

*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: Reimer Express Lines Ltd.  
Winnipeg, Manitoba  
Represented by: Mr. J.K. Shostak

Respondent: Teamsters Union  
Local 938  
Winnipeg, Manitoba  
Represented by: Mr. Steve Tylliros

Mis-en-cause: Robert L. Gass  
Safety Officer  
Human Resources Development Canada

Before: Serge Cadieux  
Regional Safety Officer  
Human Resources Development Canada

On July 23, 1999, safety officer Robert L. Gass conducted an inspection in the work place operated by Reimer Express Lines Limited. He then issued a direction (annex) to the employer pursuant to subsection 145(1) of the Canada Labour Code, Part II (hereafter the Code) on July 28, 1999.

On August 11, 1999, Reimer Express Lines Limited requested that this direction be reviewed. On February 23, 2000, the Office of the Regional Safety Officer was formally informed that Reimer Express lines Limited was withdrawing its request for review of the above direction. Mr. Shostak explained that he obtained clarification from the safety officer respecting the scope of application of the direction. Mr. Shostak sought to have the direction apply only to employees of Reimer working on the docks and not to anybody entering onto the dock. The safety officer confirmed in writing to Mr. Shostak that the direction referred only to workers engaged in the loading and unloading of freight on the premises identified in the direction. The clarification given by the safety officer was satisfactory to the Company and on this basis, Mr. Shostak indicated he was withdrawing the request for review of the direction.

As the Regional Safety Officer charged with the review of the direction, I explained that the clarification obtained from the safety officer did not bind the Regional Safety Officer in the future and should not be construed as an endorsement by him of the safety officer's interpretation and

clarification of the direction. I indicated that upon review of the direction or any other similar direction, the Regional Safety Officer could arrive at a totally different conclusion from that of the safety officer. Nonetheless, Mr. Shostak indicated that the clarification obtained from the safety officer was satisfactory to them and that on this basis they were withdrawing their request for review.

As the Regional Safety Officer in charge of reviewing this direction, I confirm, that Reimer Express Lines Limited has withdrawn its request for a review of the direction issued pursuant to subsection 145(1) of the Code by safety officer Robert L. Gass on July 28, 1999. This case is closed.

Decision rendered on February 25, 2000

Serge Cadieux  
Regional Safety Officer

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

DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)

On July 23, 1999, the undersigned safety officer conducted an inspection in the work place operated by Reimer Express Lines Limited, an employer subject to the Canada Labour Code, Part II at the terminal building on 5919 Shawson Drive, Mississauga, Ontario

The said safety officer is of the opinion that the following provisions of the Canada Labour Code - Part II is being contravened.

- 1) Paragraph 125(p) of the Canada Labour Code - Part II and paragraph 14.41(1)(a) of the Canada Occupational Safety and Health Regulations.

The employer failed to provide a clearly marked aisle for the exclusive use of pedestrians.

- 2) Paragraph 125(v) of the Canada Labour Code - Part II and subsection 12.5(1) of the Canada Occupational Safety and Health Regulations.

The employer failed to ensure that employees on the dock wear protective footwear that meets C.S.A. Standard A195M1984, Protective Footwear.

Therefore, you are hereby directed, pursuant to paragraph 145(1) of the Canada Labour Code - Part II to terminate the contravention by August 18, 1999.

Issued at Toronto on July 28, 1999.

Robert L. Gass  
Safety Officer #2012

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Reimer Express Lines Ltd.  
Winnipeg, Manitoba  
Represented by: Mr. J.K. Shostak

Respondent: Teamsters Union  
Local 938  
Winnipeg, Manitoba  
Represented by: Mr. Steve Tylliros

KEYWORDS:

Marked aisle, pedestrians, protective footwear.

PROVISIONS:

*Code:* Code: 125(p)(v), 145(1)

*Regulations:* 12.5(1), 14.41(1)(a)

SUMMARY:

A safety officer issued a direction to Reimer Express Lines Limited. The employer requested a review of the direction but subsequently withdrew its request. The case is closed.