

# Conviction for Failure to Physically Block a Machine Upheld on Appeal



At a sawmill, an industrial saw was turned off and locked out for maintenance. While the machine was shut down, a supervisor found a piece of metal in it and decided the saw blades needed to be changed. The machine was locked out but the hydraulics were kept on during blade change. After a worker completed the change, he went to the field control box to close the side-heads, unaware that the supervisor was in that area. As the side-heads closed, they crushed the supervisor's left arm. The sawmill was convicted of failing to block the machine to prevent movement and was fined \$48,000. It appealed. The appeals court upheld the conviction and fine. The trial court found that 'blocking' meant some physical component intended to prevent movement, which was reasonable in the context of laws to protect workers [*Ontario (Ministry of Labour) v. McKenzie Lumber Inc.*, [2016] ONCJ 533 (CanLII), Aug. 31, 2016].