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Human Resources and Skills Development Canada - Labour Program,
National Labour Operations Directorate
Occupational Health and Safety Operations and Compliance Unit, and
Occupational Health and Safety Policy Unit

HIGHLIGHT

Regulations Amending the Canada Occupational Health and Safety Regulations (Hazard Prevention Program, Part XIX)

The regulations were approved on November 28, 2005, and appear in the December 14, 2005, edition of the [Canada Gazette Part II](#) (see volume 139, no 25, pages 3094 to 3101).

The proposed regulations were published in Part I of the *Canada Gazette* on November 27, 2004. Interested parties who wished to submit comments about the proposed regulations could do so within seventy-five days of publication. Subsequent to the comments received, two minor changes were made to the proposed Regulations. In section 19.5(4) of the French version the word “*donner*” was replaced by “*comprendre*” and in Section 19.6(5), the words “*d’accomplir une tâche ou*” were deleted. These changes were made in order to ensure that the English and French versions were consistent.

The regulations came into force on the day on which they were registered for final publication in Part II of the *Canada Gazette*.

The impetus for these new regulations is a provision in the September 2000 amendments to Part II of the *Canada Labour Code*, requiring federally regulated employers to develop a prescribed program for the prevention of hazards in the work place.

Before the 2000 amendments, there was no clear requirement for the employer to implement a program to prevent accidents and injuries in the work place, although the purpose of the Code is to prevent them. The employer, in consultation with and with the participation of the policy committee, or, if there is no policy committee, the work place committee or the health and safety representative, will now have to analyze the work environment to identify what could cause an unsafe condition and implement measures to prevent this from occurring.

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CANADA LABOUR CODE ENFORCEMENT

Seven prosecutions were settled since our last edition:

Bay Ferries Ltd, Yarmouth, Nova Scotia

On June 25, 2002, three employees were seriously injured, when a passenger ramp fell 30-35 feet approximately to the dock area. Two of the employees injured were from A. Mackenzie Security (1993) Ltd, which supplies the workforce (stevedores) for the loading and off-loading of ships for Bay Ferries. The third injured employee worked for Bay Ferries Ltd. Twenty-two (22) charges were laid in court on June 24, 2003. The employer pleaded guilty to three (3) counts and was fined a total of \$75,000 on November 18, 2005.

Agricore United, Carman, Manitoba

On February 23, 2003, the victim was to repair with another worker a conveyor belt system. He slid through a floor opening on the elevated platform and fell 6 feet to the unguarded main roof, from which he rolled off and fell another 40 feet to the ground. The victim succumbed to his injuries the same day. On February 13, 2004, three (3) charges were laid in court. The employer pleaded guilty to one count for a total fine of \$50,000 on February 21, 2005.

Total Oilfield Rentals Partnership, La Glace, Alberta

On April 3, 2003, an employee was attempting to lift a frozen load (catwalk and pipe rack), when he suffered chest and facial injuries. The front of the pipe rack fell onto the trailer and bumped the employee on the upper back, forcing him down onto the deck of the trailer as the pipe rack fell to the ground. Seven (7) charges were laid in Court on March 30, 2004. The employer pleaded guilty to one count for a total fine of \$20 000 on January 14, 2005.

Grand Pacific Transport Inc., Quick Service Transportation Ltd. and Mr. Daljit Kooner, Surrey, British Columbia

On May 7, 2003, an employee who was providing hand signals to a truck driver reversing in order to align to a second trailer was pinned between the two as he

stepped between them to verify their alignment. Eight (8) charges were laid in Court on May 5, 2004. Mr. Kooner pleaded guilty to one count for a total fine of \$7,500 on June 14, 2005. The charges against the company were dropped.

Clarke Transport, Edmonton, Alberta

On August 24, 2003, a shunter driver for Clarke Transport was struck by four bars of steel as he was in the process of placing some blocking under the dolly legs of the trailer he had moved. The weight of the load had caused one leg to sink into the ground causing the trailer to lean towards the employee and the bars of steel to roll off the deck onto him. The shunter driver suffered an amputation to his left arm. Eight (8) charges were laid in Court on August 18, 2004. The employer pleaded guilty on two (2) counts for a total fine of \$91,000 on November 23, 2004.

Daily Transport Inc., Mr. Steven Ramdath and Mr. Terry Bennett, Brampton, Ontario

On December 9, 2003, an employee was helping a forklift driver to move a transformer when the load shifted and the transformer fell directly onto the employee crushing him. He succumbed to his injuries. Eight (8) charges were laid in Court on December 3, 2004. The employer pleaded guilty to three (3) counts for a total fine of \$105,000 on September 30, 2005. Mr. Ramdath also pleaded guilty to one count and received a conditional discharge of 1 year probation and 50 hours of community service on November 4, 2005. Mr. Bennett pleaded guilty to one count and was fined \$3000 on November 24, 2005.

Purolator Courier Ltd., Toronto, Ontario

On March 1, 2004, an employee was injured when his arm was caught up in a newly installed conveyor belt which had been in operation without guards having been installed. Two (2) charges were laid in Court on February 25, 2005. The employer pleaded guilty to one count for a total fine of \$55,000 on November 3, 2005.

REMINDER

Work Place Health and Safety Committees

Members of Work Place Health and Safety Committees are reminded that as required by paragraph 135(7)(k) of the *Canada Labour Code*, they must inspect

all or part of their workplace monthly, so that the entire workplace is inspected at least annually.

Also, according to subsection 135(10) of the *Canada Labour Code*, Work Place Health and Safety Committees must meet at least 9 times per year.

NOTICE

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