

2015-CB-11

For Immediate Release
February 9, 2015

Sun-Brite Foods Inc. Fined \$70,000 After Worker Injured in Canning Facility

WINDSOR, ON – Sun-Brite Foods Inc., a company that processes and cans field crops, has pleaded guilty and has been fined \$70,000 after a seasonal farm worker was critically injured.

On September 5, 2013, the seasonal farm worker, who was from Mexico, was engaged in cleaning the peeler room of the company's food processing facility at 1532 County Road 34 near Ruthven. The room contains tomato-peeling machines, each with a waste chute connected to a trough. A power screw auger pushes waste material through the trough.

The worker was cleaning the area around one of the machines and attempted to step over the waste trough; a foot slipped into the trough and became caught in the auger. The worker suffered serious injuries to the foot, which had to be partially amputated.

A Ministry of Labour investigation found that the peeler machine involved in the incident had been installed just two weeks prior. While steel mesh guards were affixed over the waste troughs of the other three machines, no guard had yet been installed on the newest machine; as such, the auger was fully exposed.

The powered auger was an in-running nip hazard which created a pinch point between the auger and the side of the trough. Section 25 of Ontario Regulation 851 – the Industrial Establishments Regulation – requires that an in-running nip hazard or any part of a machine, device or thing that may endanger the safety of any worker must be equipped with and guarded by a guard or other device that prevents access to the pinch point.

Sun-Brite failed as an employer to ensure that the measures and procedures prescribed by the regulation were followed; this is contrary to Section 25(1)(c) of the Occupational Health and Safety Act.

The company pleaded guilty was fined \$70,000 by Justice of the Peace Salma Jafar in Provincial Offences Court in Windsor on February 9, 2015. 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.

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For further information:

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Court Information at a Glance

Location:	Provincial Offences Court/Ontario Court of Justice 251 Goyeau Street Windsor, Ontario
Judge:	Justice of the Peace Salma Jafar
Date of Sentencing:	February 9, 2015
Defendant:	Sun-Brite Foods Inc. 1532 County Road 34 Ruthven, Ontario
Matter:	Occupational health and safety
Conviction:	Occupational Health and Safety Act Section 25(1)(c) Ontario Regulation 851 (Industrial Establishments Regulation) Section 25
Crown Counsel:	Judy L. Chan



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