



CONSTRUCTION SAFETY ASSOCIATION OF MANITOBA

TABLE OF CONTENTS

PAGES 1-3

CSAM: THE Safety Conference takes the lead in construction safety training for Manitoba

PAGE 4

You're invited to join CSAM's Divisional Committees

PAGES 5-6

Gold Seal expands in 2017 to add Construction Forman designation

PAGE 6

Reward a Safety Champion in your Workplace

PAGE 7

Florida Firefighter critical trying to save 3 men who died in manhole

PAGES 8-9

The death of an employee due to the collapse of trench walls: Superior Court confirms the employer's committal for trial is manslaughter

PAGES 10-12

Toolbox Talk: Staying Safe in Deadly Spaces

PAGE 13

Save the Date: Westman Safety Conference is coming to Brandon, MB, on April 11 & 12, 2017

CSAM NEWS

CSAM: THE Safety Conference takes the lead in construction safety training for Manitoba

The Construction Safety Association of Manitoba hosted its annual CSAM: THE Safety Conference on February 7 & 8, 2017, at the RBC Convention Centre in Winnipeg.

Over 1,300 participants from across the province came together for two days of occupational safety and health training, management sessions and hands-on workshops that are designed to aid workers in creating a safe work culture and environment.

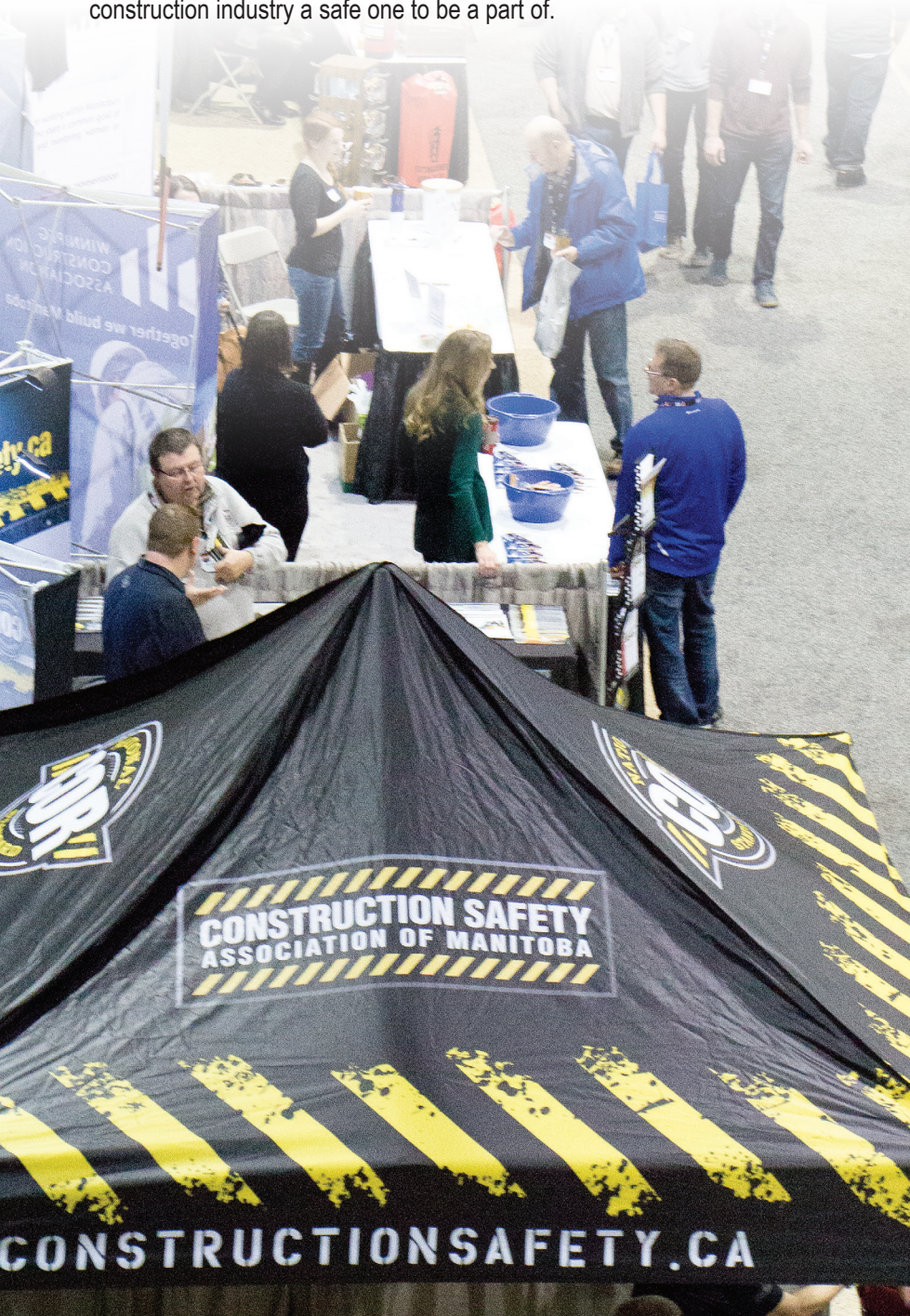
Recognized as Canada's premier construction safety conference, CSAM: THE Safety Conference continues to keep its positive reputation standing by offering more courses that speak to industry's needs and requirements for creating and maintaining a safe workplace.

Mike Jones, Conference Chair, Executive Director of CSAM, is pleased with the successes of this year's safety conference and all that it means for the construction industry.

Continued on Page 2

“This year’s Safety Conference has capitalized on offerings for the building construction sector, and other connected industries, in Manitoba. We’ve expanded our course list to offer training in more areas that speak to industry’s needs and reflect our training standard that we’ve been working hard to achieve. We have two-days of Management Sessions that welcome new opportunities for critical thinking, open discussion and deep understanding about the importance of creating a safety culture and climate, embracing “soft skills” and enhancing communications skills in the workplace. And lastly, we have safety training that is supported by all of our partnered safety associations in Manitoba – bridging the gap between construction and connected industries.”

On behalf of the Construction Safety Association of Manitoba, we thank all our participants, instructors exhibitors and sponsors for participating and supporting our annual CSAM: THE Safety Conference. We look forward to working with you all again in our next initiatives in making Manitoba’s construction industry a safe one to be a part of.





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February 15, 2017

To all members of the Construction Safety Association of Manitoba,

You are cordially invited to join our Association's group of Divisional Committees.

The Committees represent different sectors of the building construction industry – General Contractors; Trade Contractors; Mechanical, Electrical, Manufacturers and Suppliers; and initiatives specific to the Westman area.

These Committees meet on a quarterly basis to discuss prevalent issues, create long-term initiatives that aid the construction industry and receive an update from the Construction Safety Association of Manitoba.

Each Committee is dedicated to its specific sector of the construction industry. One of the outcomes from the Divisional Committees will be discussion points that are brought to the attention of the CSAM Advisory Committee - which includes representatives from industry, Manitoba Homebuilders Association, the Construction Association of Rural Manitoba, the Construction Safety Association of Manitoba and the Winnipeg Construction Association and the Divisional committees.

As a Member of a Divisional Committee, your responsibility will be to table a list of topics for discussion that are relevant to your sector of industry. These topics will be listed in the meeting agenda that is sent out with each quarterly meeting request.

If you work for a CSAM member Company, are a forward-thinking, driven individual with a passion for safety and can make a commitment to contribute your time, ideas and motivation towards a dynamic group of like-minded and equally passionate individuals, then we would love to have you on board!

To sign up, simply contact Megan Funnell at megan@constructionsafety.ca and clearly state which committee you wish to join – by **Friday, March 3, 2017**.

All applicants will be contacted within the week to confirm participation and review the upcoming meeting schedule and agenda.

Thank you all for your time and consideration – I look forward to working with you on initiatives that will continue to better Manitoba's construction industry.

Yours truly,



Mike Jones
Executive Director
Construction Safety Association of Manitoba



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Gold Seal expands in 2017 to add Construction Foreman designation

Written by Don Wall, published by Daily Commercial News

The Canadian Construction Association's (CCA) Gold Seal manager certification program is expanding for 2017, adding the Construction Foreman designation amidst an overall modernization of the program.

The addition of the foreman designation, effective this spring, will broaden the program's application, with more job site supervisors at smaller firms and subcontractors becoming eligible, explained Gold Seal committee chair Kees Cusveller.

Until now, only project managers, estimators and superintendents involved in construction and heavy civil management could qualify.

A recent CCA newsletter announcing the foreman designation indicated to its members, "Numerous trade contractors, heavy civil contractors and smaller general contractors, among others, do not employ any of these disciplines on the project site, yet their staff is as dedicated, committed and experienced as many others."

Often smaller firms and subcontractors working on a project will have a foreman but not a superintendent, explained Stephanie Wallace, manager of the Gold Seal program. A foreman for a drywall firm, for example, who is not involved in the overall direction of the project but who still has ample responsibilities, has until now been excluded as a potential Gold Seal candidate.

Cusveller said he is thrilled with the industry reaction to the new foreman designation.

"There's been huge feedback," he said. "One initial concern was, a bit of a concern, was that we watered down the program. I said, we have not. A foreman is very much a key aspect of a construction project, so let's make qualifying a little bit easier."

The Gold Seal certification program was founded in 1991. The program website indicates, "All Gold Seal certified management professionals have been assessed and meet the Gold Seal standard requirements of industry knowledge, experience, education and training."

Beyond individual certification, the program also offers Gold Seal Employer certification and Gold Seal Project designation, among other programs.

More than 10,000 construction managers across Canada have been certified since its inception but, said Cusveller, the program had become somewhat "stale." Addressing that is an essential part of his mandate, he said. He has been working on revamping the program since he unofficially took over in September 2015 and with full authority since being officially approved last May.

"It was doing its thing and churning along, it was getting traction, but not enough traction," said Cusveller. "We looked at it a little over a year ago, looked at what we could do with it. Part of that was the foreman designation."

Continued on Page 6

Reward a Safety Champion in your Workplace

The Construction Safety Association of Manitoba will be awarding one individual's dedication and outstanding contribution to health and safety in the construction industry of Manitoba.

If you know someone who demonstrates a commitment to safety in the workplace, acts as an advocate to fellow workers and is employed with a member company of the Construction Safety Association of Manitoba, then we want to hear from you!

Simply download the application form at **constructionsafety.ca** and submit the completed form, with supporting documentation, by **August 31, 2017**.

Other initiatives include modernizing procedures, upgrading the program's website and social media presence and taking steps to make it more inclusive.

It was decided that interns, for example, should not have to pay the full costs of the program.

"If I am only an intern, \$500 bucks is a lot of money, so we have listened," said Cusveller. "The right thing to do, as an intern, you pay a smaller fee, and when you're ready to go, you pay a bigger fee."

Some decisions could be implemented quickly, while others required technical development. Cusveller said he was surprised to learn certification exams were still taken manually.

"I said, 'Really guys!'" the chair recalled. Online exams will start this spring.

There will also be a student designation introduced as the program aims to attract budding construction professionals.

"When students are in post-secondary, that is when we will be encouraging them to start earlier," he said. "One of the things that flabbergasted me, I always assumed Gold Seal was for a younger professional, out of school five or 10 years, late 20s early 30s. But our average age of an exam challenger last year was 44."

To ensure an influx of new talent and ideas on the board, board membership will be limited to six years in future. Cusveller said there had already been at least 75-per-cent turnover since he started.

There will also be tweaking done to course requirements as some courses will be mandatory and others optional. A new ethics course is one that will be mandatory for all applicants.

Florida firefighter critical trying to save 3 men who died in manhole

Published by STATter 911

Three men collapsed and died while working underground on a road project in Key Largo Monday morning.

A law enforcement source told CBS4's Peter D'Oench this was a chain reaction. One worker went into the manhole and collapsed because of gasses. A second worker went into rescue him and collapsed as well. The same thing happened to a third worker who tried to help him.

Ramsay said the men were overwhelmed by a combination of methane and hydrogen sulfide gas coming out of the 15-foot deep hole.

By the time a Key Largo firefighter climbed into the same hole near Lake Surprise in a desperate attempt to save the men, they were dead. And within seconds, the firefighter was also overcome by poisonous gas and was fighting for his life.

The hole, just wide enough to fit a body and about 15 feet deep, was filled with hydrogen sulfide and methane gas created from years of rotted vegetation. It was so poisonous, Monroe County Sheriff Rick Ramsay said, that the firefighter was unconscious within seconds.

"Neighbors were complaining about a sewage backup," Ramsay said. "So they went to investigate."

Clark said the firefighter and deputies were taken to Mariners Hospital in Tavernier.

The firefighter, identified by relatives as Leonardo Moreno, was then airlifted to Jackson Memorial Hospital's Ryder Trauma Center, where he is listed in critical condition.

"A firefighter had an air pack on," Monroe County Sheriff Rick Ramsey said. "He found the hole too small, so he elected to take his air pack off and go inside the hole to attempt the rescue."

The death of an employee due to the collapse of trench walls: Superior Court confirms the employer's committal for trial is manslaughter

Written by Adrienne Bouchard, published by Dentons Canada LLP

In the recent decision *Fournier c R.*[1], the Superior Court of Quebec confirmed that an employer's violations of health and safety legislation can be the underlying unlawful act on which is based a criminal charge of manslaughter.

On April 3, 2012, Mr. Fournier, who is the owner of an excavation firm, was replacing a sewer line with one of his employees when the trench walls collapsed, killing the employee. As a result, Mr. Fournier was personally charged with criminal negligence causing death[2] and with manslaughter. For both offences, the maximum punishment is imprisonment for life.

Following the preliminary inquiry, the accused was committed to trial on both charges. While he did not contest the part of the decision relating to the offence of criminal negligence causing death, he challenged his committal to trial for the charge of manslaughter.

In this case, the charge of manslaughter is based on section 222(5)a) of the Criminal Code which provides that a person commits culpable homicide when he causes the death of a human being by means of an unlawful act. At the preliminary inquiry hearing, the prosecution led evidence to show that while he was in charge of the work to replace the sewer line, Mr. Fournier did not solidly shore the banks of the trench with quality material in accordance with the plans and specifications of an engineer as required by section 3.15.3 of the Safety Code for the construction industry (the "Safety

Code"). According to section 236 of An Act respecting occupational health and safety (the "Act"), the failure to fulfill this obligation is a strict liability offence. The judge presiding at the preliminary inquiry accepted the Crown's argument that this failure could constitute the underlying "unlawful act" referred to in section 222(5)a) of the Criminal Code.

Mr. Fournier challenged this decision by way of judicial review, arguing that a strict liability offence cannot constitute an "unlawful act" as per section 222(5)a) of the Criminal Code.

The Superior Court refused Mr. Fournier's argument and rather concluded, following a thorough review of the relevant case law and doctrine, that the underlying unlawful act in a charge of manslaughter can be a strict liability offence, including one related to occupational health and safety.

It clarified, however, that in such circumstances, and unlike a typical prosecution under occupational health and safety legislation, it is not the accused who bears the burden to prove that he has taken all the reasonable steps in the circumstances to avoid or prevent the occurrence of the prohibited act. Rather, it is for the Crown to prove, beyond a reasonable doubt, that the conduct of the accused constitutes a marked departure from that of a reasonable person. More specifically, to satisfy its burden of proof, the prosecution must establish all of the following elements:

- The accused committed a strict liability offence which was objectively dangerous;
- The conduct of the accused constituted a marked departure from the standard of a reasonable person in the same circumstances; and
- Taking in consideration all the circumstances of the case, a reasonable person would have foreseen the risk of bodily harm.

In application of the above-mentioned principles, the Superior Court found that there was sufficient evidence in this case to confirm the committal to trial. According to the judgment, the Crown offered prima facie evidence for each of the three criteria: 1) the failure to solidly shore the banks of a trench is a strict liability offence according to the Act and the Safety Code and is also objectively dangerous conduct; 2) the breach of this obligation is a marked departure from the standard of a reasonable person in the same circumstances; and 3) a reasonable person would have foreseen the risk of not solidly shoring the banks of the trench.

In conclusion, this decision should bring to the employers' minds the very serious consequences that failure to comply with occupational health and safety obligations can have on their employees, but also on their own life. From now on, employers must be aware that if an employee dies in such context, not only can they be charged with criminal negligence, but also with manslaughter.

[1] 2016 QCCS 5456

[2] *The charge of criminal negligence causing death is based on section 219 of the Criminal Code on the alleged failure of Mr. Fournier to respect the obligation set out in article 217.1 of the Criminal Code, which provides that "everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task." This provision of the Criminal Code has been in force since 2004, but has not been invoked in many prosecutions so far.*



THE EVOLUTION OF SAFETY

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Staying Safe in Deadly Spaces

IDENTIFY

Proper precautions are essential for anyone working in what is known as a confined space. Things can go wrong in a hurry and can easily result in fatalities - even would-be rescuers can be victims.

This Toolbox Talk is designed to educate workers on what defines as a “confined space” and the safety measures needed to properly address the assigned work in a confined space.

COMMUNICATE AND CONTROL

A confined space is an enclosed or partially enclosed that is not intended for human occupancy and has a restricted entrance or exit.

Confined spaces can be found in many workplaces, ranging widely in size and shape. Examples include:

- Aircraft wings
- Tanks
- Boilers
- Kilns
- Silos
- Pipelines
- Manure Pits
- Pits, swamps
- Manholes
- Water Reservoirs

These are not designed for someone to work in regularly but entry might be needed for tasks, such as inspections, cleanings, maintenance and repair. Entry should not take place unless proper training, equipment and procedures are in place.

HAZARDOUS ATMOSPHERES

Hazardous atmospheres are the major risk to confined spaces. The air may have too little/too much oxygen and the atmosphere may be too toxic/explosive.

Very low oxygen levels can impair brain function and cause heart failure. Workers can also be at risk to exposure of dangerous chemicals through skin contact, ingestion or inhalation. The presence of flammable gases or vapours can mean the possibility of explosion or fire.

Other confined space hazards include:

- Cramped work conditions
- Temperature extremes
- Rotating or moving equipment
- Electricity
- Uncontrolled movement of liquids or solids

LOOK TO YOUR COMPANY'S SAFETY PROGRAM

A key question to ask is whether it's absolutely necessary for the work to be carried out inside a confined space. The answer can be found within your company's safety program and reference to a hazard assessment, which should be written for each and every confined space.

A company's safety program will help workers identify and assess all potential hazards on-site, develop a strategy surrounding specific tasks, and eliminate/control all identified hazards.

A safety program will also encompass training that all workers will have to complete before entering/working in a confined space.

WORK PERMITS

A work permit must be prepared by a qualified person and contain the following pieces of information:

- the length of time for which the permit is valid;
- the names of all workers entering the confined space; and
- a contact list of all safety attendants and supervisors.

Other essential permit information includes:

- The type of work to be done
- A list of potential hazards identified inside and outside the confined space
- Date and time of entry and anticipated time of exit
- Detail of any atmospheric testing of the confined space
- A communications plan between workers in and outside the confined space
- An emergency plan to address all emergency situations in a confined space, including safe removal of workers in confined spaces.

DEMONSTRATE

Educate your team on the different types of confined spaces; how your company assesses and assigns work, based on a confined space; and your company's safety program/emergency plan.

These questions are meant to help you remember what was discussed today — not to test your patience or challenge your intelligence.

THE QUIZ: Staying Safe in Deadly Spaces

The answers are at the bottom of the page. Cover them up and complete the quiz as quickly as you can.

1. Which one of these is NOT an example of a confined space

- A) Pipeline
- B) Sewer
- C) Basement
- D) Manure Pit
- E) Tanks

2. TRUE OR FALSE: A confined space can either be enclosed or partially enclosed

TRUE FALSE

3. Which of these are considered hazards of working in a confined space:

- A) Toxic chemicals
- B) Temperature extremes
- C) Rotating or moving equipment
- D) Uncontrolled movement of liquids and solids
- E) All of the above

4. TRUE OR FALSE: Testing for hazardous atmospheres is often done prior to work taking place in a confined space

TRUE FALSE

5. List three pieces of information needed on a work permit

ANSWERS
1. C 2. TRUE 3. E 4. TRUE 5. Length of time for the permit; name of workers in confined space; contact list of safety attendants/supervisors' type of work being done; potential hazards in/outside the space; date of entry/exit; detail of atmospheric testing; communications and emergency plans



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OUR ASSOCIATION'S MISSION, VISION AND STRATEGIC PLAN IS TO
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