

Workplace Fatality Summary Report:

Worker Fatally Injured From Fall Through Floor Opening

The Contents of this Report

This report summarizes the Ministry of Labour Relations and Workplace Safety's Occupational Health and Safety Division investigation of a fatal incident. The information contained is intended for educational purposes only.

Incident Summary

The incident occurred after worker 1 had taken measurements for kitchen cabinets in a home under construction. The crew responsible for the foundation and concrete work had removed the temporary stairs leading to the home's front entrance for an excavation. There was no other way to enter the home from the ground level. The main floor kitchen could only be accessed through the walk-out basement. Worker 1 used a ladder to ascend to the home's main floor through an opening in the basement ceiling. At approximately 9:50 a.m. worker 2, who was drilling piles next to the house, heard an unfamiliar sound and went to investigate where it was coming from. When worker 2 entered the basement, worker 1 was lying unconscious on the ground. Investigators determined that worker 1 had fallen and sustained a fatal injury. There was no hard hat in the location where worker 1 was found. Without a witness, there was not enough evidence to conclude why the worker fell through the opening on the main floor into the walk-out basement.

Background Information

Worker 1:

Workers for the cabinetry business had an allowance for the required personal protective equipment (PPE) and were encouraged to purchase and wear it. However, using PPE was not strictly enforced through supervision or workplace health and safety policies. When the incident occurred worker 1 was wearing steel-toed boots but not a hard hat.

Worker 2:

The self-employed person who the homebuilder had hired for foundation and concrete work, was drilling piles next to the home while worker 1 took measurements in the kitchen area.

Equipment and Materials

Frame and Excavation:

Although the house was partially framed, the kitchen area on the main floor could be measured. The temporary stairs leading from the ground level to the home's entrance were removed when the area in front of the home was excavated. The excavated area is marked with red cones and yellow tape. The company truck was parked beside the home adjacent to a ground level opening to its basement. (Figure 1).



Figure 1

Opening from Ground Level to Basement

Figures 2 and 3 show the opening above the location in the basement where worker 1 was found. The width of the opening from the main floor to the exterior foundation was 123 cm (Figures 2 and 3).



Figure 2



Figure 3

Walk-out Basement:

Worker 1 entered the structure through the walk-out basement because the temporary stairs leading to the home's front entrance were removed for the excavation. Figure 4 shows the opening to the main floor from the walk-out basement. The ladder worker 1 used to ascend to the main floor was placed against the home's support beams when emergency response personnel arrived. Marker 1 is the approximate location where worker 1 struck the foundation footing after the fall. Worker 1 was not wearing a hard hat at time of the incident. No protective headwear was found at the scene. The height from the top of the foundation wall to the basement floor was three metres (Figure 4).



Figure 4

Ladder:

Investigators discovered a crack in the second rung from the base of the ladder. It is unknown whether the ladder was damaged prior to the incident and was a factor that contributed to worker 1's fall or whether the ladder was damaged when worker 1 fell through the opening in the basement's ceiling (Figure 5).

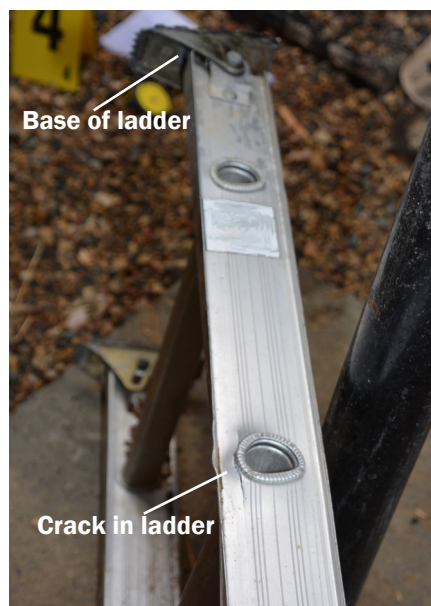


Figure 5

Sequence of Events

A few days before the incident, a cabinetry business asked the homebuilder for permission to visit a home under construction. The business wanted to measure the kitchen area and finalize the design for the custom-made cabinets.

The frame for the main floor was complete. The kitchen area could be measured, so the prime contractor agreed – unaware that workers had removed the temporary stairs leading to the home’s front entrance for an excavation. A large area beside the house was excavated to remove rocks and drill piles for its front pillars and overhang.

Worker 1 arrived at the worksite at 8:50 a.m. and parked the company truck beside the home, adjacent to a ground level opening to its basement.

Few workers were on site because the crews responsible for framing the home and for the foundation and concrete work had taken the day off. Worker 1 had a brief conversation with worker 2, a self-employed person who was digging piles beside the home.

Because the temporary stairs for the front entrance had been removed for the excavation and there was no other way to directly access the main floor, worker 1 had to enter the home through the walk-out basement and climb a ladder to reach the kitchen.

At approximately 9:50 a.m., worker 2 heard an unfamiliar sound coming from the walk-out basement. When worker 2 entered the basement, worker 1 was lying on the floor unconscious. Worker 1 had fallen through the opening in the basement’s ceiling and sustained a fatal injury. There was no hard hat in the location where worker 1 was found.

Completion

The prime contractor (homebuilder) and the cabinetry business (employer) pleaded guilty to violations.

The prime contractor pleaded guilty to sub-clause 3-12(a)(ii) of *The Saskatchewan Employment Act* (being a contractor failed to ensure, insofar as is reasonably practicable, that every work process or procedure carried on at every place of employment or worksite where an employer, employer’s worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person that is not in the direct and complete control of an employer or self-employed person under contract with the contractor, is safe for, without risk to the health of, and adequate with regard to facilities for the welfare of, all employers, workers or self-employed persons at the place of employment, resulting in the death of a worker). The prime contractor was fined \$65,000 plus a victim surcharge of \$26,000.

The employer pleaded guilty to subsection 91(1) of *The Occupational Health and Safety Regulations, 1996* (being an employer, where there is a risk of injury to the head of a worker, failed to provide approved industrial headwear and require a worker to use it, resulting in the death of a worker). The employer was fined \$40,000 plus a victim surcharge of \$16,000.