

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: Transport Canada, Canso Canal
Fisheries and Oceans
Represented by: Ms. T.D. (Donnie) Bricault

Mis-en-cause: Bill Gallant
Safety Officer
Human Resources Development Canada

Before: Serge Cadieux
Regional Safety Officer
Human Resources Development Canada

On January 27, 2000 safety officer Bill Gallant conducted an inspection in the work place operated by Transport Canada, Canso Canal. At the time of the inspection, work was being conducted on the south dock of the canal. The safety officer observed persons working without fall protection equipment. He also noted that the guardrail did not comply with the requirements of the legislation. 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 January 27, 2000.

On February 8, 2000 the Department of Fisheries and Oceans requested that this direction be reviewed. On March 14, 2000, the Office of the Regional Safety Officer was formally informed that Department of Fisheries and Oceans was withdrawing its request for review of the above direction.

As the Regional Safety Officer in charge of reviewing this direction, I confirm, that Department of Fisheries and Oceans has withdrawn its request for a review of the direction issued pursuant to subsection 145(1) of the Code by safety officer Bill Gallant on January 27, 2000. This case is closed.

Decision rendered on March 30, 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 January 27, 2000, the undersigned safety officer conducted an inspection in the work place operated by TRANSPORT CANADA, being an employer subject to the Canada Labour Code, Part II, at Canso Canal, Port Hastings, Nova Scotia, the said work place being sometimes known as Canso Canal.

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

1. Paragraph 125(v) of the Canada labour Code, Part II, Section 12.10 of the Canada Occupational Safety and Health Regulations

Persons are working from an unguarded structure that is more than 2.4m above the nearest permanent safe level. Persons are working on the South Gates of the Canal and the edges of the canal where the canal has been damned and drained, exposing a 13m drop. Fall protection systems are not being used.

2. Paragraph 125(r) of the Canada Labour Code, Part II, subsection 3.8(2) of the Canada Occupational Safety and Health Regulations

The guard rail of the walkway along the top of the dam located to the South of the South gate of the canal does not meet the requirements for guard rails. The top rail is constructed of slack wire rope, there is no toe board.

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1) of the Canada Labour Code, Part II, to terminate the contravention No. 1, no later than January 27th, 2000 and contravention No. 2 no later than February 4th, 2000.

Issued at Port Hastings, this 27th day of January 2000.

Bill Gallant
Safety Officer
1829

To: TRANSPORT CANADA
CANSO CANAL
Canso Canal
Port Hastings, Nova Scotia, B0E 2T0

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Transport Canada, Canso Canal
Fisheries and Oceans
Represented by: Ms. T.D. (Donnie) Bricault

KEYWORDS

Unguarded structure, dam, fall protection system.

PROVISIONS

Code: Code: 125(v)(r), 145(1)

Regulations: 3.8(2), 12.10

SUMMARY

A safety officer issued a direction to Transport Canada, Canso Canal. The employer requested a review of the direction but subsequently withdrew its request. The case is closed.