

CANADA LABOUR CODE
PART II
OCCUPATIONAL SAFETY AND HEALTH

Review under section 146
of the Canada Labour Code, Part II
of a direction issued by a safety officer

Appellant: Bell Canada
Laval, Quebec
Represented by: André L Paiement,
Lawyer

Interested Party: Louis Serge Tremblay
Communications technician
Bell Québec
Ste-Thérèse, Quebec
Represented by: Jacques Reid
Communications, Energy and
Paperworkers Union of Canada (CEP)
Representing CEP National

Mis-en-cause: André Bastien
Safety officer
Labour Canada

Before: Serge Cadieux
Regional Safety Officer
Labour Canada

On October 23, 1992, Louis Serge Tremblay, a communications technician at Bell Canada in Laval, Quebec asserted his right to refuse to work. The reason for his refusal was that the Hydro Québec (HQ) pole on which he was supposed to make a hookup for a subscriber had a red tag. According to Mr Tremblay, HQ puts tags on poles with defective insulators that are likely to break and cause a wire to fall and electrocute someone. The safety officer investigated and upheld Mr Tremblay's refusal. He issued written directions to the employer on November 5, 1992, which are the subject of a request for review.

After meetings between the employer, Bell Canada, and Hydro Québec as well as with the union representing Bell Canada employees, the CEP, occupational safety procedures were developed that were acceptable to the parties concerned.

In view of the fact that an agreement was reached among the parties in this matter, Bell Canada withdrew on April 20, 1993 its request for a review of the directions issued on November 5, 1992 by safety officer André Bastien to Bell Canada. I therefore consider that I am no longer seized of this matter and I declare the case closed.

April 21, 1993

Serge Cadieux
Regional Safety Officer