THE TURNING Point

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Raising The Standard RTS CONSULTING INC.

This newsletter is to inform you of recent changes & trends regarding health and safety.

The Turning Point is a monthly newsletter covering topics from various industries and sectors. The Turning Point will respond to your inquiries and inform you of current services and updates regarding

Raising the Standard Consulting Inc.

CRIMINAL NEGLIGENCE TRIAL BEGINS IN BRITISH COLUMBIA

COMPANY AND FORMER SUPERVISOR CHARGED IN FATAL TRENCH WALL COLLAPSE

The criminal negligence trial of J. Cote & Son Excavating Ltd. and its former foreman David Green begins today in Vancouver at the B.C. Supreme Court. The case, arising from a 2012 workplace incident in North Burnaby, marks a rare application of Canada's Westray Law, which holds individuals and companies criminally responsible for workplace safety failures resulting in serious harm or death.

The 2012 incident

The trial centres on an October 2012 construction accident that claimed the life of 28-year-old pipelayer Jeffrey Caron and injured another worker. During sewer line installation, a retaining wall adjacent to an excavated trench collapsed, burying the workers under debris. Investigators from WorkSafeBC later identified safety deficiencies at the site, including the failure to account for the hazards posed by the retaining wall.

WorkSafeBC's report found that an engineer had reviewed the site prior to the accident, but the assessment did not address the risks associated with the retaining wall. Prosecutors allege that both the company and Green, the foreman at the time, acted with criminal negligence by continuing with the excavation under these circumstances.

Legal context

This trial represents only the third instance of a Westray Law prosecution in British Columbia since the amendments were introduced to Canada's Criminal Code in 2004. The law was designed to enhance accountability for workplace safety by targeting negligence at all levels of an organization, from frontline supervisors to corporate executives. However, the scope of its application has been a topic of debate.

"When the Westray amendments were made to the Criminal Code, the idea was that company management and directors would face greater scrutiny," says Graeme Hooper, associate counsel with Mitha Law Group. "But the reality in practice is that the law is used to prosecute frontline supervisors more than any other individual."

Engineering and responsibility

WorkSafeBC's investigation adds a layer of complexity to the case. Hooper highlights that the incident involved engineering oversight, making it distinct from cases where safety measures were entirely absent.

"At least as reported by WorkSafeBC, this is not a simple case of an employer failing to assess the safety of an excavation," he explains. "WorkSafeBC found that there was engineering done for the excavation. However, WorkSafeBC found that the professional engineer failed to identify the hazards of an adjacent structure—a retaining wall—that ultimately collapsed. I would anticipate that evidence will play a role into whether the accused here—the excavation company and its foreman—acted with criminal negligence when they proceeded with the excavation work."

Prolonged timeline

"Here, an event that occurred in 2012 gets charged in 2023 and goes to trial in 2025," says Hooper. This lack of a statute of limitations for criminal charges highlights the enduring nature of accountability in such cases.

Broader implications

The trial is being closely observed by workplace safety professionals and industry stakeholders. It raises questions about the application of the Westray Law, the role of engineering oversight in construction safety, and the division of responsibility among supervisors, engineers, and corporate leadership.

The outcome could influence future prosecutions under the Westray Law and reinforce the importance of robust safety planning in construction and other high-risk industries. For the families of the victims and those impacted by the collapse, the trial represents a significant moment in the long journey toward closure.

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IMPORTANCE OF LOCKOUT/TAGOUT

WIDOW OF STAMPING DIES COMPANY EMPLOYEE CALLS ON WORKERS TO 'ALWAYS' PRIORITIZE THEIR SAFETY

Workers should have their own safety as the top priority in the workplace, according to the wife of one worker who died in an Ontario workplace nearly three years ago.

To employers, "you are just a number," said Michelle Tremblay-Mills – wife of Darrell Mills, who died in the workplace in 2022.

Recently, Saturn Tool & Die (Windsor) Inc. – which designs and builds stamping dies for the automotive industry – was fined $180,000 following the fatal injury to Mills.

The incident happened at the company's facility at 5175 Hennin Drive, Oldcastle, Ont. on March 28, 2022.

On that day, Mills – a maintenance worker – was called to troubleshoot a quality control problem with an Eagle 2,750-ton stamping press.

The worker entered the press through its light curtain, which caused the press to stop operating. However, the worker did not lock out the machine by putting its ram blocks into place and plugging in the electronic lock-out plugs.

Unaware that the maintenance worker was inside, another returned to the press, reset the light curtains and cycled the press. Mills was fatally injured in the process.

To this day, however, Michelle hasn't even received a phone call of condolence from the company, she said, according to a CBC report.

"You can be replaced tomorrow," she said. "So always put your safety first."

Michelle also recalled that on the day of her husband's death, she got a call from Saturn Tool & Die informing her that her husband got into an accident and that he was on his way to a hospital.

She was not made aware of the gravity of the situation, and she was only told about what happened when she was taken into a room at the hospital, according to the CBC report.

"He passed away, and immediately we found out it was at work, and it was in a press, and we just totally lost control," she said.

"There's no describing that feeling. I wouldn't wish it on anybody."

Michelle also criticized the $180,000 fine imposed on Saturn Tool & Die, saying it's such a small amount for a human life.

She also noted that she would not get any part of that amount. Currently, she is living paycheck to paycheck trying to hold onto her home, which is in need of repairs she can't afford, she said, according to the report.

CBC said it reached out to the employer but did not get a response.

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CANADIAN OCCUPATIONAL SAFETY - WORKER INJURY ARTICLE

FOURWINDS CONSTRUCTION FACES 6-FIGURE FINE FOR WORKER'S DEATH

Ontario employer Fourwinds Construction Inc. has been fined $130,000 following the death of one worker.

Following a guilty plea in the Provincial Offences Court in Newmarket, the employer was also tasked to pay 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.

The incident happened at a road widening construction project on Rutherford Road on Aug. 31, 2023.

Three workers employed by the company were installing a headwall, a wall of concrete with a hole near the middle that frames the outlet of a drainage pipe or culvert.

As they attempted to fit the headwall to the pipe, the workers determined the excavation site was not wide enough to align the headwall, requiring further digging.

To clear the area for digging, the excavator operator moved the headwall and placed it in an upright position. Workers removed the chain sling from the excavator boom and attached the digging bucket.

While excavating to fit the headwall, the excavator bucket contacted the headwall, causing it to tip. It fatally injured a worker.

"Fourwinds Construction Inc. failed to ensure a headwall was stored in a way that did not endanger a worker, as required by section 37(1) of Regulation 213/91, contrary to section 25(1)(c) of the Occupational Health and Safety Act," said the Ontario government.

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ONTARIO BUILDING CODE

HOW THE 2025 ONTARIO BUILDING CODE IMPACTS WAREHOUSE CONSTRUCTION AND RACKING SYSTEMS

The 2025 updates to the Ontario Building Code (OBC) are some of the most significant changes to building regulations in years, particularly for the warehouse industry. For warehouse managers, understanding these updates isn't just about compliance—it's about adapting to new standards that ensure safety, operational efficiency, and future-proofing infrastructure.

Key Changes in the 2025 Ontario Building Code

The 2025 OBC integrates revised standards and modernized approaches to ensure structures can withstand various forces and conditions. Here are some of the most relevant updates for warehouse construction and operation:

Structural Load Regulations
One of the major revisions in this update involves structural load calculations. The code introduces new load factors and combinations to improve safety and durability. These include increased design loads to account for scenarios such as wind, snow, live loads, dead loads, and even seismic events.

Incorporation of AISI Standards
The 2025 OBC incorporates updates from the American Iron and Steel Institute (AISI), including the merging of AISI S201-12 with S200-12. These standards provide guidance for the design and installation of cold-formed steel structures, widely used in warehouses. This affects elements such as steel walls, mezzanines, and even components of racking systems.

Permit and Fire Safety Enforcement
The update expands previous permit requirements to include selective pallet racking systems and warehouse storage platforms. Detailed site plans, fire safety measures, and certified engineering documentation are now mandatory during the permit application process. This change emphasizes the importance of working with qualified professionals to

How the 2025 Ontario Building Code Impacts Warehouse Construction and Racking Systems

design compliant systems.

Material Standards
The code emphasizes higher standards for structural materials. For all warehouses and racking systems, materials like concrete, steel, and fasteners now require documented proof of strength, durability, and adherence to AISI guidelines.

Structural Analysis and Detailing
Enhanced requirements for material testing and system detailing help ensure that no weak links exist in the structural design. Detailed drawings, stress analyses, and safety redundancies must now be incorporated into every build.

Racking System Integration
Racking systems must no longer be treated in isolation. The updated guidelines ensure storage racks are designed as integrated parts of the structure, creating alignment between floor loading, anchoring, and fire suppression systems.

The Impact on Racking Systems
One of the most affected areas of the 2024 updates is racking systems. With evolving requirements, racking systems must adhere to stricter warehouse safety and performance measures, particularly in the areas of load capacity, seismic compliance, and fire protection.

Load Capacity
Design loads for racking systems have increased, making it imperative for warehouse managers to verify all storage racks meet these updated requirements. This involves assessing their existing racking systems to ensure proper stability under heavier loads and higher stress scenarios.

Seismic Design
Ontario may not often experience severe earthquakes, but seismic compliance is now mandatory. The OBC aligns with National Building Code recommendations in areas such as:

- Anchoring and Bracing: Racks must be securely anchored to withstand seismic forces.
- Dynamic Testing: Racking structures must pass analysis and testing to confirm their stability under seismic conditions.

Warehouse managers will need to consult with engineers specializing in seismic design to meet these requirements.

Fire Protection
Fire safety requirements are stricter than before. Key updates include:

- Fire Resistance Ratings: Racking systems must demonstrate the ability to prevent rapid flame spread.

- Sprinkler Systems: Clear guidelines must be followed to avoid obstructions and ensure fire suppression mechanisms work properly.

Compliance Strategies and Best Practices
Staying compliant with the 2024 OBC will require warehouse managers to adopt strategic processes and best practices. Proactively addressing these changes will mitigate risks, reduce regulatory challenges, and enhance workplace safety.

Early Engagement with Building Officials
Maintain open communication with building officials during the early planning stages of any construction or racking retrofit to clarify requirements and seek approvals.

Hiring Qualified Professionals
Collaborate with licensed structural, fire protection, and seismic engineers. Their expertise will help ensure your facility is compliant and structurally sound.

Staying Updated on Code Changes
Continuous learning is key. Attend workshops, subscribe to updates from the Ministry of Municipal Affairs and Housing, and regularly consult industry resources.

Adopting Advanced Design Tools and Software
Adopt design tools and software capable of incorporating updated OBC provisions. This will allow for streamlined design, precise analysis, and waste reduction.

Implementing Quality Control and Quality Assurance
Conduct rigorous inspections and audits during each phase of construction or racking installation to ensure compliance.

Benefits of Adopting the New Regulations
The new OBC guidelines pose challenges, but compliance offers substantial benefits. Warehouse owners who act now reap immediate and long-term rewards, including:

- Enhanced Safety: Protect workers and goods with stronger, more durable structures.
- Cost Savings: Prevent costly fines, delays, or rebuilds due to non-compliance.
- Sustainability: Meet modern efficiency and environmental standards, contributing to responsible resource management.

Stay Ahead of 2025 OBC Compliance
Preparing for these changes today ensures your warehouse is built for tomorrow.

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With Aloha,

Stanford Brown, B.Sc., CSP, CSHP, CRSP, CHSC, Senior Consultant, President & CEO