

2015-CB-35

For Immediate Release  
May 28, 2015

**Schaus Land and Cattle Co. Limited Fined \$90,000 After Worker Dies in Fall**

ORANGEVILLE, ON – Schaus Land and Cattle Co. Limited, a company engaged in the raising and feeding of cattle for sale, has pleaded guilty and has been fined \$90,000 after a worker died as a result of a fall.

The worker, who was employed by Sunrise Potato Storage Ltd. near Alliston, was at the farm in the Town of Mono on August 23, 2013 to pick up and transfer manure. Schaus had a trade agreement with Sunrise which involved Sunrise removing cattle manure from the farm to be used in Sunrise's fields, and in turn Sunrise would provide Schaus with straw for the cattle.

The farm's facilities include a barn with an underground pump room that contains the operating controls for a cattle-watering system. Water from a pond is drawn into a large holding tank and then pumped into separate pressure tanks located in the pump room; water is then distributed to various water bowls located inside the barn and out in the fields.

The pump room is accessed by a hatch located on the floor of the barn. The hatch is lifted and removed, leaving an opening in the floor with a ladder leading down to provide access.

On the day of the incident, Schaus workers observed a problem with a water bowl located in the cattle field. One of the workers opened the hatch, climbed down and shut off the water valve to the affected water bowl, then left. The hatch was placed near the door of the washroom in the barn.

The washroom is located directly in front of the hatch leading down to the pump room. To access the washroom, a worker would normally walk on the hatch covering the opening to the pump room.

The Sunrise worker was seen on the farm, preparing to transport a truckload of manure. The worker was later found lying on the floor of the pump room. The worker succumbed the next day to traumatic brain injuries that were a result of the fall into the pump room.

A Ministry of Labour investigation determined that the worker likely stopped at the barn to use the washroom. The evidence revealed that there was nothing present at the workplace that could have prevented a worker from falling into the pump room.

Section 25(2)(h) of the Occupational Health and Safety Act requires an employer to take every precaution reasonable in the circumstance for the protection of a worker. As such, Schaus failed to take the reasonable precaution of ensuring that a worker was prevented from falling through an opening on a floor. The company was fined \$90,000 by Justice of the Peace Michael Barnes in Orangeville court.

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**

<b>Location:</b>	Provincial Offences Court/Ontario Court of Justice 55 Zina Street Orangeville, Ontario
<b>Judge:</b>	Justice of the Peace Michael Barnes
<b>Date of Sentencing:</b>	May 28, 2015
<b>Defendant:</b>	Schaus Land and Cattle Company Ltd. 875681 5 <sup>th</sup> Line EHS Town of Mono, Ontario
<b>Matter:</b>	Occupational health and safety
<b>Conviction:</b>	Occupational Health and Safety Act Section 25(2)(h)
<b>Crown Counsel:</b>	William Robinson



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