

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: Fisheries and Oceans  
Ottawa, Ontario  
Represented by: Max Birch

Mis-en-cause: Fred M. Bullen  
Safety Officer  
Human Resources Development Canada

Before: Serge Cadieux  
Regional Safety Officer  
Human Resources Development Canada

On March 17, 1999 safety Officer Fred M. Bullen conducted an inquiry in the work place operated by the Department of Oceans Canada regarding two incidents involving Mr. Julian Wicksteed, the first occurring July 18, 1998, the second occurring September 3, 1998. He then issued two directions. The first one to the M.V. Ricker under subsections 145(1) on May 18, 1999. He also issued a second direction to the employer under paragraph 141(1)(f) on May 18, 1999.

On May 31<sup>st</sup>, 1999 the Department of Fisheries and Oceans requested a review of the two directions. On June 9, 1999, the Office of the Regional Safety Officer was formally informed that the Department of Fisheries and Oceans was withdrawing its request for review of the above-noted directions.

As the Regional Safety Officer responsible for the review of these directions, I am confirming that the Department of Fisheries and Oceans has withdrawn its request for review of the directions issued under subsection 145(1) and under paragraph 141(1)(f) of the Code by safety officer Fred Bullen on May 18, 1999. This file is closed.

Issued on June 17, 1999.

Serge Cadieux  
Regional Safety Officer

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

DIRECTION TO THE M.V. RICKER UNDER SUBSECTION 145(1)

On March 17, 1999, the undersigned safety officer conducted an inquiry regarding two incidents involving Mr. Julian Wicksteed, the first occurring July 18, 1998, the second occurring September 3, 1998, in the work place operated by Department of Oceans Canada, being an employer subject to the *Canada Labour Code*, Part II, at Nanimo(sic), British Columbia, the said work place being sometimes known as C.C.C.G.W.E. Ricker.

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

Section 124, Canada Labour Code, Part II

The employer failed to exercise supervisory control over the work place by permitting an employee to enter an operations zone while fishing activities were underway.

Therefore, you are **HEREBY DIRECTED**, pursuant to subsection 145(1) of the *Canada Labour Code*, Part II, to terminate the contravention(s) no later than May 18, 1999.

Issued at Nanaimo, this 18<sup>th</sup>, day of April 1999.

Fred M. Bullen  
Safety Officer  
Id No

To: THE MINISTER OF FISHERIES AND OCEANS  
344 SLATER ST..  
OTTAWA, ONTARIO. K1A 0N7

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

DIRECTION TO THE EMPLOYER UNDER PARAGRAPHS 141(1)(F)

On March 17, 1999, the undersigned safety officer conducted an inquiry regarding two incidents involving Mr. Julian Wicksteed, the first occurring July 18, 1998, the second occurring September 3, 1998, in the work place operated by Department of Oceans Canada, being an employer subject to the *Canada Labour Code*, Part II, at Nanimo(sic), British Columbia, the said work place sometimes known as C.C.C.G.W.E. Ricker.

Therefore, you are **HEREBY DIRECTED** pursuant to paragraph 141(1)(f) of the *Canada Labour Code*, Part II, to produce, no later than JUNE 15, 1999, the documents and information relating to the safety and health of your employees or to the work place which are identified below, and to permit the said safety officer to examine and make copies of extracts of such documents and information.

- 1) all maintenance records for the Main Trawl Winch and the Guildline CTD Winch;
- 2) all records relating to the training curriculum, schedules of training, and names of persons trained, to operate the Main Trawl Winch and the Guildline CTD Winch; and
- 3) the manufacturers design and operating specifications for the Main Trawl Winch and the Guildline CTD Winch.

Issues in Nanaimo, this 18<sup>th</sup> day of May 1999.

Fred M. Bullen

Safety Officer

Id No

3355

To: THE MINISTER OF FISHERIES AND OCEANS  
344 SLATER ST..  
OTTAWA, ONTARIO. K1A 0N7

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Fisheries and Oceans  
Ottawa, Ontario

**KEYWORDS**

Trawl Winch, Guildline CTD Winch.

**PROVISIONS**

Code: 145(1), 141(1)(f)

Reg: n/a

**SUMMARY**

A safety officer gave two directions to Fisheries and Oceans. The Department requested a review of the directions but withdrew its request. The file was closed.