

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: Royal Canadian Mounted Police (RCMP)  
"H" Division  
Halifax, Nova Scotia  
Represented by: Chief/Superintendent S.A. Duncan

Respondent: Mr. Murray Brown  
Royal Canadian Mounted Police

Mis en cause: W.D. Gallant  
Safety Officer  
Human Resources Development Canada

Before: Serge Cadieux  
Regional Safety Officer  
Human Resources Development Canada

**Background**

On November 30, 1997, constable L.J.F. Carriere of the RCMP was conducting an underwater search of a vessel with other members of the force when he suffered a fatal accident. The cause of death was determined to be drowning. The safety officer's report informs us that a hazardous occurrence investigation was initiated and information relating to the accident was gathered particularly as it concerned the use of certain diving equipment. The safety officer considered the use of this equipment to constitute a danger to employees at work and issued a direction (see APPENDIX) to the RCMP under paragraph 145(2)(a) of the Canada Labour Code, Part II (the Code) to protect any person from the danger identified in the direction.

On January 5, 1998, Mr. D.L. Bishop, Assistant Commissioner, requested a review of the direction to HRDC's (Human Resources Development Canada) regional staff. The request was properly forwarded to the Office of the Regional Safety Officer for action. In a follow-up letter dated March 10, 1998, Mr. Bishop withdrew the request for review of the direction on behalf of the RCMP.

As the Regional Safety Officer seized of the request for review, I am confirming that the Royal Canadian Mounted Police "H" Division has withdrawn its request to have the direction, issued on December 23, 1997, by safety officer W.D. Gallant, reviewed. I am no longer seized of this case. I declare this file closed.

Issued on April 21, 1998.

Serge Cadieux  
Regional Safety Officer

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

DIRECTION TO THE EMPLOYER UNDER PARAGRAPH 145(2)(a)

On December 23, 1997, the undersigned safety officer conducted an investigation into the fatal accident of Cst. L.J.F. Carriere that occurred on November 30, 1997, at the Little Narrows Gypsum Plant. The ROYAL CANADIAN MOUNTED POLICE (RCMP), is an employer subject to the Canada Labour Code Part II.

The said safety officer considers that the use or operation of the machine or thing constitutes a danger to an employee while at work:

The use of an AGA mask without a reserve supply, independent of the primary air supply is a danger.

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(2)(a) of the Canada Labour Code, Part II, to protect any person from danger immediately.

Issued at Sydney, this 23<sup>rd</sup> day of December, 1997.

W.D.GALLANT  
Safety Officer  
1829

TO: ROYAL CANADIAN MOUNTED POLICE (RCMP)  
P.O. Box 2286  
Halifax  
Nova Scotia  
B3J 3E1

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Royal Canadian Mounted Police (RCMP)

Respondent: Mr. Murray Brown  
Royal Canadian Mounted Police

**KEYWORDS**

Diving, RCMP, withdraw.

**PROVISIONS**

Code: 145(2)(a).

**SUMMARY**

A direction was issued to the RCMP following the drowning of an officer during a diving operation. The request for review was withdrawn before the case was heard. The file was closed.