

09-44

For Immediate Release  
April 28, 2009

## **TWO COMPANIES, TWO SUPERVISORS FINED A TOTAL OF \$297,000 AFTER THE DEATH OF A YOUNG WORKER**

TORONTO, Ont. – Brook Restoration Ltd., a Toronto construction company, was fined \$150,000 on April 22, 2009, completing a case that saw another company and two individuals also convicted for violations of the Occupational Health and Safety Act (OHSA), after a young worker was killed on the job.

On January 17, 2007, a young worker employed by Ontario Roofing & General Contracting Services Ltd., fell over 42 metres (140 feet) from a roof canopy at 5900 Yonge Street in Toronto, sustaining fatal injuries. Ontario Roofing & General Contracting Services was subcontracted by Brook Restoration Ltd. to perform work on this project.

A Ministry of Labour investigation found that the worker for Ontario Roofing & General Contracting Services Ltd. fell while clearing snow and ice from roof canopies that were being restored. The investigation concluded that the worker, although wearing a full body harness, was not connected to any anchor or fixed support at the time of the incident.

Brook Restoration Ltd. pleaded guilty to failing, as a constructor, to ensure that every employer and every worker on the project at 5900 Yonge Street complied with the fall protection measures set out in Ontario Regulation 213/91. This was an offence under the section of the OHSA that sets out the duties of constructors. In this case, the conviction was for failing to ensure that Ontario Roofing & General Contracting Services Ltd. ensured that every worker was adequately protected by a method of fall protection.

In earlier proceedings, Ontario Roofing & General Contracting Services, supervisors Luis Gomes and Carlos Laranjeira pleaded guilty and were fined \$115,000, \$20,000 and \$12,000 respectively for violating the fall protection requirement.

Ontario Roofing & General Contracting Services Ltd. pleaded guilty on October 3, 2008, to failing, as an employer, to ensure that a worker was adequately protected by a method of fall protection. This was contrary to the duties of employers as set out in the OHSA.

Also on October 3, 2008, Luis Gomes pleaded guilty to failing, as a supervisor, to ensure that a worker was adequately protected by a method of fall protection, contrary to the duties of supervisors as set out in the OHSA. Another supervisor, Carlos Laranjeira pleaded guilty to the same charge on October 28, 2008.

The fines were imposed by Justice R. Bigelow. In addition to the fines, the court also 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>	Ontario Court of Justice Old City Hall, Courtroom A, 33 Queen Street West Toronto, Ontario
<b>Judge:</b>	The Honourable Mr. Justice Robert G. Bigelow
<b>Defendants:</b>	Brook Restoration Ltd., Ontario Roofing & General Contracting Services Ltd., Luis Gomes and Carlos Marques Laranjeira
<b>Matter:</b>	Occupational Health and Safety
<b>Conviction(s) And dates.</b>	<p>Brook Restoration Ltd.: April 22, 2009  <a href="#">Ontario Reg. 213/91, section 26.1(2),            Section 23(1)(b) of the OHSA.</a></p> <p>Ontario Roofing &amp; General Contracting Services Ltd.: October 3, 2008  <a href="#">Ontario Reg. 213/91, section 26.1(2),            Section 25(1)(c) of the OHSA.</a></p> <p>Luis Gomes: October 3, 2008  <a href="#">Ontario Reg. 213/91, section 26.1(2),            Section 27(1)(a) of the OHSA.</a></p> <p>Carlos Marques Laranjeira: October 28, 2008  <a href="#">Ontario Reg. 213/91, section 26.1(2),            Section 27(1)(a) of the OHSA.</a></p>
<b>Crown Counsel:</b>	Deanna Exner



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