

2015-CB-36

For Immediate Release
May 28, 2015

ArcelorMittal Dofasco Inc. Fined Total of \$130,000 for Safety Violations

HAMILTON, ON – ArcelorMittal Dofasco Inc., a processor and manufacturer of steel products, has pleaded guilty and has been fined \$130,000 after two separate incidents, four days apart, in which workers were injured.

On September 6, 2012, four workers at the plant's #3 Blast Furnace at the Burlington Street facility were changing a tuyere (a pipe/nozzle through which air is blown into the furnace) and blow pipe assembly on the west side of the furnace. To carry out the task, the workers used a tow motor to elevate the tuyere and move it into place. One worker stood on the front left fender of the tow motor in order to line up bolt holes with the furnace.

The worker stepped down from the fender, lost grip on the mast of the tow motor and fell backwards. The worker fell about 2.5 feet, landed on one foot and stepped on a piece of equipment. The fall resulted in a leg fracture, which is defined as a critical injury under health and safety regulations.

A blast furnace where raw iron ore is smelted and reduced is considered a mining plant and subject to Ontario Regulation 854/90, the Regulation for Mines and Mining Plants. Section 46(2) of the regulation prescribes that where workers are required to work, operate, maintain or service equipment, a safe means of access shall be provided; the regulation further prescribes the use of a walkway, stairway or ladderway. The injured worker was required to service equipment and did not have prescribed access to perform the work. This is contrary to the Occupational Health and Safety Act.

The company pleaded guilty to the violation and was fined \$55,000 by Justice of the Peace Jerry Woloschuk.

On September 10, 2012, two workers at the company's #2 Anneal Cooling Tower in the tin mill on Burlington Street East were troubleshooting a malfunctioning closed-circuit television camera. The workers shut off the cooling fan to prevent dust from being blown around.

One worker then ascended a portable staircase to reach the camera while the co-worker remained at ground level. After ascending and descending the stairs two or three times, that worker was overcome with fumes and lost consciousness, which is defined by regulation as a critical injury. The worker regained consciousness a few minutes later.

Section 138(1) of the Industrial Establishments Regulation (Regulation 851) states that where a worker is likely to be exposed to an atmosphere at atmospheric pressure with an oxygen content of less than 18 per cent, the worker shall be protected by mechanical ventilation so that the worker's safety and health is not endangered.

Testing showed that the atmospheric oxygen level in the area near the camera was below 10 per cent by volume because hydrogen and nitrogen gases – which are simple asphyxiants – had accumulated in the area after the cooling fan was turned off. Neither worker was protected by mechanical ventilation equipment for working in this area.

The company pleaded guilty to the violation and was fined \$75,000 by Justice of the Peace Jerry Woloschuk.

In both cases, Section 25(1)(c) of the Occupational Health and Safety Act applied: an employer shall ensure that the measures and procedures prescribed are carried out in the workplace.

In addition to the fines, the court 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.

For further information:

Media contact:

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Court Information at a Glance	
Location:	Provincial Offences Court/Ontario Court of Justice 45 Main Street East Hamilton, Ontario
Judge (Sept. 6 incident):	Justice of the Peace Jerry Woloschuk
Judge (Sept. 10 incident):	Justice of the Peace Jerry Woloschuk
Date of Sentencings:	May 28, 2015
Defendant:	ArcelorMittal Dofasco Inc. 1330 Burlington Road East Hamilton, Ontario

Matter:	Occupational health and safety
Convictions:	Occupational Health and Safety Act Section 25(2)(h) Ontario Regulation 854/90 (Regulation for Mines and Mining Plants Establishments) Section 46(2) Ontario Regulation 851 (Industrial Establishments Regulation) Section 138(1)
Crown Counsel:	Judy L. Chan



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