

**CANADA LABOUR CODE**  
**PART II**  
**OCCUPATIONAL SAFETY AND HEALTH**

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

**Decision No.:** 99-017

**Applicant:** L. Breton Transport Ltée  
Marbleton, Quebec  
Represented by: Michel Ferland  
Ferland & Bélair

**Mis-en-cause:** Claude Léger  
Safety Officer  
Human Resources Development Canada

**Before:** Serge Cadieux  
Regional Safety Officer  
Human Resources Development Canada

On May 19, 1999, safety officer Claude Léger conducted an inquiry in the work place operated by L. Breton Transport Ltée. He then issued a direction (annex) to the employer under subsection 145(1) of the *Canada Labour Code*, Part II (hereafter the Code) on May 19, 1999. The safety officer considered that the employer had contravened section 124 of the Code.

On June 2, 1999, L. Breton Transport Ltée requested that this direction be reviewed. On July 14, 1999, the Office of the Regional Safety Officer was officially informed that, following discussions by the parties, L. Breton Transport Ltée was withdrawing its request for review of the above direction.

As the regional safety officer in charge of reviewing this direction, I confirm that L. Breton Transport Ltée has withdrawn its request for a review of the direction issued under subsection 145(1) of the *Code* by safety officer Claude Léger on May 19, 1999. The case is closed.

Decision rendered on August 18, 1999.

[signed]  
Serge Cadieux

Regional Safety Officer

**ANNEX**

**IN THE MATTER OF THE *CANADA LABOUR CODE*  
PART II - OCCUPATIONAL SAFETY AND HEALTH**

**DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)**

On 19 May 1999 the undersigned safety officer conducted an inquiry in the work place operated by L. BRETON TRANSPORT LTEE, being an employer subject to the Canada Labour Code, Part II, at 439 HIGHWAY 255, MARBLETON, QUEBEC.

The said safety officer is of the opinion that the following provision of the Canada Labour Code, Part II, is being contravened:

**1. Section 124.**

**The employer has not ensured that the safety and health at work of every person employed by the employer is protected because the employer has not established a safety procedure for the work performed by its drivers on tank trailers at a height of more than 2.4 metres above the ground.**

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1) of the Canada Labour Code, Part II, to terminate all contraventions by 31 May 1999.

Issued at Montreal, this 19th day of May 1999.

Claude Léger  
Safety Officer 1778

TO: L. BRETON TRANSPORT LTEE  
439 HIGHWAY 255  
MARBLETON, QUEBEC  
J2B 2B0

## **SUMMARY OF REGIONAL SAFETY OFFICER DECISION**

**Decision No.:** 99-017

**Applicant:** L. Breton Transport Ltée  
Marbleton, Quebec

### **KEYWORDS**

Safety procedure, tank trailers.

### **PROVISIONS**

*Code:* 124, 145(1)

*Regulations:* n/a

### **SUMMARY**

A safety officer issued a direction to L. Breton Transport Ltée. The employer requested a review of the direction but subsequently withdrew its request. The case is closed.