

CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

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

Applicant: Atomic Energy of Canada Limited
Chalk River Laboratories
Represented by: Mr. Neil Kuisma

Respondent: Power Workers Union
Atomic Energy of Canada
Chalk River Laboratories
Represented by: Mr. Jim Arnott

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

Before: Michèle Beauchamp
Appeals Officer
Human Resources Development Canada

As a result of several visits conducted since October 1999 in the work place operated by Atomic Energy of Canada Limited at Chalk River Laboratories, safety officer Pierre Guénette issued, on June 29, 2000, two directions (appendix 1 and 2) to the employer pursuant to paragraphs 145(2)(a) and (b) of the *Canada Labour Code*, Part II, in effect prior to the revised Part II of the *Code* coming into force on September 30, 2000.

On July 18, 2000, Atomic Energy of Canada Limited requested that the directions be reviewed. On November 10, 2000, the Office of the Appeals Officer (previously known as the Office of the Regional Safety Officer) was formally informed by Atomic Energy of Canada Limited that it was withdrawing its request for review of the directions.

As the Appeals Officer (formally known, under the "old" Part II of the *Canada Labour Code*, as the Regional Safety Officer) charged with the review of these directions, I confirm that Atomic Energy of Canada Limited has withdrawn its request for a review of the directions issued pursuant to paragraphs 145(2)(a) and (b) of the *Code* by safety officer Pierre Guénette on June 29, 2000. This case is closed.

Decision rendered on November 30, 2000.

Michèle Beauchamp
Appeals Officer

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

DIRECTION TO THE EMPLOYER UNDER PARAGRAPHS 145(2)(a) AND (b)

Since October 28th, 1999, the undersigned safety officer conducted an investigation in the work place operated by ATOMIC ENERGY OF CANADA LTD., being an employer subject to the Canada Labour Code, Part II, at CHALK RIVER LABORATORIES, DEEP RIVER, ONTARIO, the said work place being sometimes known as Chalk River Laboratories.

The said safety officer considers that a condition in any place constitutes a danger to an employee while at work:

The employer has not identified in room # 1 of Building 220 as a confined space as defined in section 11.1 of the Canada Occupational Safety and Health Regulations. The room is a partially enclosed space that is not designed or intended for human occupancy except for the purpose of performing work; the room has a restricted means of access and egress (the access to room # 1 is an opening of 3x3 feet square); and may become hazardous to any person entering it owing to plutonium dust and the radioactive atmosphere in it.

The employer has not conducted a hazard assessment of room # 1 of Building 220, as required by Paragraph 125(p) of the Canada Labour Code, Part II, and Section 11.2 of the Canada Occupational Safety and Health Regulations.

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(2)(a) of the Canada Labour Code, Part II, to protect any person from the danger no later than June 29, 2000.

You are HEREBY FURTHER DIRECTED, pursuant to paragraph 145(2)(b) of the Canada Labour Code, Part II, not to use or operate the place in respect of which the notice of danger n° 0434 has been affixed pursuant to subsection 145(3), until this direction has been complied with.

Issued at Ottawa, this 29th day of June, 2000.

Pierre Guénette
Safety Officer

To: ATOMIC ENERGY OF CANADA LTD.
CHALK RIVER LABORATORIES
DEEP RIVER, ONTARIO
K0J 1J0

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

DIRECTION TO THE EMPLOYER UNDER PARAGRAPHS 145(2)(a) AND (b)

Since October 28th, 1999, the undersigned safety officer conducted an investigation in the work place operated by ATOMIC ENERGY OF CANADA LTD., being an employer subject to the Canada Labour Code, Part II, at CHALK RIVER LABORATORIES, DEEP RIVER, ONTARIO, the said work place being sometimes known as Chalk River Laboratories.

The said safety officer considers that a condition in any place constitutes a danger to an employee while at work:

The employer has not identified in room # 1 of Building 220 as a confined space as defined in section 11.1 of the Canada Occupational Safety and Health Regulations. The room is a partially enclosed space that is not designed or intended for human occupancy except for the purpose of performing work; the room has a restricted means of access and egress (the access to room # 1 is an opening of 3x3 feet square); and may become hazardous to any person entering it owing to plutonium dust and the radioactive atmosphere in it.

The employer has not established confined space entry procedures for room # 1 of Building 220, as required by Paragraph 125(p) of the Canada Labour Code, Part II, and Section 11.3 of the Canada Occupational Safety and Health Regulations.

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(2)(a) of the Canada Labour Code, Part II, to protect any person from the danger no later than June 29, 2000.

You are HEREBY FURTHER DIRECTED, pursuant to paragraph 145(2)(b) of the Canada Labour Code, Part II, not to use or operate the place in respect of which the notice of danger n° 0435 has been affixed pursuant to subsection 145(3), until this direction has been complied with.

Issued at Ottawa, this 29th day of June, 2000.

Pierre Guénette
Safety Officer

To: ATOMIC ENERGY OF CANADA LTD.
CHALK RIVER LABORATORIES
DEEP RIVER, ONTARIO
K0J 1J0

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Atomic Energy of Canada Limited
Chalk River Laboratories
Represented by: Mr. Neil Kuisma

Respondent: Power Workers Union
Atomic Energy of Canada
Chalk River Laboratories

KEYWORDS

Confined space; hazard assessment; danger

PROVISIONS

Code: Code: 125(p), 145(2)(a) and (b), 145(3)

Regulations: 11.1, 11.2, 11.3

SUMMARY

A safety officer issued to Atomic Energy of Canada Ltd. two directions for danger under paragraphs 145(2)(a) and (b) of the *Canada Labour Code*, Part II, in effect prior to the revised Part II of the *Code* coming into force on September 30, 2000. The directions related to confined space entry procedures and hazard assessment. The employer requested a review of the directions but subsequently withdrew it. The case is closed without further consideration.