

Canada Labour Code
Part II
Occupational Health and Safety

Canadian National Railway
applicant

Decision No.: 05-010
February 25, 2005

This case was decided by Pierre Rousseau, appeals officer.

This case concerns an appeal made on January 19, 2005 by L. Michel Huart, General Counsel of Canadian National, under sections 146. (1) of the *Canada Labour Code* (the *Code*), Part II.

[1] The appeal was made as a result of the direction issued on January 6, 2005 by health and safety officer Shannon Carpenter, following an investigation into a fatality of a Canadian National Railway employee at the work place operated by Canadian National Railway, at mile 717.0 Fort St. John subdivision, the said workplace sometimes known as Taylor yard, British Columbia.

[2] The said direction was mentioning that:

The said health and safety officer is of the opinion that the following activities constitutes [sic] a danger to employees while at work:

Entraining and detraining on or off moving equipment is a danger as employees may not always be able to maintain a firm hand grip or proper footing.

Employees may not always be able to accurately judge the speed of equipment and may attempt to entrain or detrain at a speed that is not conducive to safety.

Therefore, you are **HEREBY DIRECTED**, PERSUANT TO PARAGRAPH 145 (2) OF THE *Canada Labour Code*, Part II, to take **immediate** measures to alter the activity that constitutes a danger.

Issued at New Westminster, this 6th day of January 6 [sic], 2005.

Shannon Carpenter
Health and Safety Officer
ID No: W4060

[3] On February 24, 2005 M. Huart sent a facsimile to advise Ms. Paris of the Canada Appeals Office that the parties having resolved the matter in a satisfactory manner, CN wishes to withdraw its Notice of Appeal with respect to the direction dated January 6, 2005 at the work place located at mile 717.0 Fort St. John subdivision, Taylor Yard, British Columbia.

[4] I hereby accept the employers' withdrawal and confirm that the file is closed.

Pierre Rousseau
Appeals Officer

Summary of Decision

Decision No. 05- 010

Applicant: Canadian National Railway

Key Words: Direction, fatality, entraining, detraining, moving equipment

Provisions: *Code 146. (1)*
Regulations:

Summary:

The applicant appealed a direction on entraining and detraining on or off moving equipment issued by a health and safety officer, following an investigation into a fatality. The applicant further withdrew his appeal and the appeals officer closed the file.