

For Immediate Release

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Criminal conviction sends only a partial message of deterrence

Construction supervisor found guilty of criminal negligence causing death in 2009 swing stage collapse costing four workers their lives receives a 3½ year prison sentence

(Toronto, ON) “The conviction of construction site supervisor Vadim Kazenelson, of criminal negligence causing death in connection with four workers who died in a 2009 Christmas Eve suspended swing stage collapse is only one part of an overall approach to worker safety,” said Patrick Dillon, Business Manager of the Provincial Building and Construction Trades Council of Ontario.

“While it was the construction supervisor’s responsibility to ensure the workers had proper safety training and equipment, no one from the company was held criminally liable for these deaths. Not the owner, not the directors and not any executives,” Dillon pointed out, adding that “this speaks to the lack of respect by legislators and the justice system, for the lives of construction workers.”

In his decision, Justice MacDonnell of the Ontario Superior Court said that the supervisor decision to have the men perform work in dangerous conditions was motivated in part to get the work done before a December 31st deadline that would result in a bonus.

Metron Construction Inc. was fined \$750,000, company owner Joel Swartz was fined \$112,500, and the Supervisor received a 3½ year jail term. Dillon’s view is that if the owner, Mr. Swartz, had faced a real prospect of jail time, his diligence in hiring a supervisor would have put a higher priority on hiring someone who would protect the lives of the workers rather than on achieving the end-of-year bonus for himself.

Dillon further explained that “the objective of the Building Trades is not to see owners and/or supervisors go to jail, but rather, for the workplace carnage to stop – if executives going to jail is what it takes to end workplace deaths, then so be it. Employers can’t be insulated from their responsibility of ensuring a safe workplace, and responsibility starts with the person doing the hiring of the supervisor.”

Four Metron Construction Inc. workers — Aleksey Blumberg, 32, Alexander Bondorev, 25, Fayzullo Fazilov, 31, and Vladimir Korostin, 40 — died after falling 13 storeys on Dec. 24, 2009, when their suspended swing stage collapsed. A fifth worker, Dilshod Marupov, survived with serious injuries including a fractured spine and ribs.

“Employers need to ensure that their employees have the proper training and equipment when setting foot on a construction site,” said Dillon. “Despite Ministry of Labour advertised gains on worker safety that we have heard about, we are still experiencing deaths and serious injuries in this province, all of which are completely preventable. We need to change the way people think about safety and if training is not enough, then we need to change the laws and how they are enforced, so that owners and managers are also held accountable.”

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The Provincial Building & Construction Trades Council of Ontario is an organization that represents 150,000 construction workers.

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