Fall Protection Fatality Report

INCIDENT

An Edmonton Alberta manufacturing company will pay a fine and fund a new fall prevention program after a veteran welder died on the job three years ago.

Cessco Fabrication and Engineering Ltd. pleaded guilty in Edmonton Alberta provincial court to a single charge of failing to ensure a worker used a fall protection system for the Jan. 19, 2016, death of Barry Maitland.

Maitland, a pressure welder for 29 years, was fatally injured after falling more than five metres (17 feet) from the top of a liquified natural gas storage vessel on which he was preforming a weld. He later died in hospital.

“We miss him,” Linda Maitland, his widow, said outside court. “The kids still talk about him today. My granddaughter especially – ‘I miss papa, I wish he was here.’ Because you don’t say goodbye.”

Maitland had just started a night shift in a fabrication shop at Cessco’s Edmonton facility at 7310 99 St. on the day of the accident.

Maitland, 52, was setting up to perform a weld on top of the LNG equipment, which measured 28 metres long and just over four metres in diameter. At some point, he stepped off an aerial work platform used to hold his welding equipment.

An agreed statement of facts states Maitland did not anchor the lanyard on his fall protection harness before stepping off the platform. A short time later, the night shift supervisor and another worker heard Maitland hit the concrete floor, though no one witnessed the fall itself.

Maitland was rushed to the University of Alberta Hospital, where he died.

His son Steven Maitland, who also works at Cessco, was on the earlier shift and rushed back to site to find police officers everywhere, Linda Maitland said. He then went to the hospital.

“Steven found out his dad had died, and he told the doctor out in the hall that he wanted to tell me and not the doctor,” she said.

The parties agreed that while Cessco’s fall protection plan complied with occupational health and safety legislation, it did not specifically cover welding work on the LNG vessels.

Under a joint submission on sentencing, Cessco will pay a $5,000 fine and pay the Manufacturer’s Health and Safety Association $170,000 to create an enhanced fall protection program.

Defence lawyer Christopher Spasoff said the sentence was not an attempt to “put a dollar value on the life of Mr. Maitland,” but rather to apply the law.

An autopsy found Maitland’s cause of death was blunt cranial trauma, according to the agreed facts. It also found evidence of alcohol in his system and severe heart disease, including an enlarged heart.

A medical examiner said it was possible Maitland experienced symptoms of angina or irregular heartbeat, which could have contributed to the fall.

Court heard Maitland was known as a very safety conscious worker who regularly raised issues during safety meetings. His family described him as “anal retentive when it came to safety.”

He loved to cook, and was famous within his family for his homemade pizzas. He also mentored family members entering the welding trade.

“The boys were constantly trying to upstage their dad – ‘I’m a better welder, I can do this better than you can,’” Linda Maitland recalled. “Barry would be like, ‘Yeah, no, I don’t think so, let’s go try.’”

Linda Maitland said that while she received compensation from

Occupational Health and Safety for her husband’s death, she will end up having to sell her home.

As for the sentence, “I’m OK with it,” she said. “They’re looking into becoming more safe, and I know they’re remorseful. The right guys that should have heard my victim impact statement aren’t here.”

Cessco president Dave Hummel, who was not president at the time of the accident, was visibly shaken as he addressed the court. He said the day of Maitland’s death is “forever etched in our history.”

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