

R. v.

Scenic Landscaping Inc. and

Kevin McLeod

Scenic Landscaping Inc.

Count #1: Section 25(1)(b)

(maintenance)

Count #2: Section 25(2)(a)

(training)

Count #3: Section 25(2)(c)

(competent supervisor)

Count #4: Section 25(2)(h)

(every precaution reasonable)

Kevin McLeod

Count #1: Section 27(2)(a)
(fail to advise)

Count #2: Section 27(2)(c)
(every precaution reasonable)

Ministry of Labour

Prosecution

Scenic Landscaping Inc.

- seasonal landscaping business
- powered equipment such as push lawn mowers, riding lawn mowers, and trimmers

Scenic Landscaping Inc.

- Chris Sym – owner
- Kevin McLeod – supervisor
- Ralph Jones – injured worker
- Sharon Miller – witness/co-worker

Ralph Jones

- 20 years old
- start May 22, 2010
- received orientation
- has experience operating same or similar lawn mowers

June 8, 2010

- work assigned by Kevin
- Kevin not present at time of accident
- Ralph not given instruction on the particular lawn mower

June 8, 2010

- lawn mower got stuck
- Ralph did not know what to do
- Ralph pulled from front
- Sharon pushed from back

June 8, 2010

- lawn mower still running
- lawn mower lurched forward, cutting Ralph's left foot
- attended hospital for medical care

Investigation

- blade control handle taped down – ineffective
- neither Ralph nor Sharon understood importance of blade control handle
- Ralph not trained on the particular lawn mower



Scenic Landscaping Inc. and

Kevin McLeod

Defence

Supervision

- work in groups of 1-4
- Chris and Kevin are supervisors
- Chris and Kevin also work

Supervision

- travel between locations – not present 100% of the time
- new workers, like Ralph, work with an experienced worker (like Sharon)

Training

- general orientation when hired
- instructions on equipment by supervisor or co-worker
- some PPE supplied by Scenic
- some PPE supplied by worker

Maintenance

- maintenance performed annually in off season
- repairs performed as needed
- workers are required to inspect the equipment daily and report repairs

Scenic Landscaping Inc.

Lawn Mower Safety Checklist

Prior to Operating Lawn Mower

- Locate operator's manual
- Confirm all guards and safety features are in place and operational
- Ensure you have firm footing and start mower on level ground

Scenic Landscaping Inc.

While Operating Lawn Mower

- Do not operate the lawn mower if it is defective in any manner
- Never disconnect any safety equipment or devices
- Never pull on a lawn mower
- Never place hands or feet near chute or blades when engine is running or near hot engine or muffler
- Mow lawn across a slope

Scenic Landscaping Inc.

After Operating Lawn Mower

- Notify the supervisor of any required repairs or maintenance

Instruction Book

Push Mower

Model 20407x32A

Manuel de l'utilisateur

Tondeuse poussée

modèle 20407x32A

Read and keep this book for future reference. This book contains important information on SAFETY, ASSEMBLY, OPERATION, AND MAINTENANCE.

Lisez-le et conservez-le comme futur ouvrage de référence. Ce manuel contient d'importantes données sur LA SECURITE, LA PREPARATION, LE FONCTIONNEMENT ET L'ENTRETIEN de ce modèle.

PRODUCT INFORMATION

The owner must be certain that all the product information is included with the unit. This information includes the INSTRUCTION BOOKS, the REPLACEMENT PARTS and the WARRANTIES. This information must be included to make sure state laws and other laws are followed.

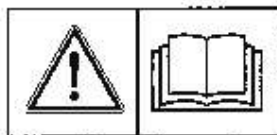
RENSEIGNEMENTS À L'USAGE DU PROPRIÉTAIRE

Le propriétaire doit être certain que tous les renseignements sur le produit sont inclus avec la tondeuse. Ces renseignements comprennent les livres d'instructions, le livre de pièces de rechange, les garanties et les certificats de conformité. Ces renseignements doivent être inclus pour être certain que les lois nationales et autres lois sont observées.

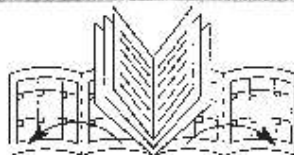
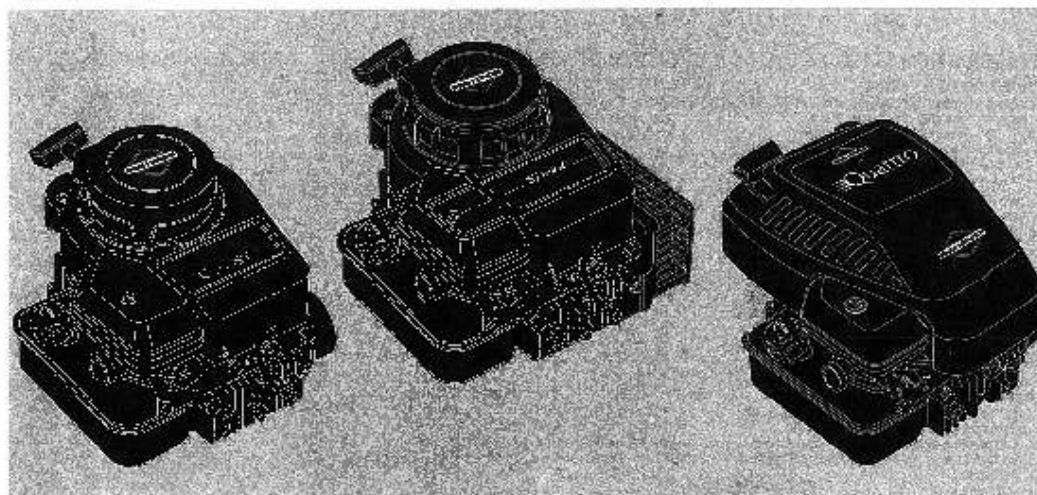




**Classic™/Sprint™/Quattro™
9B900, 9C900, 9D900, 98900,
10A900, 10B900, 10C900**



- (GB) Operator/Owner Manual**
- (D) Bedienungsanleitung**
- (DK) Bruger-/ejerhåndbog**
- (E) Manual del Propietario/Operador**
- (F) Manuel d'utilisation**
- (GR) Οδηγίες κατόχου/χρηστή**
- (I) Manuale del operatore/proprietario**
- (N) Operatørens/Elerens håndbok**
- (NL) Gebruiker/Eigenaar Handleiding**
- (P) Manual do Operador/Utilizador**
- (S) Instruktionsbok**
- (SF) Käyttäjän ja omistajan käsikirja**



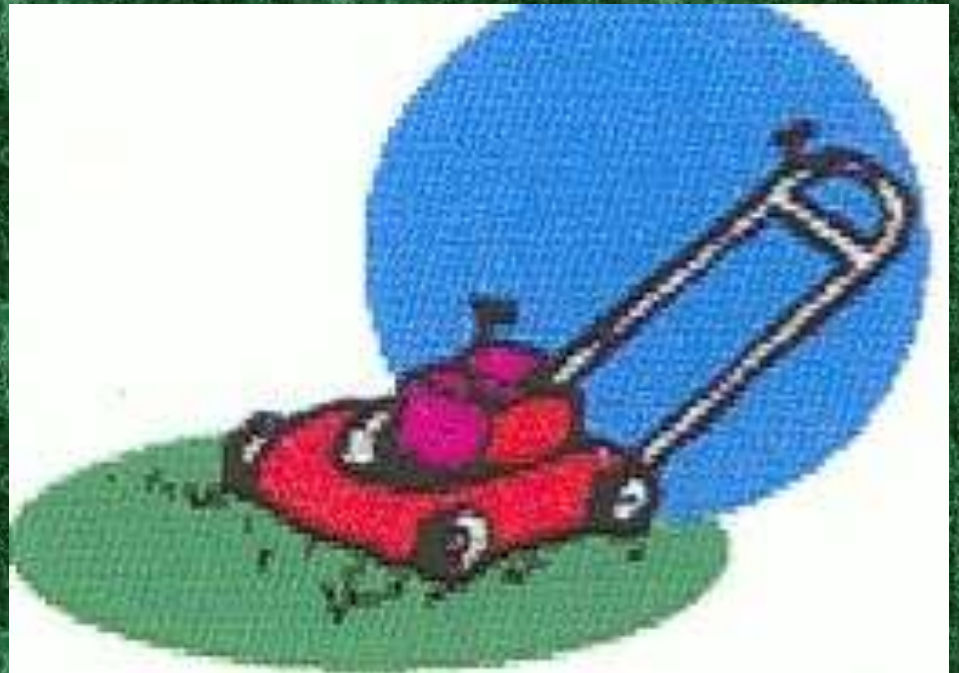
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Lawn Safety

- **Start the mower on level ground where you have firm footing.**



Lawn Safety

- **Never pull the mower toward you,**



Lawn Safety

If you slip or pull too hard your foot could go under the mower deck.



Lawn Safety

- **Always push it.**



Lawn Safety

- **With push mowers Mow parallel to a slope.**



Lawn Safety

Never pull up or go down



Lawn Safety

- Only use a power mower with a control that stops the mower if the handle is let go.
- This control should never be disconnected.







Decision

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- Scenic Landscaping Inc.
 - convicted on Counts #1, #2 and #4
 - fine of \$50,000

Decision

- Scenic Landscaping Inc.
 - convicted on Counts #1, #2 and #4
 - fine of \$50,000
- Kevin McLeod
 - Convicted on Counts #1 and #2
 - fine of \$10,000

Discussion

- Why was Scenic convicted
- Why was Kevin convicted
- Why due diligence fail

Discussion

- What are risks/hazards
- What could Scenic or Kevin do to:
 - avoid the incident
 - exercise due diligence