

*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:                                   Regroupement des travailleurs(euses) du Québec  
Montreal, Quebec  
Represented by: Normand Nault

Respondent:                               Sécur  
Montreal, Quebec

Mis-en-cause:                           Pierre Morin  
Safety Officer  
Human Resources Development Canada

Before:                                    Michèle Beauchamp  
Regional Safety Officer  
Human Resources Development Canada

On September 28, 2000, the Office of the Regional Safety Officer was seized of a request for a review of a decision by safety officer Pierre Morin from Mr. Nault and the Regroupement des travailleurs(euses) du Québec. The safety officer had decided further to a refusal to work by Nathalie Dagenais and Éric Routhier, both Sécur employees, on September 5, that danger did not exist. He had rendered his decision orally on September 8, 2000, and confirmed it in writing on September 12.

As regional safety officer responsible for this matter, I am informing Mr. Nault and the Regroupement des travailleurs(euses) du Québec of the following.

Until September 29, 2000, subsection 129(5) of the “old” Part II of the *Canada Labour Code* stated that any request for reference of a decision that no danger exists was to be made to the Canada Industrial Relations Board within seven days of receiving notice of the safety officer’s decision. This provision of the Code appears in the report of investigation and decision that Mr. Morin issued to the two employees concerned on September 12, 2000.

Also until September 29, 2000, section 146 allowed a regional safety officer to hear only requests for review of a direction made by an employer, employee or trade union that felt aggrieved by such a direction. This provision also appears in the report of investigation and decision issued by Mr. Morin to the employees.

The “new” Part II of the Code assigns new powers to the appeals officer (the regional safety officer under the “old” Part II). In addition to the authority to hear appeals from directions issued by a safety officer, the new subsection 129(7) now also allows the appeals officer to hear appeals from “no danger” decisions.

For this reason, whereas:

- the decision issued by the safety officer to the two employees was a finding of no danger under the “old” Part II of the *Canada Labour Code*;
- the safety officer rendered his decision before the “new” Part II came into force;
- the safety officer did not issue a direction to the employer in respect of the refusal to work;
- the request for review of the decision made by Mr. Nault and the Regroupement des travailleurs(euses) du Québec was received by the Office of the Regional Safety Officer before the “new” Part II came into force; and
- in the absence of a direction, the regional safety officer had no authority to hear the request at the time the Office of the Regional Safety Officer received it;

the request for review of the decision of no danger submitted by Normand Nault and the Regroupement des travailleurs(euses) du Québec is dismissed.

Under the circumstances, only the Canada Labour Relations Board, in my opinion, has the authority to be seized of this request.

Decision rendered on October 17, 2000

Michèle Beauchamp  
Regional Safety Officer

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Regroupement des travailleurs(euses) du Québec  
Montreal, Quebec  
Represented by: Normand Nault

Respondent: Sécur  
Montreal, Quebec

**KEY WORDS**

No danger, regional safety officer, appeals officer, old Part II, new Part II

**PROVISIONS**

*Code:* 122(1), 129(5), 129(7), 146

*Regulations:* N.A.

**SUMMARY**

Appeal from a decision of no danger rendered under the “old” Part II of the *Canada Labour Code*, before the “new” Part II came into force on September 30, 2000. The regional officer was not allowed to be seized of the appeal at the time it was received. Since September 30, 2000, the appeals officer, and no longer the Canada Labour Relations Board, hears appeals from decisions of no danger. The request for review is dismissed.