

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: Correctional Service Canada
Atlantic Institution
Renous, New Brunswick
Represented by: Mr. Dale Cross, Warden

Respondent: Union of Solicitor General Employees
Represented by: Mr. Doug Robichaud, Local President,

Mis en cause: Luc Sarrazin
Safety Officer
Human Resources Development Canada

Before: Serge Cadieux
Regional Safety Officer
Human Resources Development Canada

On March 5th, 1997, safety officer Luc Sarrazin conducted an inspection of the air quality at the work place known as the Atlantic Institution located at Renous, New Brunswick and which is operated by Correctional Service Canada. Pursuant to subsection 145.(1) of the Canada Labour Code (Code), he orally directed the employer to terminate the contravention under section 124 of the Code in that the presence of airborne fungi growth constitutes a hazard to workers. He further directed the employer, pursuant to paragraph 141.(1)(f) of the Code, to develop a preventative maintenance program that will identify and/or control the presence of fungi in the work place and to forward a copy of the said preventative maintenance program to his office by April 30, 1997. The oral direction was confirmed in writing on March 14, 1997.

On March 27, 1997, Mr. Dale Cross, Warden of the Atlantic Institution requested a review of the direction. He argued that the March 5, 1997, oral direction of safety officer Sarrazin did not include the subject or details of the March 14, 1997, written direction. He insisted that the 14 day time limit for appeals to directions, set out in section 146 of the Code, started on March 14, 1997, and not March 5, 1997.

The Regional Safety Officer agreed to hear submissions on the issue of the timeliness of the appeal of the direction. Upon request by the Atlantic Institution the meeting date for this preliminary hearing was delayed until September 8, 1997.

As the Regional Safety Officer responsible to review this matter, I am confirming that on July 8, 1997, Mr. Cross withdrew his appeal of the written direction issued by safety officer Luc Sarrazin on March 14, 1997. This file is closed.

Issued on October 16, 1997.

Serge Cadieux
Regional Safety Officer

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Correctional Service Canada
Atlantic Institution
Renous, New Brunswick

Respondent: Union of Solicitor General Employees

KEYWORDS

Air Quality, fungi, preventative maintenance program.

PROVISIONS

Code: 124, 145(1), 141.(1)(f).

SUMMARY

A safety officer directed Correctional Service Canada, Atlantic Institution, to develop a preventative maintenance program that will identify and/or control the presence of fungi in the work place and to forward a copy of the said preventative maintenance program to his office by April 30, 1997. The Institution requested a review of the direction and, later, a delay of the hearing. On July 8, 1997, the Institution withdrew its appeal. The file was closed by the Regional Safety Officer.