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For Immediate Release
March 13, 2015

Halton Recycling Fined \$225,000 in Death of Worker

WOODSTOCK, ON – Halton Recycling Ltd., operating as Emterra Environmental, has pleaded guilty and has been fined \$225,000 in the death of a worker who was killed while picking up municipal recycling in Oxford County.

On May 1, 2013, the worker, who was directly employed by an employment agency, was assigned to operate a side-loading waste collection truck to pick up recyclable materials on Blandford-Blenheim Township Road 4.

The truck is capable of being driven from either the left side of its cab while the driver is sitting, or from the right side while the driver is standing up, due to two sets of controls. This design allows the operator to remain standing during the collection of material. If the pick-ups are close together the task can entail the operator leaving the vehicle frequently.

On the day of the incident the worker was operating the truck from the right side while standing up. The driver entered a curve in the roadway and lost control of the truck. While attempting to correct the loss of control, the driver was ejected from the right side of the truck and sustained head injuries upon striking the pavement. The worker died later that day from the injuries.

The Ministry of Labour and the Ontario Provincial Police investigations revealed the circumstances of the incident:

- The truck was traveling at a speed of 77 kilometres an hour (km/hr) and was in transit in a rural area, with pick-ups on average a distance of a half-kilometre apart.
- Several drivers with the company acknowledged operating vehicles from the stand-up (right) side position at speeds of 60 – 80 km/hr. It was also revealed that it was common practice for workers to operate vehicles from the stand-up position on this and other rural routes despite being in relatively lengthy transit between pick-ups.
- The truck was equipped with an occupant safety restraint device that was not in use.
- The truck was equipped with a right-side door safety restraint device that upon examination was found to be not functional; the locking portion of the device was bent and was not able to connect or engage with the opposite portion of the device.
- The right-side cab door was not closed and latched.

The company's health and safety manual states that "Halton Recycling vehicles are not designed to operate at speeds exceeding 30 km/hr when driving from the right-side stand-up position as this practice is unsafe and illegal. Always use the left-side driving operation for any driving where speeds exceed 30 km/hr or for long-distance driving." However, other workers stated that they were unaware of this policy.

An American National Safety Standard for mobile waste and recyclable materials collection states that speed while operating these truck from the stand-up position should be limited to a maximum of 32 km/hr. This standard was arrived at by giving consideration to the reduced operational control inherent in the stand-up position.

The same safety standard states that all driver restraining devices must be used while operating from the right-hand position and at all times while in transit.

Halton Recycling failed as an employer to take all precautions reasonable in the circumstances for the protection of a worker, as provided for in Section 25(2)(h) of the Occupational Health and Safety Act. Specifically, the company failed to take the reasonable precautions of ensuring that a worker when operating a waste material collection vehicle from the cab's right-hand side and stand-up driving location did not exceed a speed of 32 km/hr and was protected by closing and latching the passenger side door or its safety restraint device.

The company pleaded guilty and was fined \$225,000 by Justice of the Peace Michael A. Cuthbertson.

In addition to the fine, 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 415 Hunter Street Woodstock, Ontario
Judge:	Justice of the Peace Michael A. Cuthbertson
Date of Sentencing:	March 13, 2015
Defendant:	Halton Recycling operating as Emterra Environmental 1122 Pioneer Road Burlington, Ontario
Matter:	Occupational health and safety
Conviction:	Occupational Health and Safety Act Section 25(2)(h)
Crown Counsel:	Daniel Kleiman



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