



NEWS RELEASE

For Immediate Release

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CHARGES LAID AGAINST WAL-MART AND SUPERVISOR IN DEATH OF YOUNG WORKER

On January 5, 2011 at approximately 8:30 p.m., 17-year-old Patrick Desjardins died from an electrical shock he received while using a floor buffer that had been plugged into a standard 110-volt power source. He was working on a wet floor at the Wal-Mart store in Grand Falls, N.B.

To prevent similar accidents, WorkSafeNB investigators undertook an extensive and lengthy investigation looking beyond the obvious causes of the incident to identify the underlying causes. This is standard practice in all serious workplace accidents and fatalities.

As a result of the investigation, WorkSafeNB issued several orders against Wal-Mart. These include: an order to take all reasonable precautions to protect its employees; to ensure that electrical equipment is suitable for its intended use and that it is installed, maintained, modified and operated in accordance with the manufacturer's specifications; and, to ensure that a tool is of good quality, is inspected, maintained and repaired by a competent person and is stored in a proper area. The employer complied with all orders issued.

WorkSafeNB staff also determined that Wal-Mart and a member of its staff failed to comply with some key provisions of the *Occupational Health and Safety (OHS) Act* and Regulations. As such, WorkSafeNB has laid charges against Wal-Mart. These charges are for various alleged breaches of the *OHS Act* and Regulations and specifically allege that Wal-Mart:

- Failed to ensure the health and safety of employees by allowing the use of an inappropriate floor polisher and a faulty extension cord in the garage area;
- Failed to ensure that employees complied with specific requirements when using a tool;
- Failed to ensure that the garage was inspected by the employer at least once a month to identify any risks to the health and safety of the employees;
- Failed to ensure that a tool (a floor polisher) was inspected before use and repaired or replaced if necessary and was maintained in proper working condition;
- Failed to ensure that employees were instructed to use a tool (a floor polisher) only for the specific purpose for which it was designed;
- Failed to ensure that an electric power-operated hand tool (a floor polisher) is tested for the effectiveness of the double insulation or bonding to ground before each use by a continuity tester or ground fault circuit interrupter; and

- Failed to ensure that electrical equipment is suitable for its use and that it is maintained and modified in accordance with the manufacturer's specifications by permitting the use of a faulty extension cord in the garage area of the store.

Additionally, WorkSafeNB laid charges against a supervisor who did not meet the standards required of a person in that position as set out in the *OHS Act*. These charges allege that the supervisor:

- Failed to ensure the health and safety of employees by allowing the use of an inappropriate floor polisher and a faulty extension cord in the garage area, and
- Failed to acquaint an employee with any hazards in connection with the use of a tool or machine, namely a floor polisher.

Because this matter is now before the courts, WorkSafeNB is unable to provide further information. All court proceedings are open to the public.

ABOUT WORKSAFENB

WorkSafeNB administers no-fault workplace accident and disability insurance for employers and their workers, funded solely through employer assessments. WorkSafeNB is committed to preventing workplace injuries and illness through education and the enforcement of the *Occupational Health and Safety Act*.