

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

Applicant: Cogeco Cable Systems Inc.  
Burlington, Ontario  
Represented by: James K. Knight

Respondent: Caley & Wray  
Toronto, Ontario  
Represented by: Mr. Denis W. Ellickson

Mis-en-cause: Rod Noel  
Safety Officer  
Human Resources Development Canada

Before: Douglas Malanka  
Regional Safety Officer  
Human Resources Development Canada

On January 8 and 12th, 1999 safety Officer Rod Noel conducted an inspection in the work place operated by the Cogeco Cable Systems Inc. The said safety officer was of the opinion that various provisions of the Canada Labour Code, Part II (the Code) were being contravened. He then issued two directions the first one pursuant to paragraphs 145(2)(a) and (b) on January 12, 1999 and another pursuant to subsection 145(1) on January 19, 1999 (see annex).

On January 22, 1999 Cogeco requested a review of the direction issued on January 19, 1999 pursuant to subsection 145(1) of the Canada Labour Code, Part II. On September 17, 1999, the Office of the Regional Safety Officer was formally informed that Cogeco was withdrawing its request for review of the direction.

As the Regional Safety Officer responsible for the review of the direction, I am confirming that Cogeco Cable Systems Inc. has withdrawn its request for review of the direction issued pursuant to subsection 145(1) of the Code by safety officer Rod Noel on January 19, 1999. This file is closed.

Issued on November 15, 1999.

Douglas Malanka  
Regional Safety Officer

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

DIRECTION TO EMPLOYER UNDER SUBSECTION 145(1)

On January 8<sup>th</sup> and 12<sup>th</sup>, 1999, the undersigned safety officer conducted an inspection in the work place operated by COGECO CABLE CANADA INC., being an employer subject to the Canada Labour Code, Part II, at 950 SYSCON RD., BURLINGTON, ONTARIO, the said work place being sometimes known as COGECO.

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

1. Sections 142 and 143 of the Canada Labour Code, Part II

The employer failed to provide all reasonable assistance as required and did obstruct and hinder the safety officer.

2. Paragraph 135(1)(b)

The employer has failed to establish a Joint Health and Safety Committee for each workplace at which there are more than 20 employees as required.

3. Sub-paragraph 125(d)(ii)

The employer has failed to post a health and safety policy.

4. Paragraphs 125.1(b) and 125(q) and Canadian Occupational Safety and Health Regulations X (COSH Reg.) Section 10.14

The employer has failed to establish a hazardous substance workplace education program and to train all employees as required.

5. Paragraphs 125(o) and (p) and COSH Reg. XVII Section 17.4

The employer has failed to prepare an emergency evacuation plan as required.

6. Paragraphs 125(o) and (p) and COSH Reg. XVII Section 17.5

The employer has failed to prepare emergency procedures as required.

7. Paragraphs 125.1(c) and 125(q) COSH Reg. X Sections 10.27 and 10.28

The employer has failed to ensure that hazardous substances in the workplace are identified, stored and controlled as required.

8. Paragraphs 125(o) and (t) and COSH Reg. XVII Section 17.6

The employer has failed to train all employees in emergency procedures and the operation of fire protection equipment as required.

9. Paragraphs 125(f) and (e) and COSH Reg. XVI Sections 16.6 and 16.12

The employer has failed to ensure that the appropriate information is posted regarding the provision of first aid and that required records are kept as required.

10. Paragraphs 125(n) and (u) and COSH Reg. VIII Section 8.3, and Canada Electrical Code Section 26-546

The employer has failed to ensure that the Fibre-Optic Equipment Room (adjacent to the main lunch room) which contains a bank of 12 lead-acid storage batteries is mechanically ventilated as required.

11. Paragraph 125.1(a) and COSH Reg. X Section 10.20

The employer has failed to ensure control of the concentrations of hydrogen gas where batteries are being charged as required.

12. 125(f) and (s) and COSH Reg. XVI Sub-Section 16.8(1)

Eye-wash and shower facilities have not been provided in hazardous locations, such as the battery room, as required.

13. 125(b) and COSH Reg. II Section 2.11

Toe boards and/protective panels have not been provided, as required, where raised storage presents hazards to employees from falling objects.

14. 125(p) and COSH Reg. XIV Paragraph 14.50(3)(f)

Overhead storage of materials on wooden racks constructed in the studio supply room is to be done in a manner that does not present risks to employee safety and health.

15. 125(a) and COSH Reg. II Sub-Section 2.12(1)

Exterior walkways are not being maintained clear of accumulations of ice and snow as required.

16. 125(q) and COSH Reg. IX Sub-Section 9.2(1)

The employer is not ensuring that the areas of the lunchroom behind refrigerators, vending machines and on cupboards is maintained in a clean and hygienic manner as required.

17. 125(g) COSH Reg. IX Paragraph 9.37(c)

The employer is not ensuring that the interior of refrigerators in the employee lunchroom is maintained in a sanitary condition.

Therefore, you are **HEREBY DIRECTED**, pursuant to subsection 145(1) of the Canada Labour Code, Part II, to terminate the contraventions no later than February 12<sup>th</sup>, 1999

Issued at Burlington, Ontario this 19<sup>th</sup> day of January 1999.

ROD NOEL  
Safety Officer # 1768

To: COGECO CABLE CANADA INC.  
950 SYSCON RD.  
BURLINGTON  
ONTARIO  
L7R 4M6

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Cogeco Cable Systems Inc.  
Burlington, Ontario

Respondent: Caley & Wray  
Toronto, Ontario

**KEYWORDS**

Mobile ladder, hazardous substances, emergency evacuation, batteries, eye-wash, exterior walkway.

**PROVISIONS**

Code: 125(a)(b) 125(d)(ii),(e)(f)(g)(q)(n)(o)(p)(s)(t)(u), 125.1(a)(b)(c), 135(1)(b)142, 143, 145(1)

Reg: 2.11, 2.12(1), 8.3, 9.2(1), 9.37(c), 10.14, 10.20, 10.27, 10.28, 14.50(3)(f), 16.6, 16.8(1) 16.12, 17.4, 17.5, 17.6

Canada Electrical Code: 26-546

**SUMMARY**

A safety officer issued two directions to Cogeco Cable Systems Inc. The first direction was issued on January 12, 1999, pursuant to paragraphs 145(2)(a) and (b) and a second was issued on January 19, 1999, pursuant to subsection 145(1) of the Code. Cogeco requested a review of the direction issued on January 19, 1999, pursuant to subsection 145(1) but later withdrew its request. The file was closed.