

**Canada Labour Code**  
**Part II**  
**Occupational Health and Safety**

Defence Construction (1951) Canada  
Limited and Ross Welsman  
*applicants*

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Decision No. 04-028  
August 12, 2004

This case was decided by appeals officer Michèle Beauchamp.

**For the applicant**

Richard E. Fader, Counsel, Justice Canada

**Health and Safety Officer**

John M. Crouse, Labour Program, Human Resources Development Canada, Newfoundland and Labrador Region

- [1] This case concerns an appeal made on April 6, 2004 by Ross Welsman, Area Engineer, Atlantic Regional Office, Defence Construction Canada (1951) Limited (the employer), under subsection 146(1) of the *Canada Labour Code* (the *Code*), Part II.
- [2] The appeal was made as a result of a direction issued to the employer on March 10, 2004 by health and safety officer John Crouse, following an investigation. The direction, issued under subsection 145(1) of the *Code*, describes the employer's contravention as follows:

The said health and safety officer is of the opinion that the following provision of the *Canada Labour Code*, Part II, has recently been contravened:

1. Paragraph 125(1)(z.14) of the *Canada Labour Code*, Part II.

The employer failed to inform Mr. Ron Elson, an electrician employed by a sub contractor Stephco Electrical, who was working in Housing Unit 586R between 21<sup>st</sup> and 24<sup>th</sup> February 2004 of the asbestos hazard in the building.

- [3] On May 6, 2004, Richard Fader informed the appeals officer that he was counsel for the employer and of his availability to determine a hearing date.
- [4] On July 7, 2004, Richard Fader informed the appeals officer that Defence Construction Canada (1951) Limited was withdrawing its appeal into health and safety officer Crouse's direction.

- [5] As the appeals officer responsible for the case, I confirm that Defence Construction Canada (1951) Limited has withdrawn his appeal. After reviewing the file, the case is closed.

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Michèle Beauchamp  
Appeals Officer

## Summary of Decision

**Decision No.:** 04-028

**Applicant:** Defence Construction Canada (1951) Limited

**Key Words:** Direction, appeal

**Provisions:** *Code* 145(1), 146(1)  
Regulations

### Summary:

The applicant appealed a direction issued under subsection 145(1) of the *Canada Labour Code*, Part II, then withdrew his appeal. After reviewing the file, the case is closed.