



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Inquest Jury Verdict de l'enquête

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

We the undersigned / Nous soussignés,

_____ of / de _____
_____ of / de _____
_____ of / de _____
_____ of / de _____
_____ of / de _____

the jury serving on the inquest into the death(s) of / membres dûment assermentés du jury à l'enquête sur le décès de:

Surname / Nom de famille

Dakaj

Given Names / Prénoms

Ismet

Virtually 25 Morton Shulman Avenue

aged 46
à l'âge de

held at
tenue à

Toronto

, Ontario

from the
du

June 8

to the
au

June 11

20 21

By
Par

Dr. / D^r Eden

Presiding Officer for Ontario
président pour l'Ontario

having been duly sworn/affirmed, have inquired into and determined the following:

avons fait enquête dans l'affaire et avons conclu ce qui suit :

Name of Deceased / Nom du défunt

Ismet Dakaj

Date and Time of Death / Date et heure du décès

Approximately 8:19 a.m., June 27, 2014

Place of Death / Lieu du décès

Derry Rd. Construction Site, Milton, Ontario

Cause of Death / Cause du décès

Blunt force injuries of the head, neck and torso as a consequence of being run over by a dump truck

By what means / Circonstances du décès

Accident

Original confirmed by: Foreperson / Original confirmé par: Président du jury

Original confirmed by jurors / Original confirmé par les jurés

The verdict was received on the
Ce verdict a été reçu le

11th

(Day / Jour)

day of

June

(Month / Mois)

20 21

Presiding Officer's Name (Please print) / Nom du président (en lettres
moulées)

Dr. David Eden

Date Signed (yyyy/mm/dd) / Date de la signature (aaaa/mm/dd)

2021/06/11

Presiding Officer's Signature / Signature du président

We, the jury, wish to make the following recommendations: (see page 2)

Nous, membres du jury, formulons les recommandations suivantes : (voir page 2)



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Verdict of Inquest Jury Verdict de l'enquête

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

Inquest into the death of:
L'enquête sur le décès de:

Ismet DAKAJ

JURY RECOMMENDATIONS RECOMMANDATIONS DU JURY

To the Ministry of Labour, Training and Skills Development (“Ministry of Labour” or “MOL”))

Proposed Legislative Amendments

1. Review s. 104 of Regulation 213/91 (“The Regulations”) under the Occupational Health and Safety Act (“OHSA”) to eliminate potentially inconsistent language concerning the reversing of vehicles on worksites (i.e. “no practical alternative” v. “as little as possible”). Legislate a requirement that for projects meeting this requisite standard, and where a construction vehicle’s predominant mode of operation will be reversing, Ministry of Labor (“MOL”) pre-approval and ongoing oversight is required.
2. Amend s. 106 of the Regulations to clarify that vehicles cannot reverse unless the driver maintains constant sight of the signalperson — otherwise, the driver must immediately stop the vehicle.
3. Amend s. 106(2) of the Regulations to require that all workers on a construction site must maintain at least two meters distance from any moving construction vehicle.
4. Regularly review the maximum penalty(s) that may be imposed upon a corporation pursuant to section s. 66(2) of the Occupational Health and Safety Act (“OHSA”) to ensure they still satisfy the underlying principles of sentencing under the Act. Study the appropriateness of imposing a minimum fine for OHSA violations directly resulting in the death of a construction worker. Study the appropriateness of imposing a minimum fine for other OHSA violations of s.106 such as instances where a signaller is performing multiple functions.

Proposed Legislative Additions

5. Mandate under the OHSA and/or its Regulations that all construction vehicles, including dump trucks, on a construction site must be equipped with a properly functioning back-up camera.
6. Mandate under the OHSA and/or its Regulations that workers on construction sites must be provided, understand and formally acknowledge written documentation of all existing safety and communication protocols on a worksite. Similarly, risk management strategies and evaluations, as currently contemplated under the OHSA, must be formalized, reduced to writing and readily accessible to all workers.
7. Mandate under the OHSA and/or its Regulations that constructors and employers must hold and document regularly scheduled safety meetings incorporating all workers, employees and/or additional parties who may reasonably be expected to attend at or near a construction site, including third-parties (e.g. pay-duty police officers). A site orientation package listing all existing safety requirements and protocols must be provided to attendees.
8. Mandate under the OHSA and/or its Regulations that all drivers operating a construction vehicle acknowledge in writing the requirements enumerated in ss. 104-106 of the Regulations.
9. Mandate under the OHSA and/or its Regulations that signage including ss. 104-106 be posted on site in areas where vehicles may be regularly operated in reverse.
10. Mandate under the OHSA and/or its Regulations that work on a construction site deemed to require pay-duty officers shall not commence until the pay-duty officers are in place in strict accordance with a pre-established, documented safety and communications plan established by the employer/constructor.

11. In consultation with the Infrastructure Health & Safety Association (“IHSA”), draft standardized training materials for signalpersons and traffic control persons. Mandate the provision of this training, and periodic refreshment thereof, to signalpersons and traffic control persons by their respective constructor, employer and/or supervisor, as applicable, and in accordance with site-specific requirements prior to the commencement of any work. Documentation of training completion to be maintained on site.

Additional Recommendations

12. Incorporate safe construction vehicle reversing practices, including the proper use of signalpersons on construction sites, into the standardized DZ licensing curriculum.
13. Issue forthwith a province-wide bulletin and/or public awareness campaign — specifically targeting construction workers and heavy equipment operators — reemphasizing the requirements and importance of ss. 104-106 of the Regulations.

To the Ministry of the Solicitor General

14. Minister of the Solicitor General to amend s. 10(5) of the Coroners Act to provide that an inquest must be held as soon as practicable.

To New Alliance and or other Constructor and/or Employer

15. Constructor/Employer to implement, monitor and enforce existing OHSA Regulations, specifically relating to reversing vehicles, safe signaling and on-site communication protocols.
16. Constructor/Employer to continually monitor and revise signalperson, driver and traffic control training in accordance with Ministry standards, supplemented as required to meet site-specific requirements.
17. Constructor/Employer to develop protocols as part of the safety plan for safe, consistent communication with third-parties – including the police and other organizations – who may reasonably be expected to interact with site workers in the execution of their duties.
18. Constructor/Employer to develop protocols as part of the safety plan that ensure that new hires, particularly from temporary agencies, meet all Ministry of Labour standards (i.e. are competent as defined in the Regulations) prior to commencing work of any kind on the site.
19. Constructor/Employer to develop protocols as part of the safety plan that ensure a designated stop point with clear signage/markings where construction vehicles enter/intersect a public roadway.
20. Constructor/Employer to develop as part of the safety plan to provide radios to both drivers and signalers where reversing is used as the method of transport.
21. Constructor/Employer to post signage in multiple accessible locations containing Whistleblower contact information for workers.

To Police Services in Ontario

22. Amend the pay-duty policies of all police services in Ontario to require that any employer or constructor requesting pay duty officers to attend at or near a construction worksite submit to the relevant police service a current Traffic Control Plan and a copy of the employer or constructor’s current traffic control and signaller protocols.
23. Amend the pay-duty policies of all police services in Ontario to include a provision that any pay duty officer attending at or near a construction worksite in a pay-duty capacity must be fully informed prior to arrival of the employer/constructor’s current traffic control and signaller protocols, as updated by the employer/constructor.

VERDICT EXPLANATION

Inquest into the Death of Ismet DAKAJ

**Dr. David Eden, Presiding Officer
June 8 – 11, 2021
25 Morton Shulman Ave, Toronto**

OPENING COMMENT

This verdict explanation is intended to give the reader a brief overview of the circumstances surrounding the death of Ismet Dakaj along with some context for the recommendations made by the jury. The synopsis of events and comments herein are based on the evidence presented and written to assist in understanding the jury's basis for the recommendations.

PARTICIPANTS

Inquest Counsel:	Gordon Akilie Assistant Crown Attorney Ministry of the Attorney General 45 Main Street East Floor 4 Hamilton, ON L8N 2B7
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Parties with Standing:**Represented by:****Family of Mr. Dakaj**

Miranda Dakaj
(Daughter of deceased)

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SUMMARY OF THE CIRCUMSTANCES OF THE DEATH

Ismet Dakaj, aged 46 years, was an experienced construction worker. On June 27, 2014, he was the signaller¹ at a construction site. He was directing loaded dump trucks that were reversing up a ramp from an excavation to the public road. He was run over by a truck that he was guiding, sustaining severe and immediately fatal injuries.

Overview of Workplace Safety in Ontario

The jury heard evidence from a witness with expertise on the regulation of workplace safety in Ontario, both in general and specific to the task being performed by Mr. Dakaj.

¹ The term “signaller” is used in the *OHSA*. This role is also called “flagman,” “flagperson” or “traffic control person.”

Ontario's *Occupational Health and Safety Act* ("OHSA") and its regulations govern workplace safety. The central philosophy of the OHSA is the "internal responsibility system," in which employers and workers bear primary responsibility for ensuring workplace safety. It is their role to identify hazards and take necessary actions to manage those hazards. The Ministry of Labour, Training and Skills Development ("MOL") administers and enforces the OHSA and its regulations, and supports employers and workers in carrying out their responsibilities under the internal responsibility system.

The OHSA and its regulations refer to a "competent" worker. "Competent" in this context means that a worker has adequate knowledge and skills to perform the task safely and effectively. "Competence" is task-specific. A worker may be competent on one task but not another.

The OHSA provides detailed regulations governing construction projects. The regulations most relevant to this inquest are provided for reference at Appendix B. In essence, when heavy equipment (such as a dump truck) is reversed on a construction site:

- Reversing should be minimized;
- The driver is guided by a competent signaller who is performing no other tasks;
- The signaller communicates with the driver either by telecommunications device or pre-arranged signals; and,
- The signaller remains in full view of the driver, away from the path of the vehicle, and able to see the path over which the vehicle is reversing.

These detailed regulatory provisions have evolved over the years, in part through inquest jury recommendations. Deaths of signallers in circumstances like those of Mr. Dakaj have been and remain sadly common. One of the issues examined at the inquest is that the wording of the current regulations makes the signaller responsible for remaining in view of the driver but does not specify what a driver should do upon losing sight of the signaller.

Circumstances of the death

A railway underpass was being constructed by a general contractor for the Regional Municipality of Halton on Derry Road. At this construction site, dump trucks were loaded with soil from the excavation, then reversed up a ramp to Derry Road. The trucks were guided by two signallers, one located at the bottom of the ramp, and Mr. Dakaj near the top (closest to Derry Road). Two pay duty² Halton Police Service officers managed traffic on the public roadway; their responsibilities included controlling traffic on the public road as it entered, exited and passed the construction site, but not traffic on the construction site itself.

The truck was operated by Driver 'A,' who testified at the inquest. He told the jury that he had not received any site-specific training and had not been invited to the safety meetings

² The Halton Police Service uses the term "pay duty." For reference, some police services use the term "paid duty." The two terms are equivalent for the purposes of this document.

held daily at the site. While reversing the truck, he lost sight of Mr. Dakaj, but was not alarmed because it was common for signallers to leave the drivers' line of sight during reversing. He heard a truck horn and stopped his truck. He was then told that he had run over Mr. Dakaj.

Driver 'B' was operating a truck parked on Derry Road and witnessed the incident. He saw Mr. Dakaj crossing the path of the reversing truck. Driver 'B' honked his horn in order to warn Mr. Dakaj and Driver 'A' but, unfortunately, was not able to alert them in time.

Driver 'A' was operating either the first truck, or one of the first trucks that day to exit the site onto Derry Road. While the collision occurred around the time that the pay duty officers were planning to begin directing traffic, it was not clear from the evidence whether the incident occurred before or after the pay duty officers started directing traffic on Derry Road.

Driver 'A' had not been provided with site-specific training and had no discussions with Mr. Dakaj or other signallers about the procedure to follow. There were daily safety meetings at the site, but the construction site managers had decided that drivers would not attend because it was logistically challenging. The regulated procedure for reversing, described above (which requires that the signaller remain in the driver's view at all times), had not been covered with Driver 'A' during the mandatory training required for his truck driving license. He had been working at the site for several weeks, and reported it was not unusual for a signallers to walk out of the driver's sight during a reverse. In summary, Driver 'A' had not received initial education or site-specific training, and did not have an opportunity to coordinate with signallers or attend safety meetings. In addition, the regulation governing the driver's work did not require him to stop immediately if he lost sight of the signaller. The jury heard evidence that stopping immediately in such circumstances was a best practice that Driver 'A' was not aware of at the time. Since Mr. Dakaj's death, he has conscientiously followed this best practice.

The jury heard evidence about the traffic plan requiring the trucks to reverse up the ramp, rather than drive forwards. The decision was made by those managing the construction operations. One reason cited was that the area cleared for the trucks at the base of the ramp was not wide enough for the trucks' large turning circle.

The MOL investigated the death. An MOL inspector immediately ordered that work on the project be stopped until enough space had been cleared at the base of the ramp for trucks to turn around and go up the ramp forwards. This was accomplished by the following week, after a long weekend.

Issues in preventability of the death included:

1. Regulations governing this work activity;
2. Training of drivers for licensure;
3. Planning of construction site and traffic plan, especially decision to reverse trucks up the long ramp;
4. Site-specific training of workers who perform tasks together;

5. Communication between drivers and signallers during reversal; and,
6. Necessity for driver to stop immediately if signaller no longer in view.

THE INQUEST

Dr. Kenneth Peckham called a mandatory inquest into the death of Ismet Dakaj pursuant to subsection 10(5) of the *Coroners Act*.

The document outlining the scope of this inquest is attached as Appendix A.

The inquest took place during the Covid-19 pandemic and was conducted entirely virtually using Microsoft Teams. The inquest was streamed live on YouTube.

The jury sat for four days, heard evidence from 10 witnesses, reviewed 18 exhibits and deliberated for four hours in reaching a verdict.

VERDICT

Name of Deceased:	Ismet Dakaj
Date and Time of Death:	Approximately 8:19 a.m., June 27, 2014
Place of Death:	Derry Road Construction Site, Milton, Ontario
Cause of Death:	Blunt force injuries of the head, neck and torso as a consequence of being run over by a dump truck
By What Means:	Accident

RECOMMENDATIONS

To the Ministry of Labour, Training and Skills Development (“Ministry of Labour” or “MOL”))

Proposed Legislative Amendments

1. Review s. 104 of Regulation 213/91 (“The Regulations”) under the Occupational Health and Safety Act (“OHSA”) to eliminate potentially inconsistent language concerning the reversing of vehicles on worksites (i.e. “no practical alternative” v. “as little as possible”). Legislate a requirement that for projects meeting this requisite standard, and where a construction vehicle’s predominant mode of operation will be reversing, Ministry of Labor (“MOL”) pre-approval and ongoing oversight is required.

Coroner’s comment: See Appendix B for the specific wording of this provision. Sections 104(1) and 104(2) do not appear consistent. One interpretation presented to the jury was that 104(1) governs planning prior to work and 104(2) governs day-to-day decisions. The recommendation calls for greater clarity in the wording, and for direct MOL involvement where prolonged reversal of equipment is considered.

2. Amend s. 106 of the Regulations to clarify that vehicles cannot reverse unless the driver maintains constant sight of the signaller — otherwise, the driver must immediately stop the vehicle.

Coroner’s comment: See Appendix B for the specific wording of this provision. At section 106(2)(1.5)(2)(b), “.. the signaller... shall be in full view of the operator of the vehicle...” This wording makes it the responsibility of the signaller to remain in view of the vehicle operator but does not specifically direct the operator to stop the vehicle if the signaller is no longer visible. The jury heard evidence that, among drivers and others, this is now considered best practice. The jury recommended that the regulation be amended to encompass this.

3. Amend s. 106(2) of the Regulations to require that all workers on a construction site must maintain at least two meters distance from any moving construction vehicle.

Coroner’s comment: The current regulation requires the signaller to “.. be clear of the intended path of travel...” This recommendation would enhance signaller safety by establishing a minimum distance between the worker and the equipment.

4. Regularly review the maximum penalty(s) that may be imposed upon a corporation pursuant to section s. 66(2) of the Occupational Health and Safety Act (“OHSA”) to ensure they still satisfy the underlying principles of sentencing under the Act. Study the appropriateness of imposing a minimum fine for OHSA violations directly resulting in the death of a construction worker. Study the appropriateness of imposing a minimum fine for other OHSA violations of s.106 such as instances where a signaller is performing multiple functions.

Coroner’s comment: *The jury heard that the preferred approach to worker safety involves cooperation between employers and workers, with proactive identification and mitigation of potential hazards. Given the fact that employers vary in their implementation of worker safety programs, the existence of meaningful financial penalties for non-compliance should assist in ensuring compliance.*

Proposed Legislative Additions

5. Mandate under the OHSA and/or its Regulations that all construction vehicles, including dump trucks, on a construction site must be equipped with a properly functioning back-up camera.

Coroner’s comment: *The truck involved did not have a backup camera. The evidence was that Mr. Dakaj was struck by the middle of the back of the truck, and he may have been visible to the driver if the truck had a backup camera. Since the death, the employer has equipped its own trucks with backup cameras but does not require them on trucks owned by third parties.*

6. Mandate under the OHSA and/or its Regulations that workers on construction sites must be provided, understand and formally acknowledge written documentation of all existing safety and communication protocols on a worksite. Similarly, risk management strategies and evaluations, as currently contemplated under the OHSA, must be formalized, reduced to writing and readily accessible to all workers.
7. Mandate under the OHSA and/or its Regulations that constructors and employers must hold and document regularly scheduled safety meetings incorporating all workers, employees and/or additional parties who may reasonably be expected to attend at or near a construction site, including third-parties (e.g. pay-duty police officers). A site orientation package listing all existing safety requirements and protocols must be provided to attendees.

8. Mandate under the OHSA and/or its Regulations that all drivers operating a construction vehicle acknowledge in writing the requirements enumerated in ss. 104-106 of the Regulations.
9. Mandate under the OHSA and/or its Regulations that signage including ss. 104-106 be posted on site in areas where vehicles may be regularly operated in reverse.

Coroner's comment on Recommendations 6-9: *Dump truck drivers had not received site-specific training, daily safety briefings, or information on communication with signallers. Such measures would improve safety conditions in such circumstances.*

10. Mandate under the OHSA and/or its Regulations that work on a construction site deemed to require pay-duty officers shall not commence until the pay-duty officers are in place in strict accordance with a pre-established, documented safety and communications plan established by the employer/constructor.

Coroner's comment: *Prior to the start of the workday, the pay duty officers and Mr. Dakaj had not established a clear means of communication between them to indicate when traffic was to be stopped as trucks approached the top of the ramp. While we do not know for sure, it is possible that Mr. Dakaj was crossing the back of the truck to check for traffic on the public road and/or communicate with the pay duty officers when he was struck.*

11. In consultation with the Infrastructure Health & Safety Association ("IHSA"), draft standardized training materials for signalpersons and traffic control persons. Mandate the provision of this training, and periodic refreshment thereof, to signalpersons and traffic control persons by their respective constructor, employer and/or supervisor, as applicable, and in accordance with site-specific requirements prior to the commencement of any work. Documentation of training completion to be maintained on site.

Coroner's comment: *This recommendation would ensure that signallers are better trained and up-to-date on their procedures and duties.*

Additional Recommendations

12. Incorporate safe construction vehicle reversing practices, including the proper use of signalpersons on construction sites, into the standardized DZ licensing curriculum.

Coroner's comment: *The training program of Driver 'A' did not include this important information.*

13. Issue forthwith a province-wide bulletin and/or public awareness campaign — specifically targeting construction workers and heavy equipment operators — reemphasizing the requirements and importance of ss. 104-106 of the Regulations.

Coroner's comment: *The jury heard evidence that compliance with these provisions varies considerably by work site due to factors such as worker education, and pressure to complete tasks quickly.*

To the Ministry of the Solicitor General

14. Minister of the Solicitor General to amend s. 10(5) of the Coroners Act to provide that an inquest must be held as soon as practicable.

Coroner's comment: *This inquest, which was mandatory under legislation, did not begin until almost seven years after Mr. Dakaj's death. While the jury did not hear detailed evidence on the reasons for the delay, the jury heard about:*

- *the impact of the multi-year delay on the family of Mr. Dakaj*
- *how the delay affected memories of witnesses, and*
- *the fact that similar deaths had occurred in the interim.*

To New Alliance and or other Constructor and/or Employer

15. Constructor/Employer to implement, monitor and enforce existing OHS Regulations, specifically relating to reversing vehicles, safe signaling and on-site communication protocols.
16. Constructor/Employer to continually monitor and revise signalperson, driver and traffic control training in accordance with Ministry standards, supplemented as required to meet site-specific requirements.
17. Constructor/Employer to develop protocols as part of the safety plan for safe, consistent communication with third-parties – including the police and other organizations – who may reasonably be expected to interact with site workers in the execution of their duties.

18. Constructor/Employer to develop protocols as part of the safety plan that ensure that new hires, particularly from temporary agencies, meet all Ministry of Labour standards (i.e. are competent as defined in the Regulations) prior to commencing work of any kind on the site.
19. Constructor/Employer to develop protocols as part of the safety plan that ensure a designated stop point with clear signage/markings where construction vehicles enter/intersect a public roadway.
20. Constructor/Employer to develop as part of the safety plan to provide radios to both drivers and signalers where reversing is used as the method of transport.

Coroner's comment for Recommendations 15-20: *The jury, through these specific recommendations to Mr. Dakaj's employer, and to similar constructors and employers in Ontario, appears to be urging them to take action to ensure workplace safety.*

21. Constructor/Employer to post signage in multiple accessible locations containing Whistleblower contact information for workers.

Coroner's comment: *Workers may not have been aware of their legal right to confidentially notify the MOL of an unsafe work activity, or how to exercise this right (such as how to contact the MOL). This signage would ensure worker knowledge of this option.*

To Police Services in Ontario

22. Amend the pay-duty policies of all police services in Ontario to require that any employer or constructor requesting pay duty officers to attend at or near a construction worksite submit to the relevant police service a current Traffic Control Plan and a copy of the employer or constructor's current traffic control and signaller protocols.

Coroner's comment: *There was little or no communication between the employer and the police service with respect to the employer's traffic control and signaller safety protocols. Consequently, the police service had little to communicate to its officers regarding those protocols before the officers commenced their pay duty.*

23. Amend the pay-duty policies of all police services in Ontario to include a provision that any pay duty officer attending at or near a construction worksite in

a pay-duty capacity must be fully informed prior to arrival of the employer/constructor's current traffic control and signaller protocols, as updated by the employer/constructor.

Coroner's comment: *The officers involved had not received site-specific training.*

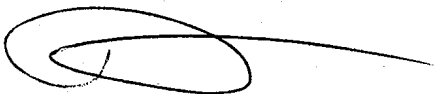
CLOSING COMMENT

In closing, I would like to again express my condolences to the family, loved ones, and co-workers of Ismet Dakaj for their profound loss.

I would like to thank the witnesses and parties to the inquest for their thoughtful participation, and to thank the inquest counsel, investigator, and constable for their hard work and expertise. I would also like to thank the members of the jury for their commitment to the inquest.

One purpose of an inquest is to make, where appropriate, recommendations to help prevent further deaths. Recommendations are sent to the named recipients for implementation and responses are expected within six months of receipt.

I hope that this verdict explanation helps interested parties understand the context for the jury's verdict and recommendations, with the goal of keeping Ontarians safer.



Dr. David S. Eden
Presiding Officer

July 27, 2021

Date

APPENDIX A



STATEMENT OF SCOPE

Inquest into the Death of Ismet DAKAJ

The inquest shall:

- A. Inquire into the facts and circumstances of Ismet DAKAJ's death, including:
 - i. Who was the deceased?
 - ii. When did he come to his death?
 - iii. Where did he come to his death?
 - iv. How did he come to his death?
 - v. By what means did he come to his death?
- B. Insofar as it is relevant to the statutory purposes of the inquest and the facts surrounding the death, examine the prevention of fatal injuries to signallers during truck movements at construction sites, including:
 - i. Regulation of worker health and safety for signallers;
 - ii. Policies, procedures and training for signallers, including prevention of distraction.
- C. The inquest shall not inquire into:
 - i. Emergency response;
 - ii. The prior medical history or treatment of the deceased

APPENDIX B**Occupational Health and Safety Act, Construction Regulations 104-106**

104. (1) Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible. O. Reg. 145/00, s. 27.

(2) Vehicles, machines and equipment at a project shall not be operated in reverse unless there is no practical alternative to doing so. O. Reg. 145/00, s. 27.

(3) Operators of vehicles, machines and equipment shall be assisted by signallers if either of the following applies:

1. The operator's view of the intended path of travel is obstructed.

2. A person could be endangered by the vehicle, machine or equipment or by its load. O. Reg. 145/00, s. 27.

(4) Subsection (3) also applies to shovels, backhoes and similar excavating machines and to cranes and similar hoisting devices. O. Reg. 145/00, s. 27.

(5) The operator and the signaller shall,

(a) jointly establish the procedures by which the signaller assists the operator; and

(b) follow those procedures. O. Reg. 145/00, s. 27.

(6) If subsection (3) applies to the project and it is not possible to carry out the project without some operation of vehicles and equipment in reverse, signs shall be posted at the project in conspicuous places warning workers of the danger. O. Reg. 145/00, s. 27.

105. A dump truck shall be equipped with an automatic audible alarm that signals when the truck is being operated in reverse. O. Reg. 145/00, s. 27.

106. (1) A signaller shall be a competent worker and shall not perform other work while acting as a signaller. O. Reg. 213/91, s. 106 (1).

(1.1) The signaller shall wear a garment that covers at least his or her upper body and has the following features:

1. The garment shall be fluorescent blaze or international orange in colour.

2. On the front and the back, there shall be two yellow stripes that are 5 centimetres wide. The yellow area shall total at least 500 square centimetres on the front and at least 570 square centimetres on the back.

3. On the front, the stripes shall be arranged vertically and centred and shall be approximately 225 millimetres apart, measured from the centre of each stripe. On the back, they shall be arranged in a diagonal “X” pattern.

4. The stripes shall be retro-reflective and fluorescent. O. Reg. 145/00, s. 28.

(1.2) If the garment is a vest, it shall have adjustable fit. O. Reg. 145/00, s. 28.

(1.3) A nylon vest to which this section applies shall also have a side and front tear-away feature. O. Reg. 145/00, s. 28; O. Reg. 345/15, s. 16.

(1.4) In addition, a signaller who may be endangered during night-time hours shall wear retro-reflective silver stripes encircling each arm and leg, or equivalent side visibility-enhancing stripes with a minimum area of 50 square centimetres per side. O. Reg. 145/00, s. 28.

(1.5) The employer shall,

(a) ensure that the signaller has received adequate oral training in his or her duties and has received adequate oral and written instructions in a language that he or she understands; and

(b) keep the written instructions at the project. O. Reg. 145/00, s. 28.

(2) A signaller,

(a) shall be clear of the intended path of travel of the vehicle, machine or equipment, crane or similar hoisting device, shovel, backhoe or similar excavating machine or its load;

(b) shall be in full view of the operator of the vehicle, machine or equipment, crane or similar hoisting device, shovel, backhoe or similar excavating machine;

(c) shall have a clear view of the intended path of travel of the vehicle, machine or equipment, crane or similar hoisting device, shovel, backhoe or similar excavating machine or its load; and

(d) shall watch the part of the vehicle, machine or equipment or crane or similar hoisting device, shovel, backhoe or similar excavating machine or its load whose path of travel the operator cannot see. O. Reg. 213/91, s. 106 (2).

(3) The signaller shall communicate with the operator by means of a telecommunication system or, where visual signals are clearly visible to the operator, by means of prearranged visual signals. O. Reg. 213/91, s. 106 (3).