

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: Canada Post Corporation  
Dieppe, New Brunswick  
Represented by: L.J. Stewart

Respondent: Canadian Union of Postal Workers  
Represented by: Ron Paschal

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

Before: Serge Cadieux  
Regional Safety Officer  
Human Resources Development Canada

On April 16<sup>th</sup>, 1998 safety Officer Pierre St-Arnauld conducted an inquiry in the work place operated by Canada Post Corporation. He then issued a direction to the employer under subsection 145(1) on April 28, 1998. The safety officer was of the opinion that subparagraph 147(a)(iii) of the Canada Labour Code, Part II (hereafter the Code) was being contravened. Disciplinary action was taken against Mr. Joel Foster as a result of a request for training.

On May 6, 1998, Canada Post requested a review of the direction. It argued that disciplinary actions were taken against Mr. Joel Foster following his request for an evaluation to determine whether further training was necessary. The employer determined that Mr. Foster had already undergone a full training program for the operation of a fork truck (LR7). A hearing was scheduled to take place on February 10, 1999 in Moncton, New Brunswick. On February 3, 1999, the Office of the Regional Safety Officer was formally informed that, following discussions amongst the parties, Canada Post was withdrawing its request for review of the above-noted direction.

As the Regional Safety Officer responsible for the review of this direction, I am confirming that Canada Post Corporation has withdrawn its request for review of the direction issued under subsection 145(1) of the Code by safety officer Pierre St-Arnauld on April 28, 1998. This file is closed.

Issued on February 5, 1999.

Serge Cadieux  
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 April 16<sup>th</sup>, 1998, the undersigned safety officer conducted an inquiry in the work place operated by CANADA POST CORPORATION, being an employer subject to the Canada Labour Code, Part II, at 680 MALENFANT BLVD., DIEPPE INDUSTRIAL PARK, DIEPPE, N.B., the said work place being sometimes known as Greater Moncton Postal Facility.

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

1. subsection 147(a)(iii) of the Canada Labour Code, Part II.

Disciplinary action was taken against Mr. Joel Foster as a result of a request for training.

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1) of the Canada Labour Code, Part II, to terminate the contravention no later than May 1<sup>st</sup>, 1998.

Issued at Moncton, this 28<sup>th</sup>, day of April 1998.

PIERRE ST-ARNAULD  
Safety Officer  
1753

To: CANADA POST CORPORATION  
680 MALENFANT BLVD.  
DIEPPE INDUSTRIAL PARK  
DIEPPE, N.B.  
E1A 5V0

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Canada Post Corporation  
Dieppe, N.B.

Respondent: Canadian Union of Postal Workers

**KEYWORDS**

Disciplinary action, evaluation, training.

**PROVISIONS**

Code: 145(1), 147(a)(iii)

Reg: n/a

**SUMMARY**

A safety officer gave a direction to Canada Post Corporation. The Corporation requested a review of the direction but withdrew its request shortly before the hearing. The file was closed.