel Shantanu Roy.
- 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.

### Background

- Workers employed by Dayus Roofing were engaged in the removal of old shingles and the application of new shingles to the roof of a house. One of the workers was collecting old shingles for disposal into a garbage dumpster located at the ground level.
- All the workers on the roof that day were supplied with and wearing fall protection equipment consisting of a harness attached via a lanyard to safety lines and anchor points on the roof; all had been trained and tested in use of fall protection.
- Investigation determined that the young worker was traversing the roof (a distance of approximately 60 feet) to dispose of materials into the garbage dumpster, and apparently detached the lanyard from the work zone safety line and reattached it to the safety line that traversed the roof.

- On one occasion while traversing the roof the young worker did not reattach the lanyard to the safety line. It is believed that on that occasion that the young worker lost footing and fell to the ground below, sustaining severe injuries. The young worker was hospitalized for over six months, never regaining consciousness, and passed away.

### Related Information

- New and young workers in Ontario are more likely to be injured during the first few months on the job than other workers, and are three times more likely to be injured during their first month on the job than at any other time.
- Young workers are those age 14 to 24. New workers are those who are on the job for less than six months or assigned to a new job.

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