

# Enforcement Trends: The 12 Biggest OHS Fines of 2019



## Alberta, BC & Ontario Hand Out the Biggest Fines

Alberta led the 2019 Top 12 list with 5 entries. BC was the second most represented province with 4, including all 3 of the year's highest fines. After years of domination, Ontario has slipped in recent years and had only 2 of this year's Top 12. But that's a bit deceptive when you consider that Ontario continues to hand out more 6-figure fines than any other jurisdiction by far. Not unusually, no other jurisdiction was represented on the Top 12—although Saskatchewan did manage to crack the list last year.

## It's Not Always About Fatalities

Historically, OHS fines don't reach Top 12 levels unless one or more workers are killed. But violations that don't cause fatalities or even injuries may warrant abnormally high fines when they're serious enough and/or the company that commits them has a track record of violations. Such was the case with the top 3 fines of this year, all from BC. Every other fine on the list stemmed from a fatality.

Two caveats about this list:

- It covers only the OHS fines that were reported and thus excludes cases where government agreement not to publish was part of the settlement; and
- It runs only through November 28, 2019. If necessary, we'll revise the Top 10 to incorporate any big fines handed down in December.

**Top 12 Highest OHS Fines of 2019 (thru November 28, 2019)**

Rank	Province	Fine	Offender*	Trigger Incident	Offence(s)*
1	British Columbia	\$662.1K	Rio Tinto Alcan Inc. (Kitimat Plant Division)	Two aluminum smelter maintenance workers injured after getting trapped in a gas treatment centre reactor	Failure to ensure that energy-isolating devices were locked in a safe position using acceptable procedures made available to all workers required to work on the equipment (high-risk violation)
2	British Columbia	\$646.3K	Teck Metals Ltd.	WorkSafeBC inspector observes worker walking through a hazardous energized equipment area without a barrier or safeguard in place	Failure to ensure equipment was fitted with adequate safeguards to ensure workers can't access hazardous points of operation (repeat and high-risk violation)

3	British Columbia	\$637.4K	West Fraser Mills Ltd.	<p>Subcontractor's worker suffers serious burns while vacuuming a hatch midway up a multi-cone hopper when compacted hot ash in the hopper broke free</p>	<p>&gt;<u>Failure as prime contractor to:</u>  *Assess risks associated with accumulated hot ash  *Ensure safe work procedures were communicated to subcontractor firm  *Ensure subcontractor's workers were trained  &gt;<u>Failure as site owner to:</u>  *Provide information necessary to identify and control hazards (repeated violation)  * Instruct workers in safe work procedures  *Provide adequate PPE for work around extreme temperature sources</p>
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4	Alberta	\$450K	CNOOC Petroleum North America ULC (formerly known as Nexen Energy ULC)	Two maintenance workers killed in hydrogen compressor building explosion	Failure to ensure health and safety of its workers (specific violation not disclosed)
5	Ontario	\$400K	Lafarge Canada Inc.	Worker giving demolition contractors tour of closed plant falls nearly 30 feet to his death when corroded + structurally unsound walkway collapses beneath him	Failure to prevent access or brace and shore part of damaged structure likely to collapse
6	Alberta	\$335K	Carey Industrial Services Ltd.	Worker clearing blockages from floor grate in bulk storage facility gets pulled into and immersed by materials with suffering fatal injuries	Failure to ensure that the material was contained, restrained or protected
7	Alberta	\$325K	Western Roofing & Contracting Inc.	Worker not using fall protection is killed after falling from a flat roof while using a rope to lower materials by hand	Failure to provide appropriate equipment for lifting, pushing, pulling, carrying or handling heavy or awkward loads

8	Alberta	\$300K	Rapicon Inc.	Apex portion of tower crane structure being lifted from its mountings by a mobile crane hits worker and kills him	Failure, as a contractor directing activities of employers involved in work at a work site, to ensure that equipment that could be dislodged or moved was contained or restrained
9	Alberta	\$300K	Winfield Industrial Sales Ltd.	Worker installing guard rails on top of a bleaching tower becomes entangled with gear drive coupling and is pulled into the machine with fatal results	Failure to ensure use of a fall protection system by workers at a temporary work area at risk of falling less than 3 metres if there's an unusual possibility of injury
10	British Columbia	\$300K	McNabb Construction Ltd.	Attachment point on overhead crane being used to suspend gravel crushing cone liner gives way. Load falls on worker below killing him. It was just the victim's third day on the job	Failure to ensure that work is done by a competent worker or a worker working under the direct supervision of a competent worker

11	Ontario	\$265K	Toronto Transit Commission	Maintenance worker fatally crushed between pick-up truck and work car being moved	Failure to provide a trained and qualified monitor to observe movement of the work car, while in direct communication with work car operator to ensure work car didn't contact workers, vehicles or equipment
12	Alberta	\$230K + 1.5 years Corporate Probation	Amana Construction Services Ltd.	Rip-out bucket attached to excavator being used for open excavation water line replacement detaches from hydraulic coupler and hits worker causing fatal injuries	Failure to ensure equipment (JRB Smartloc Coupler) was operated in accordance with specifications certified by a professional engineer or manufacturer's specifications

**Note:**

\*All defendants convicted as employers, except where indicated otherwise