

## Construction deaths by falling, compared to all construction deaths, 2003-2006

	United States		New York City		New York area		Chicagoland		Dallas/Ft. Worth		Miami Metro		Toronto (CMA)		Ontario	
population	300 million		8.3 million		18.8 million		9.1 million		6.1 million		3.9 million		5.8 million		12.7 million	
	(constr. deaths from falls)	(total constr. deaths)														
2003	364	857	9	19	22	46	19	27	7	20	9	21	13	20	16	30
2004	445	932	15	25	30	44	14	25	12	30	13	24	9	11	13	20
2005	394	934	12	22	21	48	10	26	6	27	12	20	6	11	10	20
2006	433	986	24	38	38	60	14	21	5	32	14	28	6	11	9	27
4-yr avg	409	927.25	15	26	27.75	49.5	14.25	24.75	6.75	27.25	12	23.25	8.5	13.25	12	24.25
per million	1.36	3.09	1.81	3.13	1.48	2.63	1.57	2.72	1.11	4.47	3.08	5.96	1.47	2.28	0.94	1.91

US information from the Bureau of Labor Statistics. Canadian information from the Ontario Ministry of Labour. New York area = New York-Northern New Jersey-Long Island, NY-NJ-PA. Miami Metro = Miami-Fort Lauderdale-Miami Beach, FL. Population figures are from U.S. Census Bureau and Statistics Canada. Toronto (CMA) = Census Metropolitan Area; statistics for the Ministry of Labour's Central region, which is roughly equivalent but slightly larger.

## Comparing laws and outcomes: New York City and the Province of Ontario

	New York City	Province of Ontario
Regulating Bodies	OSHA, NYC Department of Buildings, other NYC bodies	Ministry of Labour, Workplace Safety Insurance Board
Legislation	Occupational Safety and Health Act (1970), NYC Scaffolding Laws (2005-2007) and other safety regulations in the NYC Building Code, New York State Labor Law Section 240(1), NYC Industrial Code.	Occupational Health and Safety Act (1978); Public insurance requirements under the Workplace Safety Insurance Act (1998); federal Bill C-45 “Westway Bill” defining employers’ criminal negligence causing worker injury or death. Civil cases can also be argued under OHS.A.
Guardrails	OSHA: Required in all scaffolding; guardrails between 39”-40” (and/or fall arrest systems) required for other circumstances above 6’. Standards for materials, strength and manufacturing outlined	Required after 3 m (10’), less under conditions, unless not practical. Guardrails must be 0.9 m to 1.1 m. Standards for materials, strength and design outlined by the Canadian Standards Association and legislation.
Fall arrest or restraint systems	OSHA: Required in high-elevation equipment like cherry pickers; guardrails and/or fall arrest systems required for other circumstances above 6’. Can’t strike something on the way down. Standards for materials, strength, inspection and design outlined. In some cases, made more stringent in Building Code.	Required where guardrails aren’t practical. Specifications on design and materials by the Canadian Standards Association and legislation.
Safety Nets	OSHA: Required between 6’ and 30’; requirements regarding width of meshing, width of net, strength of net, and regular inspection and testing.	Standards detailed by the Canadian Standards Association. Testing and inspection mandated.
Scaffolding	Local laws (2006-2007) require permits for scaffolding 40’ or higher, notification for erection, use and dismantling, and training for all scaffold-related workers. These go above and beyond OSHA’s requirements, which require fall protection beyond 10’. Standards for materials, strength, inspection and design outlined.	Required design, construction and tolerances specified for several kinds of scaffolding. Inspections mandated. Several fall protection requirements made explicit in certain conditions.
Training requirements	Yes, including NYC regulations for scaffolding construction and use	Yes, but not for scaffolding
Union density among workers	45%, 2004-2006, down from 63% in early 1990s (NYCOSH, Fiscal Policy Institute)	30-35% (CSAO)
Reporting requirements	OSHA: Multiple injuries and fatalities reported within 8 hours	OHS.A: Injuries and deaths must immediately be reported to Ministry, OHS Committee, and trade union. Must not disturb the scene of accident until the arrival of the inspector.
Number of construction workers	293,900 (2006 New York Area – Census); 200,000 (2007, New York City – Fiscal Policy Institute)	405,000 (2006 – Statistics Canada)
Number of Inspectors	DOB: Approximately 50 inspectors made 209,000 inspections for the entire building code, according to 2006 Mayor’s Management Report. DOB now has approximately 75 inspectors and growing. OSHA: Unclear how many in New York area; 818 nationally in 2007.	430 inspectors made 30,638 “inspections, investigations and consultations” province-wide in 2006-2007, according to WSIB.
Penalties	OSHA: Up to \$70,000 for “willful violation”; OSHA refers such violations to the Department of Justice for possible criminal prosecution if they result in death, but OSHA has no power to prosecute. Prosecutions are very rare. DOB: Fines up to	OHS.A: Fines up to C\$25,000 and up to 12 months in jail for individuals; up to C \$500,000 for corporations. Federal: Criminal prosecution or probation under Westway Law for employer negligence causing injury or death.
Number of construction safety-related fines	OSHA was unable to provide data by the time of publication.	At least 29 (>C\$5k personal, >C\$50k corporate) in 2008 as of April 30, including C \$400k in fines for Stelco, Inc. on April 3. There were at least 90 in 2007, at least 61 in 2006 not including January and February (MoL).
Number of construction safety-related jailings or criminal convictions (years?)	At least one in 2008: DOB inspector Edward J. Marquette, charged with falsifying business records in connection with the March 15 <sup>th</sup> crane collapse which destroyed a townhouse and killed seven. OSHA was unable to provide data by the time of publication.	At least one in 2008: Under OHS.A regulations and not the Criminal Code, Ion Cenuser was sentenced to seven days in jail and fined \$3000 for pushing a Ministry of Labour inspector.
Is it enough?	NYCOSH and others say OSHA is very good law, but inspections understaffed; lawyers say Law 240(6) must be strengthened. Nationally: 818 OSHA inspectors in 2006, down from 1082 in 2003 and 1271 in 1990	CSAO says yes, claims Ontario has best construction safety record in North America “and possibly the world.” Number of inspectors increased by 200, and that the law has been responsive to crises.

New York information from the Occupational Safety and Health Administration, the Bureau of Labor Statistics, Census Bureau, New York Committee on Occupational Safety and Health, New York City Department of Buildings, Fiscal Policy Institute, New York City law, and Nicholas Wise. Ontario information from the Occupational Health and Safety Act text, the Construction Safety Association of Ontario, the Workplace Safety Insurance Board, the Ontario Ministry of Labour, and Statistics Canada.