

Canada Labour Code
Part II
Occupational Health and Safety

**TELUS Corporation, TELUS
Communications Inc., TELUS Services
Inc. and TELUS Enterprise Solutions
Partnership (Collectively, « TELUS »)**
Applicant

and

R. Wayne Bennetts
Employee

Decision No.: 04-008
March 15, 2004

[1] This case concerns an appeal under subsection 146(1) of the *Canada Labour Code*, Part II (the *Code*) of a direction (Appendix) for 2 contraventions issued under paragraph 145(1) of the *Code* on October 2nd, 2002, to TELUS. Mr. R. Wayne Bennetts is the Employee Co-Chair, TELUS Policy Health and Safety Committee. The direction was issued to TELUS following an investigation conducted by a health and safety officer on October 2, 2002, into a complaint arising out of the Policy Committee for TELUS. The complaint was regarding the notification of employees in the event of a bomb threat.

[2] The stated reason for the complaint is found in the health and safety officer's Investigation Report.

[3] The Health and safety officer Betty Ryan from Human Resource Development Canada (HRDC) first became involved in this issue of bomb threats at TELUS on July 2001, and was initially contacted for information or guidance on interpretation of several factors. A formal complaint was received in December 2001 and an Assurance of Voluntary Compliance was received for 3 items including the need to notify employees in the event of a bomb threat. TELUS' policy was rewritten to require this notification. On July 12, 2002 a bomb threat was received in a TELUS workplace in Edmonton Alberta. Employees were notified of the threat more than four hours after the call was received. A Direction citing 2 contraventions was issued.

[4] On December 19, 2002, a facsimile message was sent by Mr. Clement Tang, Director Corporate Safety for TELUS, to the Appeals Office indicating that the employer had withdrawn its appeal of the direction.

[5] As the appeal of a direction is an individual right, the party who is not the applicant cannot object to the withdrawal of the appeal by the applicant as is the case here. The Union and the Co-Chair, TELUS Policy Health and Safety Committee, will have to pursue their request with the health and safety officer.

[6] As the appeals officer responsible to hear the appeal of the direction issued to TELUS, I am confirming that the appeal has been withdrawn. This file is closed.

Pierre Rousseau
Appeals Officer

Appendix

**In the Matter of the *Canada Labour Code*
Part II – Occupational Health and Safety**

Direction to the Employer Under Paragraph 145(1)

Between December 2001 and September 2002, the undersigned health and safety officer conducted an inquiry into the Bomb Threat Policy developed for the work places operated by TELUS Corporation, TELUS Communications Inc., TELUS Services Inc., and TELUS Enterprise Solutions Partnership, being employers subject to the *Canada Labour Code*, Part II, with headquarters located at 3777 Kingsway Avenue, Burnaby, British Columbia, the said work places being sometimes known as TELUS.

The said health and safety officer is of the opinion that the following provision(s) of the *Canada Labour Code*, Part II, are being contravened:

Contravention 1:

***Canada Labour Code*, Part II, Subsection 125.(1)(s)**

On July 12, 2002, at the TELUS Plaza at 10020 – 100 Street in Edmonton, Alberta, the employer failed to ensure that all TELUS employees within the threatened building were informed of the bomb threat in a timely manner.

Contravention 2:

***Canada Labour Code*, Part II, Subsection 125.(1)(o), *Canada Occupational Health and Safety Regulation*, Subsection 17.5(1)(a)**

On July 12, 2002, at the TELUS Plaza at 10020 – 100 Street in Edmonton, Alberta, failed to comply with the procedures outlined in TELUS's Bomb Threat Policy, by failing to ensure that employees were notified of the bomb threat as soon as possible.

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1)(a) of the *Canada Labour Code*, Part II, to terminate the contravention (s) no later than October 31, 2002.

Further, you are HEREBY DIRECTED, pursuant to subsection 145(1)(b) of the *Canada Labour Code*, Part II, within the time specified by the health and safety officer, to take steps to ensure that the contraventions do not continue or reoccur.

Issued at Vancouver, British Columbia, this 2nd day of October, 2002.

Betty Ryan
Health and safety Officer
Id No BC8999

To: **TELUS Corporation, TELUS Communications Inc., TELUS Services Inc., and
TELUS Enterprise Solutions Partnership
21st Floor 3777 Kingsway Ave. Burnaby, BC**

Summary of Appeals Officer Decision

Decision No.: 04-008

Applicant: TELUS

Employee: R. Wayne Bennetts

Key Words: Bomb Threat, withdraw.

Provisions:

C.L.C.: 125.(1)(s), 125.(1)(o), 145(1)(a), 145(1)(b) 146(1)

C.O.S.H.R.: 17.5(1)(a)

Summary:

An employer informed his employees of a bomb threat more than four hours after the call was received. A safety officer investigated the matter and concluded that the employer failed to ensure that all the concerned employees were informed in a timely manner and to comply with his own procedure. The Health and Safety Officer issued a direction to TELUS to correct the contraventions. TELUS appealed the direction but later withdrew its appeal. The file was closed.