

*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: Canadian Heritage, Parks Canada  
Trent-Severn Waterway Headquarters  
Peterborough, Ontario  
Represented by: Fred Alyea

Respondent: Safety and Health Committee  
Represented by: Mr. Doug Neals

Mis-en-cause: Cathie Del Vecchio  
Safety Officer  
Human Resources Development Canada

Before: Douglas Malanka  
Regional Safety Officer  
Human Resources Development Canada

On September 7<sup>th</sup>, 1999, safety officer Cathie Del Vecchio conducted an inquiry following the refusal to work made by an employee of Canadian Heritage, Parks Canada Trent-Severn Waterway. On September 8<sup>th</sup>, 1999 she then issued two directions (annex I and II) to the employer, the first pursuant to subsection 145(1) and the other pursuant to paragraph 145(2)(a) of the *Canada Labour Code*, Part II (hereafter the Code).

On September 21<sup>st</sup>, 1999, Canadian Heritage, Parks Canada Trent-Severn Waterway requested that the directions be reviewed. On November 5<sup>th</sup>, 1999, the Office of the Regional Safety Officer was officially informed that Canadian Heritage, Parks Canada Trent-Severn Waterway, was withdrawing its request for review of the above directions.

As the regional safety officer in charge of reviewing this direction, I confirm that Canadian Heritage, Parks Canada Trent-Severn Waterway has withdrawn its request for a review of the directions issued pursuant to subsection 145(1) and paragraph 145(2)(a) of the *Code* by safety officer Cathie Del Vecchio on September 8<sup>th</sup>, 1999. The case is closed.

Decision rendered on December 13, 1999.

Douglas Malanka  
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 September 7<sup>th</sup>, 1999, the undersigned safety officer conducted an inquiry in the work place operated by CANADIAN HERITAGE, PARKS CANADA being an employer subject to the Canada Labour Code, Part II, at PETERBOROUGH LIFT LOCK, C/O BOX 567, ASHBURNHAM DRIVE, PETERBOROUGH, ONTARIO, the said work place being sometimes known as Peterborough Lift Lock # 21.

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

1. Paragraph 125(o) (refer to paragraph 12.11(2)(d) of the Canada Occupational Safety and Health Regulations)

There were no written emergency procedures prepared by the employer in work place where there is a hazard of drowning.

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1) of the Canada Labour Code, Part II, to terminate the contravention no later than **October 5, 1999**.

Issued at Toronto, this 8<sup>th</sup> day of September 1999.

Cathie Del Vecchio  
Safety Officer

To: CANADIAN HERITAGE  
PARKS CANADA/TRENT SEVERN WATERWAY  
C/O BOX 567, ASHBURNHAM DRIVE,  
PETERBOROUGH, ONTARIO  
K9J 6Z6

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

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

On September 7<sup>th</sup>, 1999, the undersigned safety officer conducted an inquiry following the refusal to work made by Ed Donald in the work place operated by CANADIAN HERITAGE PARKS CANADA being an employer subject to the Canada Labour Code, Part II, at PETERBOROUGH LIFT LOCK, C/O BOX 567, ASHBURNHAM DRIVE, PETERBOROUGH, ONTARIO, the said work place being sometimes known as Peterborough Lift Lock # 21.

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

***Ed Donald was to perform his duties as lock operator in a workplace where there is a hazard of drowning and there was no qualified person available to operate all the emergency equipment provided. (Canada Labour Code, Part II paragraph 125(o) and Canada Occupational Safety and Health Regulations paragraph 12.11(2)(b).***

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 Toronto, this 8<sup>th</sup> day of September 1999.

Cathie Del Vecchio  
Safety Officer

To: CANADIAN HERITAGE  
PARKS CANADA/TRENT SEVERN WATERWAY  
C/O BOX 567, ASHBURNHAM DRIVE,  
PETERBOROUGH, ONTARIO  
K9J 6Z6

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Canadian Heritage, Parks Canada  
Trent-Severn Waterway Headquarters  
Peterborough, Ontario

Respondent: Safety and Health Committee

**KEYWORDS**

Lock operator, safety procedure, drowning, emergency procedures.

**PROVISIONS**

*Code:* 125(o), 145(1), 145(2)(a)

*Regulations:* 12.11(2)(d)

**SUMMARY**

A safety officer issued two directions to Canadian Heritage, Parks Canada, Trent-Severn Waterway. The employer requested a review of the directions but subsequently withdrew its request. The case is closed.