

## UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS

April 1, 2018, to July 25, 2023

REPORT DATE: July 25, 2023

Year Decided	Date of Incident	Date Charges Laid	Accused	Summary	Conviction(s)	Penalty/Sentence
April 1, 2018 - March 31, 2019	<b>CONVICTION BY TRIAL OR GUILTY PLEA</b>					
	September 9, 2013	April 7, 2015	Aecon Construction Group Incorporated, operating as Aecon Atlantic Group	Employee of third party trade contractor struck by falling swing stage outrigger; serious injury.	Occupational Health and Safety Act 15 (a)	\$35,000 fine plus \$5,250 victim fine surcharge; \$15,000 donation to the Nova Scotia Construction Safety Association
	June 27, 2016	July 27, 2017	JD Irving Limited operating as the Truro Sawmill	While traversing a vehicle/pedestrian bridge, employee struck by loader on way to main yard; fatal injury.	Occupations Safety General Regulations 81 (1) (a)	\$30,000 fine plus \$4,500 victim fine surcharge; \$55,000 scholarship to NSCC Foundation for students entering OHS certification program
	November 29, 2016	May 24, 2018	Josh Lynch's Contracting & Landscaping Limited	Employees working on scaffold without fall protection equipment; serious injury.	Workplace Health and Safety Regulations 21.2 (2) Workplace Health and Safety Regulations 23.3 (1)	Both counts: \$5,000 fine plus \$750 victim fine surcharge; \$15,000 donation to the OHS Public Education Ministers Trust Fund; Creative sentence: complete two 1-hour safety presentations
	September 19, 2016	May 24, 2018	Dyno Nobel Canada Inc	Blast site fly rock penetrated the roof of apartment building causing property damage.	Blasting Safety Regulations 65 (1)	\$40,000 fine plus \$6,000 victim fine surcharge; Creative sentence: four 1-hour safety presentations
	January 7, 2017	August 30, 2017	Little Rye Fisheries Limited	Employee on fishing boat fell overboard without PFD; fatal injury	Occupations Safety General Regulations 14 (1) Occupations Safety General Regulations 14 (3) Occupational Health and Safety Act 27 (1)	\$20,000 fine plus \$3,000 victim fine surcharge; \$5,000 donation to Nova Scotia Fishing Sector Council re "Fishing Safety Now" plan; \$22,000 donation to Nova Scotia Fishing Sector Council for PFD safety video(s); Creative sentence: Erection of safety billboards for a cost of \$10,000; Five 1 hour safety presentations
	June 9, 2016	May 28, 2018	All Canada Crane Rental Corp	While assisting with the stacking of large boom sections, employee fell	Workplace Health and Safety Regulations 21.2 (1) (b)	\$20,000 fine plus \$3,000 victim fine surcharge; \$30,000 donation to the OHS Public Education Trust Fund

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				through webbing striking head; serious injury.		
<b>April 1, 2018 - March 31, 2019</b>	<b>CONVICTION BY SUMMARY OFFENCE TICKET</b>					
	October 20, 2017	February 8, 2018	Aitchison Fitzgerald Builders Limited	Failure to submit written Compliance Notice within time specified in an officer's order.	Occupational Health and Safety Act 56 (1)	\$472.50
	October 20, 2017	February 8, 2018	Aitchison Fitzgerald Builders Limited	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	May 23, 2018	June 5, 2018	Reid, Shane	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	May 23, 2018	June 5, 2018	Janes, Andrew	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	May 23, 2018	June 5, 2018	Blake, Mikey	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	May 23, 2018	August 15, 2018	McCarthy, Gerald	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	May 10, 2018	August 9, 2018	Lewis, Barry	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	July 18, 2018	August 15, 2018	Sutherland, Cory	Failure to comply with order or direction.	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
<b>April 1, 2019 - March 31, 2020</b>	<b>CONVICTION BY TRIAL OR GUILTY PLEA</b>					
***	September 20, 2013	September 9, 2015	Elie Hoyeck operating as Your Mechanic Auto Corner	Employee under vehicle when acetylene torch made contact with the main fuel line causing fire; fatal injury	Occupational Health and Safety Act 13 (1) (b) Occupational Health and Safety Act 13 (1) (f) Occupational Safety General Regulations 41	\$50,000 fine plus \$7,500 victim fine surcharge; \$10,000 donation to the OHS Public Education Ministers Trust Fund to be provided to Threads of Life; creative sentence: 100 hours community service & creation of a safety video
	December 18, 2013	May 16, 2018	McFadgen's Bakery Limited	Breach of Sentencing Order in relation to a conviction under clause 13(1)(a) of	Occupational Health and Safety Act 74(1) (b) (i)	Each count: \$2,500 fine; \$2,000 donation to the OHS Public Education Ministers Trust Fund

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				the Occupational Health and Safety Act.	Occupational Health and Safety Act 74(1) (b) (i)	
<b>April 1, 2019 - March 31, 2020</b>	<b>CONVICTION BY SUMMARY OFFENCE TICKET</b>					
	September 27, 2017	May 8, 2018	Pettipas, Terry	Failure to submit written Compliance Notice within time specified in an officer's order.	Occupational Health and Safety Act 56 (1)	\$472.50
	June 24, 2019	September 18, 2019	Lynco Construction	Failure to submit written Compliance Notice within time specified in an officer's order. (x 3)	Occupational Health and Safety Act 56 (1)	\$472.50 (x3)
<b>April 1, 2020 - March 31, 2021</b>	<b>CONVICTION BY TRIAL OR GUILTY PLEA</b>					
	January 11, 2018	November 28, 2019	Nova Scotia Department of Transportation and Infrastructure Renewal	General Contractor vehicle reversed as third-party company employee was behind truck; fatal injury.	Occupational Safety General Regulations 7 (1) Occupational Safety General Regulations 7 (1)	\$5,000 fine plus \$750 victim fine surcharge per count (total of \$11,500); Creative sentence: series of four videos (5-10 minutes in length) for a cost of \$80,000.
	June 25, to July 9, 2018	April 30, 2020	SiteLogic Construction Management Inc./Foreshore Property Specialists Inc	At the worksite, a dump truck was backed at the water's edge of the working face without appropriate measures in place; fatal injury.	Occupational Health and Safety Act 14 (a) Occupational Health and Safety Act 14 (a)	\$15,000 fine  \$10,000 fine  Creative Sentence: Ten 1-hour safety presentations
	June 25, to July 9, 2018	April 30, 2020	David Seaboyer	At the worksite, a dump truck was backed at the water's edge of the working face without appropriate measures in place; fatal injury.	Occupational Health and Safety Act 14 (a) Occupational Health and Safety Act 14 (a)	\$25,000 fine plus \$3,750 victim fine surcharge \$10,000 fine plus \$1,150 victim fine surcharge  Creative Sentence: Ten 1-hour safety presentations
	August 14 to September 20 2019	August 28, 2020	Retteff, Todd operating as the business of	Failure to comply with Compliance Orders.	Occupational Health and Safety Act 74(1) (b) (i)	\$500 fine  \$500 fine

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			Crown Roofing Specialist		Occupational Health and Safety Act 74(1) (b) (i) Occupational Health and Safety Act 74(1) (b) (i) Occupational Health and Safety Act 74(1) (b) (i) Occupational Health and Safety Act 74(1) (b) (i) Occupational Health and Safety Act 74(1) (b) (i)	\$1,000 fine  \$1,000 fine  \$1,000 fine  \$1,000 fine Total \$5,000 (court waived victim fine surcharge) Creative Sentence: Notification of worksite 48 hours prior to job
	May 10, 2018	August 28 2019	EFR Disposal Limited, operating as EFR Environmental	Employee trapped in the compactor mechanism of waste disposal truck; fatal injury	Occupational Safety General Regulations 87 (8) Occupational Health and Safety Act 13 (1) (a)	\$45,000 fine plus \$6,750 victim fine surcharge \$5,000 fine plus \$750 victim fine surcharge  \$50,000 donation to the OHS Public Education Ministers Trust Fund
<b>April 1, 2021 - March 31, 2022</b>	<b>CONVICTION BY TRIAL OR GUILTY PLEA</b>					
	July 2, 2019	February 9, 2021	MacKinnon & Olding Ltd	Employee struck by cover of pressure vessel while it was operating; fatal injury.	Workplace Health and Safety Regulations 1.7 (1) Workplace Health and Safety Regulations 1.7 (1)	\$25,000 fine plus \$3,750 victim fine surcharge \$25,000 fine plus \$3,750 victim fine surcharge  Creative Sentence: \$37,000 OHS Public Education Ministers Trust Fund; \$5,500 towards a safety video or presentation
	September 15, 2020	May 20, 2021	The Shaw Group Limited	An employee was pulled into a piece of equipment after it was inadvertently energized; fatal injury.	Occupational Safety General Regulations 52 (1) Occupational Safety General Regulations 87 (2)	\$65,000 fine plus \$9,750 victim fine surcharge \$75,250 donation to the OHS Public Education Ministers Trust Fund to be provided to NSCC to fund health and safety related education
	March 9, 2019	November 20, 2020	Nova Scotia Fire Fighter School	During certification exam, bottom of extinguisher blew out, hitting examinee in head; fatal injury.	Occupational Health and Safety Act 13 (1) (d) Workplace Health and Safety Regulations 1.12 (3) (a)	\$20,000 fine plus \$3,000 victim fine surcharge Creative Sentence: \$80,000 donation or scholarship/bursary; three safety presentations

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	April 16, 2020	October 27, 2020	Neighbour Wood Products Limited	Employee suffered injury while using unguarded log splitter; serious injury.	Occupational Safety General Regulations 87 (5) Occupational Health and Safety Act 13 (1) (c)	\$10,000 fine plus \$1,500 victim fine surcharge \$5,000 fine plus \$750 victim fine surcharge  \$10,000 donation to the OHS Public Education Ministers Trust Fund with \$5,000 directed to forestry association for purpose of developing a machine guarding Safe Work Procedure and \$5,000 to create safety video aimed at young workers; Creative sentence: Three 1 hour safety presentations to approved audiences (may be video recorded and used as a safety resource)
	March 16, 2019	December 3, 2020	Intertape Polymer Inc.	Employee used hand to fix feeder on conveyer and was pulled into conveyor system; serious injury.	Occupational Safety General Regulations 87 (2)	\$20,000 fine plus \$3,000 victim surcharge Creative sentence: \$20,000 donation to OHS Public Education Ministers Trust Fund; Three Safety Presentation totally 45-minute in length
	October 26, 2017, and December 14 2018	November 20, 2020	Gregory Paul	Breach of Sentencing Order in relation to a conviction under clauses 20(4) and 70 of the Occupational Diving Regulations.	Occupational Health and Safety Act 74 (1) (a)	\$4,000 donation to the Ministers Public Education Trust Fund to be directed to Sipekne'katik Workplace Safety; Donation to the food bank; Twenty five (25) hours of Community service in Sipekne'katik First Nation
<b>April 1, 2021 - March 31, 2022</b>	<b>CONVICTION BY SUMMARY OFFENCE TICKET</b>					
	March 5, 2021	May 4, 2021	Atlantic Chemex Limited	Failure to comply with order or direction (x2)	Occupational Health and Safety Act 74(1) (b) (i) Occupational Health and Safety Act 74(1) (b) (i)	\$822.50 \$822.50
	March 9, 2021	June 30, 2021	Getter Done Roofers	Failure to comply with order or direction	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50
	December 23 2022	February 27 2023	Purchase Bro's Roofing Solutions	Failure to comply with order or direction	Occupational Health and Safety Act 74(1) (b) (i)	\$822.50

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<b>April 1, 2022 – March 31, 2023</b>	<b>CONVICTION BY TRIAL OR GUILTY PLEA</b>					
	November 21 2019	November 20 2020	Little Rye Fisheries Limited  Aubrey Harding	Breach of Sentencing Order in relation to a completion of condition 5 (safety presentations)	Occupational Health and Safety Act 74 (1) (a)  Occupational Health and Safety Act 74 (1) (a)	\$5,000 fine plus \$750 victim fine surcharge  \$1,000 fine plus \$150 victim fine surcharge Global creative sentence: Three one-hour safety presentations
<b>April 1, 2023 – March 31, 2024</b>	<b>CONVICTION BY TRIAL OR GUILTY PLEA</b>					
	January 10 2022	December 15 2022	Culloden Properties Corporation	A pump jack scaffold collapsed while employees were working on scaffold; serious injury.	Workplace Health and Safety Regulations 21.19 (1)  Workplace Health and Safety Regulations 23.5 (2) (a)  Workplace Health and Safety Regulations 1.10 (1) (a)	Sentence will be updated when available
	June 21, 2021	February 27, 2023	El Nino Roofing Ltd	An employee, while working at height on roof fell. No notification to OHS Division as required; fatal injury.	Occupational Health and Safety Act 63 (1) (a) Occupational Health and Safety Act 64 Workplace Health and Safety Regulations 21.19	Sentence will be updated when available
	June 21, 2021, to October 12 2022	November 15, 2022	Retteff, Todd operating as the business of Crown Roofing Specialist	Breach of Sentencing Order in relation to completion of condition 1. Failure to comply with Compliance Notices and Compliance Orders. Failure to comply with Director's Order.	Occupational Health and Safety Act 74 (1) (b) (i) Workplace Health and Safety Regulations 21.2 Occupational Health and Safety Act 56 (1) Occupational Health and Safety Act 55 (1)	Fine of \$1,000  Fine of \$1,000  Fine of \$1,000  Fine of \$1,000

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					Occupational Health and Safety Act 56 (1) Occupational Health and Safety Act 55 (1) Occupational Health and Safety Act 52A (1)	Fine of \$1,000  Fine of \$1,000  Creative Sentence: Donation of \$5,000 to OHS Public Education Ministers Trust Fund to be provided to Habitat for Humanity; 28 hours of Community Service
	June 21 to 25 2021 and May 2, 2022, and May 4 2022	November 15, 2022	Geordy D Schultz	Failed to comply with a direction or summons of an Occupational Health and Safety Officer. Failed to take every reasonable precaution to ensure that protective devices, equipment, or clothing required are used or worn.	Occupational Health and Safety Act 57 (3) (b)  Occupational Health and Safety Act 17 (1) (c)	Fine of \$1,000 plus \$150 in Victim Fine Surcharge and 10 hours of community service  Fine of \$500 plus \$150 Victim Fine Surcharge
	May 2, 2022, and May 4 2022	November 15, 2022	Daniel S MacNeil	Failed to take every reasonable precaution to ensure that protective devices, equipment, or clothing required are used or worn.	Occupational Health and Safety Act 17 (1) (c)	\$500 fine plus victim fine surcharge of \$75 (total \$575)
	May 2, 2022, and May 4 2022	November 15, 2022	Robin D McKenzie	Failed to take every reasonable precaution to ensure that protective devices, equipment, or clothing required are used or worn.	Occupational Health and Safety Act 17 (1) (c)	\$500 fine plus victim fine surcharge of \$75 (total \$575)
<b>April 1, 2023 - March 31, 2024</b>	<b>CONVICTION BY SUMMARY OFFENCE TICKET</b>					
	February 3, 2023	April 4, 2023	Bayers & Young Developments Limited	Failure to comply with order or direction	Occupational Health and Safety Act 74(1) (b) (i)	\$472.50

FINE NOTES:

1. This report will be updated quarterly.
2. Sentencing information not available at quarter end will be updated when available.
3. This information is also provided in the published OH&S Annual reports located at: [HTTP://NOVASCOTIA.CA/LAE/HEALTHANDSAFETY/PUBS.ASP](http://NOVASCOTIA.CA/LAE/HEALTHANDSAFETY/PUBS.ASP)

**\*\*\* OHS Prosecution held in abeyance until Criminal Negligence charges completed.**