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For Immediate Release
November 28, 2014

Subway Construction Death and Injury, Safety Violation Result in Guilty Pleas, \$420,000 In Fines

TORONTO, ON – The 2011 death of a worker and injury to another at a Toronto Transit Commission subway construction site in North York has resulted in a guilty plea and a \$400,000 fine. A subsequent, separate safety violation by the same company has resulted in a guilty plea and a \$20,000 fine.

On October 11, 2011, workers were on the job site at 4700 Keele Street near York University, where twin bored tunnels are under construction to add an 8.6-km subway line from the existing Downsview Station to the Vaughan Corporate Centre in York Region for the Toronto Transit Commission. The project is being constructed by a limited partnership, 1842887 Ontario Ltd./OHL-FCC GP Canada Inc.

On the day of the event, one worker, an employee of Advanced Construction Techniques Ltd. (ACT) and subcontracted as a general contractor, was operating a drill rig equipped with an auger to create a shaft. Another worker, under the direction of ACT crew, was operating an excavator digging dispersal holes near the pile being drilled so wet waste material from the drill casing could be discharged into them. A third worker employed by Anchor Shoring and Caissons Ltd., which was also a subcontractor, was operating a backhoe loader to remove excavated earth from the drilling that Anchor Shoring was performing in the same area.

On that afternoon, the worker operating the drill rig raised the auger from the hole and swung the mast. The worker saw the boom of the machine going to the right and felt the machine move; witnesses saw the rig moving back and forth with the auger in the air and saw one of the tracks go into a rut. The drill rig suddenly toppled and the mast and casing crushed the excavator as well as the backhoe. The worker operating the excavator was seriously injured and the worker operating the backhoe was killed.

Subsequent investigation determined that inadequate site preparation and a soil base unable to withstand the weight and pressure created by the drill rig, combined with a procedure of digging dispersal holes filled with wet material, significantly reduced the ground-bearing capacity of the prepared working surface where the drill rig tracks were located. In addition, the drill rig was operating on a slope greater than allowed within safe parameters. These were the major factors in the tipping of the drill rig.

OHL-FCC GP pleaded guilty to failing as a constructor to ensure that safety measures required by the Occupational Health and Safety Act were followed, and was fined \$400,000.

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In addition, Ministry of Labour inspectors attended a tunneling construction project for the TTC subway expansion at 2735 Steeles Avenue West to conduct a routine inspection on March 15-16, 2012. The inspection was mainly for the purpose of determining whether rescue equipment necessary in the tunneling process was current, acceptable for the task and in good working order.

During the course of the inspection it was determined that the tunnel rescue equipment – specifically self-contained breathing apparatus necessary for a tunnel rescue procedure – were not being inspected at least once a month, contrary to the law. As a result, OHL-FCC GP Canada Inc. pleaded guilty to failing to ensure the monthly inspection took place, and was fined \$20,000.

The sentences were imposed by Justice Melvyn Green in Old City Hall Court in Toronto. 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:	Ontario Court of Justice 60 Queen Street West Toronto, Ontario
Judge:	Justice Melvyn Green
Date of Sentencing:	November 28, 2014
Defendant:	OHL-FCC GP Canada Inc. 44 Chipman Hill PO Box 7289 Station A, Suite 1000 Saint John, New Brunswick carrying on business in limited partnership as OHL Construction Canada and Fomento de Construcciones y Contratas Canada Limited Partnership, known as OHL-FCC GP CANADA INC., carrying on business as 1842887 Ontario Ltd. 5945 Airport Road, Suite 144 Mississauga, Ontario
Matter:	Occupational health and safety
Convictions:	Occupational Health and Safety Act Section 23(1)(a) Ontario Regulation 213/91 (Construction Regulation) Section 266(12)
Crown Counsel:	David McCaskill



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