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For Immediate Release
May 27, 2005

TRUCK DRIVER JAILED 20 DAYS FOR HEALTH AND SAFETY VIOLATIONS

GUELPH, Ont. – A truck driver was ordered jailed for 20 days on May 26, 2005 for two violations of the Occupational Health and Safety Act that resulted in the death of a co-worker.

On August 30, 2002, a worker was struck by a reversing truck and died of injuries. Just prior to the incident, the worker, wearing a red and yellow safety vest, was seen gesturing to the driver of the reversing truck to move the truck over. Next the worker was seen jumping onto a second truck's "running board" (a step located several feet off the ground that juts out just below the driver's door). The first truck continued to reverse and made contact with the second truck. The worker on the running board, who was still gesturing to the driver of the reversing truck to move over, was eventually seen being rolled between the first and the second trucks. At this point the first truck pulled ahead and the worker fell to the ground. Both the deceased worker and the driver of the first truck were at the time employed by Cox Construction Limited of Guelph. The incident occurred on Main Street in the Town of Erin, about 24 kilometres (15 miles) north of Guelph. Cox Construction Limited was involved in a road reconstruction project at that location.

Following a three-day trial, the truck driver was found guilty, as a worker, of:

1. Operating equipment in a manner that endangered another worker. This was contrary to Section 28(2)(b) of the act; and
2. Operating a vehicle without the assistance of a signaller in circumstances which would have required a signaller. This was contrary to Section 104(3) of the Regulations for Construction Projects and Section 28(1)(a) of the act.

Justice of the Peace Sharon Woodworth, of the Ontario Court of Justice in Guelph, sentenced the truck driver to 20 days in jail on each count. The jail terms were to be served concurrently on an intermittent basis.

-30-

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Court Information at a Glance

Location: Ontario Court of Justice
55 Wyndham Street, Courtroom 1
Guelph, Ontario

Judge: Justice of the Peace Sharon Woodworth

Date / Time: May 26, 2005, 10 a.m.

Defendant: A truck driver

Matter: Occupational Health & Safety

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