

# Use worker's death as safety example: coroner's jury

BY JEFF MITCHELL  
Staff Writer

Armindo Francisco's death at a Markham construction site should be used as an example to encourage workplace safety, a coroner's jury concluded.

The Toronto man's death in a fall from the second story of a house under construction in October 2001 can be used to illustrate how seemingly low-risk jobs can, in fact, be very dangerous, the jury told coroner Dirk Huyer Wednesday.

The jury also suggested making regular retraining on fall protection mandatory for construction workers.

Another recommendation was adopting a uniform approach to alerting workers of unsafe weather conditions.

Two days were devoted to testi-

mony about Mr. Francisco's death. The 53-year-old Toronto man was nailing plywood to wall studs when a gust of wind swept him from the unfinished second floor of the house to the ground.

He died of severe chest trauma, the inquest heard. The hearing began last Monday in Sharon, north of Newmarket.

Mr. Francisco was not wearing a safety harness, even though he and his nephew had safety gear in their van, the jury heard.

His nephew, Ricardina Fernandez, testified the men had not tied off because they were not planning to raise the walls and were keeping away from the edge of the second floor.

An eyewitness account of Mr. Francisco's fall depicted him carrying a four-by-eight foot sheet of plywood when a gust of wind caught it

and carried him off the second floor.

The main recommendation was submitted to the jury by coroner's counsel Harold Dale at the conclusion of testimony.

*'We would urge anyone on a construction site to be aware of the facts of this case, how a situation that appears to be low-risk can be very risky.'*

It was endorsed by lawyers representing the ministry, a construction workers' union and the home builder for whom Mr. Francisco was working when he died.

It was accepted among the parties who made submissions that Mr. Francisco's death was an unfortunate accident.

They urged the jury to press for initiatives to push awareness of the hazards that lurk on job sites but might be taken for granted by workers.

Mr. Francisco died as a result of a "freakish occurrence", said Nicholas Keresztesi, the lawyer representing Universal Workers Union Local 183.

"They were working 13 feet off the ground. They may not have felt it was all that risky," Mr. Keresztesi said.

"A situation where you're working on a second floor may not be considered a high-risk circumstance," he said.

The jury heard extremely high winds the day of the incident prompted the construction site

manager to order some trades to cease work.

Mr. Fernandez testified he and his uncle were also preparing to call it a day when the accident occurred.

"Mr. Francisco could have tied off" but did not because the perceived risk was low, Mr. Keresztesi said.

"We would urge anyone on a construction site to be aware of the facts of this case, how a situation that appears to be low-risk can be very risky," he said.

The men were working on a Laurier Homes project in a new subdivision east of McCowan Road and south of Major Mackenzie Drive.

An investigation by the Ministry of Labour determined no charges were warranted.

The ministry probe did not point to "significant shortcomings on anybody's part", Mr. Keresztesi said.



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