

THE WORKMEN'S COMPENSATION BOARD

An appeal by Multi Fittings Limited, Firm 106509-L, against the Decision of the Assessment Review Group dated the twenty-sixth day of October, 1978.

APPEAL BOARDDECISION

On April tenth, 1979, the Appeal Board heard an appeal by Multi Fittings Limited who were represented by Mr. D. Hager, Solicitor. Mr. R. Glass, Student Lawyer, accompanied Mr. Hager. Also attending on behalf of the employer were Dr. J. Clement, Consultant, Miss G. Douglas, Registered Nurse, and Mr. L. Pickering, Manufacturing Manager.

Mr. Hager advised that the employer was appealing the Section 86(7) charge of thirty-six thousand, six hundred and ninety-one dollars and eighty-one cents. He provided a submission dated April tenth, 1979, which he felt presented the issue and argument in detail.

Mr. Hager stated that in 1978 the employer commenced a safety programme in an attempt to reduce their accident frequency. Dr. Clement was hired as a Medical Consultant and Miss G. Douglas as a Registered Nurse. Since that time, ninety-seven thousand dollars has been spent on the programme.

Dr. Clement stated that he agreed to work as a physician in the plant and as a consultant. He was to conduct an investigation and produce a report after six months. He pointed out that after a short period, it was obvious to him the main problem was that most of the injuries sustained involved strains. He related that the company produced plastic extrusion moldings which involved trimming operations with repetitive twisting motions being required. Occasionally the parts stuck in the molds and employees would have difficulty extracting them. In the plant, the emphasis was on production and long-term employees were wearing themselves out on the machinery. Dr. Clement felt that most of the compensable injuries were almost exclusively due to wear and tear caused by the repetitive twisting. The main area where injuries occurred was in the molding. He also pointed out that noise levels in certain areas were high, and as a result sound levels were documented by both himself and Miss Russell and presented to management.

Dr. Clement told the Appeal Board that Miss Russell initially felt the company used a volatile glue which she felt may have occasionally made the employees high. They had been assured by the manufacturer that the glue was not toxic, however, Dr. Clement indicated that a further investigation would be carried out as the manufacturer's explanation was not entirely believable. He further stated that various areas were untidy and the morale of employees

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was somewhat low. With respect to older injuries, no one at the plant seemed to know what was happening to the employees involved. Any rehabilitation measures were almost non-existent. However, the employer has now begun to follow the injured employee more closely subsequent to the accident.

Dr. Clement stated that specific recommendations made were as follows:

- (1) To eliminate the amount of flash surrounding a mold.
- (2) To reduce sticking on the machinery and to shut down machinery when it was not operating properly.
- (3) To consider the rotation of employees to different jobs to avoid the continuous repetitive movements.
- (4) To pay more attention to housekeeping, particularly the lunchroom.

The doctor indicated that the lunchroom had now been painted and rearranged with floor tiles and windows put in. He felt he had noticed a definite change in the mood of the plant. He also suggested that the employer pay more attention to the physical nature of the employees with respect to suitability for certain jobs. He pointed out that management had not implemented all of his recommendations but had made a reasonable effort with those that were feasible.

Miss Douglas indicated that since the implementation of the employer's new safety programme, there had been a thirty-nine per cent decrease in injury frequency during 1978. However, she also stated that there had been no decrease in the accident severity rate. She felt that the employer's 1979 accident frequency probably would be below that of 1978.

Mr. Pickering told the Appeal Board that he had been with the employer since 1963 and in his present position since October fourth, 1978. He stated that during 1978 the employer instituted the use of injector pins and built a mechanical jig. He pointed out that one feature of the new programme was that if a machine was not running properly, it would be shut down immediately. He related that there had been no inspection by the Industrial Accident Prevention Association since June, 1978.

Mr. Hager contended that the employer has recognized that there was a definite problem and is now doing something about it. He also felt that results were being shown.

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Firm 106509-L, Multi Fittings Limited

Page 3

The Appeal Board directed that the Industrial Accident Prevention Association conduct a further inspection of the employer's premises in August, 1979. A decision with respect to the issue was deferred pending the results of this further inspection.

The Appeal Board has considered the evidence on file and the presentation made at the hearing. The Appeal Board has studied the report of the Industrial Accident Prevention Association which indicates that management continues to monitor and upgrade their accident prevention programme, that employees take a greater interest and become personally involved in safety, that frequency and costs continue to decline, and that management is motivated and safety is an integral part of the operations.

The Appeal Board accepts the report of the Industrial Accident Prevention Association and finds that there has been a considerable improvement shown insofar as the employer's safety programme is concerned. In the circumstances, the Appeal Board rules that the Section 86(7) charge of thirty-six thousand, six hundred and ninety-one dollars and eighty-one cents against Multi Fittings Limited be cancelled.

The appeal is, therefore, allowed.

DATED at Toronto, Ontario the twenty-ninth day of January, 1980.

DECISION OF APPEAL BOARD
PURSUANT TO SECTION 76 OF THE
WORKMEN'S COMPENSATION ACT

D. Farquharson
Registrar of Appeals