

# Company Held Liable Despite Due Diligence

Despite showing due diligence by training an employee on lockout procedures, Forwell Materials Inc, an Ontario company that processes cement and gravel, has been fined \$75,000 for failing to ensure that a machine was properly locked out, which resulted in the death of a worker.

The man was standing inside a machine called a palletizer, used to stack bags on a pallet. He was reloading fallen bags of asphalt onto a pallet when the palletizer forks began to rise. The worker was trapped by the forks and crushed.

When the employee entered the machine to reload the bags, he had moved one bag so that it blocked a light beam. That signaled the forks to move to a higher position, which resulted in the worker's death.

The company had provided lockout training to the employee at least three times, and the worker had been disciplined in the past for failing to lock out the machine. The Crown said the employer did show due diligence, but it wasn't sufficient to exonerate the company. Investigators also had other concerns, such as supervision in the plant.

Do you know someone who takes shortcuts? Does he understand what he's risking? Maybe he needs retraining. Or perhaps he should take on different responsibilities.

*If you can't trust an operator to run his equipment safely, he needs to be removed from the situation until he understands his duties precisely and can be relied on to perform them correctly, and safely each and every time without exception. It's not just a matter of pride. It's a matter of law.*

**Source:** Ministry of Labour, Ontario