

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

Applicant: Canada Post Corporation  
Cleveland Avenue Mail Facility  
Saskatoon, Saskatchewan  
Represented by: Mr. Harry Phillips  
Director, Safety, Ergonomics & Industrial Hygiene

Mis-en-Cause: Mr. Phil Wall  
Safety Officer  
Labour Canada

Before: Mr. Serge Cadieux  
Regional Safety Officer  
Labour Canada

On April 29<sup>th</sup>, 1993, safety officer Phil Wall issued a written direction to the Canada Post Corporation following an inspection of the Cleveland Avenue Mail Facility in Saskatoon, Saskatchewan.

The direction was given under subsection 145(1) of the Canada Labour Code, Part II. The safety officer was of the opinion that paragraph 125(a) of the Code and paragraph 2.9(1)(c) of the Canada Occupational Safety and Health Regulations were being contravened. Specifically, the contravention was described as follows:

"Every loading and unloading dock and ramp shall be fitted around its sides that are not used for loading or unloading with side rails, curbs or rolled edges of sufficient height and strength to prevent mobile equipment from running over the edge."

Canada Post requested a review of the direction on May 14<sup>th</sup>, 1993, fifteen days after the written direction was issued to the Corporation. Subsection 146(1) of the Code establishes a mandatory time limit of fourteen (14) days to request a review of a direction. To give the Regional Safety Officer the necessary authority to review the direction, this time limit must not have been exceeded.

According to the evidence submitted, the time limit has been exceeded. Mr. Phillips has confirmed that written and verbal communication with Mr. Wall, regarding a request for review of the direction, took place outside the fourteen (14) day time limit. Consequently, I find that I do not have jurisdiction to review the direction.

For the above reason, I hereby dismiss the request for review of the above-noted direction on the basis that it is untimely.

Decision rendered on July 12, 1993.

Serge Cadieux  
Regional Safety Officer