

Total Fines Now \$1.24 Million In Christmas Eve Fatalities After Swing Stage Company And Director Fined



The total of safety fines paid for the December 24, 2009 swing stage collapse fatalities is now \$1,240,000 after Swing N Scaff Inc., the company that supplied the swing stage platform (a suspended work platform), was fined \$350,000.00 and a director of Swing N Scaff was fined \$50,000.00 under the Ontario *Occupational Health and Safety Act*.

Four parties have now been convicted and fined as a result of this tragic accident: Metron Construction Corporation, a director of Metron, Swing N Scaff and a director of Swing N Scaff.

The Ministry of Labour states, in its press release, that at least six workers were on the swing stage suspended 13 floors above the ground when it broke apart in the middle and collapsed. Ministry of Labour investigators found that the welds on the platform were inadequate. Tragically, four workers died.

Swing N Scaff pleaded guilty to the *Occupational Health and Safety Act* offence of failing to ensure that a suspended platform and/or a component supplied to Metron Construction was in good condition.

The director of Swing N Scaff pleaded guilty to failing to take all reasonable care to ensure a suspended platform was in good condition and that a platform weighing more than 525 kilograms was designed by a professional engineer in accordance with good engineering practice.

Previously, Metron Construction was fined \$750,000.00 for criminal negligence under the "Bill C-45" amendments to the *Criminal Code*; that amount was increased on appeal from the \$200,000.00 fine set by the trial justice. Metron's *Criminal Code* liability resulted from the actions of its site supervisor, who Metron admitted was a "senior officer" of Metron, so that his actions were taken to be the actions of Metron. The site supervisor had directed and/or permitted six workers to work on the swing stage when he knew or should have known that it was unsafe to do so; directed and/or permitted the six workers to board the swing stage knowing that only two lifelines were available; and permitted persons under the influence of drugs to work on the project.

A director of Metron Construction was previously fined \$90,000.00 under the *Occupational Health and Safety Act* for failing to ensure that non-English speaking workers received written material in their native languages and failing to ensure that training records were maintained; failing to ensure that the swing stage was not defective or hazardous (by allowing it to be used without having received any of the required information with respect to its capacity and use); and failing to ensure that the swing stage was not loaded in excess of the load that the platform was designed and constructed to bear.

The Ministry of Labour's press release on the Swing N Scaff fine may be read [here](#).

For more information, visit our Occupational Health & Safety Law blog at www.occupationalhealthandsafetylaw.com

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