

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

TransForce  
*applicant*

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Decision No. 05-053  
December 19, 2005

This case concerning a request for an extension of the date to comply with a direction was heard by appeals officer Richard Lafrance on December 16, 2005.

**For the applicant**

Carl Lessard, counsel  
Annie Blanchard  
Sylvain Desaulniers

**For the employees**

Marc-André Gagné, Member, Work Place Health and Safety Committee

**Health and Safety Officer**

Steve Sirois, Montreal, Quebec

- [1] This decision concerns a request for an extension of the date to comply with a direction issued by Health and Safety Officer (HSO) Steve Sirois. A telephone conference with the parties was held on December 16, 2005.
- [2] The direction issued on December 16, 2005 indicates that the HSO believes that the company (TransForce) is in contravention of the following provisions of Part II of the *Canada Labour Code* and the *Canada Occupational Health and Safety Regulations*.

**Part II of the *Canada Labour Code***

**125.(1)** Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect

of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity,

- l) provide every person granted access to the work place by the employer with prescribed safety materials, equipment, devices and clothing;

***Canada Occupational Health and Safety Regulations***  
***Fall-Protection Systems***

**12.10 (1)** Subject to subsection (1.1), every employer shall provide a fall-protection system to any person, other than an employee who is installing or removing a fall-protection system in accordance with the instructions referred to in subsection (5), who works

- (a) from an unguarded structure or on a vehicle, at a height of more than 2.4 m above the nearest permanent safe level or above any moving parts of machinery or any other surface or thing that could cause injury to a person on contact;

and

**12.10(1.1) (b)** Where an employee is required to work on a vehicle on which it is not reasonably practicable to provide a fall-protection system, the employer shall:

- (b) make a report in writing to the regional health and safety officer setting out the reasons why it is not reasonably practicable to provide a fall-protection system and include the job safety analysis and a description of the training and instruction referred to in paragraph (a);

- [3] The direction issued by HSO Sirois orders the employer to cease all contraventions as of the date that the direction was issued, December 16, 2005.
- [4] The employer has stated that it has been working hard on writing the required report and will be able to submit it to the regional health and safety officer no later than December 19, 2005.

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Richard Lafrance  
Appeals Officer

## **Summary of Appeals Officer's Decision**

**Decision No.:** 05-053

**Applicant:** TransForce

**Keywords:** Extension of date for compliance

**Provisions:** *Code: 125.(1) Regulations 12.10*

**Summary:**

This decision concerns a request for an extension of the date to comply with a direction issued by a Health and Safety Officer.

The employer agreed to submit the required written report to the regional health and safety officer no later than December 19, 2005. The employer also agreed to immediately notify its truck drivers in writing about the temporary methods to use to avoid falling from flatbed semi-trailers when working at a height of more than 2.4 metres.

The Appeals Officer amended the direction to indicate a compliance date of December 19, 2005.