

CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

Review under section 146 of the *Canada Labour Code*, Part II,
of a direction given by a safety officer

Applicant: Thunder Bay Telephone
Thunder Bay Ontario
Represented by: Mr. Stephen J. Wojciechowski

Respondent: International Brotherhood of
Electrical Workers, Local 339
Represented by: Mr. Jim Howie

Mis-en-cause: Greg Garron
Safety Officer
Human Resources Development Canada

Before: Douglas Malanka
Appeals Officer
Human Resources Development Canada

Following his investigation into a fatality at the work site operated by Tower Light Limited, safety officer Greg Garron issued a direction to the employer on August 24, 2000, pursuant to paragraph 141(1)(f) of the *Canada Labour Code*, Part II. See appendix.

On August 30, 2000, Thunder Bay Telephone requested that the direction be reviewed and then withdrew their request on November 30, 2000.

I hereby confirm that Thunder Bay Telephone has withdrawn its request for a review of the direction in the absence of any reasons for doing otherwise I close the file on this case.

Decision rendered on January 8, 2001.

Douglas Malanka
Appeals Officer

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

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

On December 16, 1999, the undersigned safety officer commenced an investigation into the fatality of Mr. Robert Merritt at the work site operated by Tower Light Ltd., an employer subject to the Canada Labour Code, Part II, whose workplace is located at 661 Vienna Street, Thunder Bay, Ontario. During the course of the investigation the undersigned safety officer requested a copy of two documents from the work place operated by the Thunder Bay Telephone Department, an employer subject to the Canada Labour Code, Part II, at 1050 Lithium Drive, Thunder Bay, Ontario, the said work place being sometimes known as Thunder Bay Telephone.

The undersigned safety officer received a letter dated August 4, 2000 from ERYOU Barristers declining the production of the documents requested.

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 141(1)(f) of the Canada Labour Code, Part II, to produce, no later than August 31, 2000, the documents and information relating to the safety and health of your employees or to the safety of the work place which are identified below, and to permit the said safety officer to examine and make copies or extracts of such documents and information.

1. The accident investigation report conducted by the Electrical Utilities Safety Association
2. The Policy on Contractor Safety and Certificate of Compliance referenced on Page 2 of Form of Tender 97/99 Fabrication And Construction Of Reinforcement And Additions To Towers in Nestor Falls, Fort Frances, Atlkokan and Finland, Ontario for the Provision of Cellular Service - Thunder Bay Telephone Department.

Issued at Toronto, this 24th day of August 2000.

Greg Garron
Safety Officer # 1956

To: Thunder Bay Telephone
1050 Lithium Drive
Thunder Bay, Ontario
P7B 6G3

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

Applicant: Thunder Bay Telephone
Thunder Bay Ontario

Respondent: International Brotherhood of
Electrical Workers, Local 339

KEYWORDS

Fatality, accident investigation, documents, investigation report.

PROVISIONS

Code: Code: 141(1)(f)

SUMMARY

Following his investigation into a fatality at the work site operated by Tower Light Limited, safety officer Greg Garron issued a direction to the employer on August 24, 2000 pursuant to paragraph 141(1)(f) of the *Canada Labour Code*, Part II. The employer requested a review of the direction but subsequently withdrew its request. The case is closed.