



HAND DELIVERED

May 24, 2019

Site No.: V1665  
Assignment No.: MODC00723

The Bell Telephone Company of Canada or Bell Canada  
380 COLLEGE ST.  
Belleville, Ontario  
K8P 5H5

Attention: Stacy Aimola and David Robichaud

On May 16, 2019, I visited the work place located in Belleville, Ontario, for the purpose of conducting an investigation.

The attached written direction is being issued to address violations of the *Canada Labour Code*, Part II, that were identified during this visit.

Please be advised that pursuant to subsection 145(8) of the *Canada Labour Code*, Part II, you are required to inform me in writing, no later than May 31, 2019, of the measures taken to comply with the attached direction, and to provide a copy of that written response to the Work Place Health and Safety Committee and the policy health and safety committee, if one exists.

Also, please be advised that, pursuant to subsection 145(5) of the *Canada Labour Code*, Part II, the employer shall, without delay, cause a copy of this direction to be posted and give a copy of it to the Work Place Health and Safety Committee and the policy health and safety committee, if one exists.

Finally, pursuant to subsection 146(1) of the *Canada Labour Code*, Part II, you may request, within thirty days of the date of the direction being issued or confirmed in writing, a review by the Occupational Health and Safety Tribunal Canada, who may be contacted at [www.ohstc-tsstc.gc.ca](http://www.ohstc-tsstc.gc.ca). However, pursuant to subsection 146(2) of the *Canada Labour Code*, Part II, the request does not relieve you from complying with the direction unless otherwise ordered by a Tribunal appeals officer on application by the employer, employee or trade union.

Yours sincerely,

Elizabeth Porto  
Official Delegated by the Minister of Labour  
Health and Safety Officer / Id. No.: ON0153  
4900 Yonge Street, 8th floor  
Toronto, ON M2N 6A8  
Telephone Number: (647) 961-7216  
Email Address: [elizabeth.porto@labour-travail.gc.ca](mailto:elizabeth.porto@labour-travail.gc.ca)  
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IN THE MATTER OF THE *CANADA LABOUR CODE*  
PART II – OCCUPATIONAL HEALTH AND SAFETY  
DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)

On May 16, 2019, the undersigned Official Delegated by the Minister of Labour conducted an investigation in the work place operated by The Bell Telephone Company of Canada or Bell Canada, being an employer subject to the *Canada Labour Code*, Part II, at 380 COLLEGE ST., Belleville, Ontario, K8P 5H5, the said work place being sometimes known as BELL CANADA.

The said Official Delegated by the Minister of Labour is of the opinion that the following provisions of the *Canada Labour Code*, Part II, have been contravened:

No : 1

**Subsection 128(7.1) of the *Canada Labour Code*, Part II**

**The employer failed to investigate the work refusal invoked on March 26, 2019 in the presence of the refusing employee.**

No : 2

**Subsection 128(10) of the *Canada Labour Code*, Part II**

**The employer failed to ensure the designated two members of the work place committee investigated a continued refusal to work immediately and in the presence of the refusing employee. Said members were notified on March 29, 2019 however did not commence their investigation until April 10, 2019.**

No : 3

**Subsection 129(5) of the *Canada Labour Code*, Part II**

**On April 4, 2019, during the continued refusal to work investigation, the employer did reassign the refused work to another employee prior to referring the matter to the Minister.**

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(a) of the *Canada Labour Code*, Part II, to terminate the contraventions no later than May 31, 2019.

Further, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(b) of the *Canada Labour Code*, Part II, to take steps to ensure that the contravention does not continue or reoccur, no later than May 31, 2019.

Issued at Belleville, ON, this 24th day of May, 2019.

Elizabeth Porto  
Official Delegated by the Minister of Labour  
Health and Safety Officer / Id. No.: ON0153  
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June 11, 2019

Assignment No.: MODC00723

The Bell Telephone Company of Canada Or Bell Canada  
380 COLLEGE ST.  
Belleville, Ontario  
K8P 5H5

Attention: Chris Ewen, David Robichaud, and Stacy Aimola

Subject: **Decision Regarding Refusal to Work, Part II of the *Canada Labour Code***

On May 16, 2019, I conducted an investigation of the refusal to work made by employee Chris Ewen at the work place located at 380 COLLEGE ST., Belleville, Ontario, K8P 5H5.

Please be advised that pursuant to subsection 129(4) of the *Canada Labour Code*, Part II, it is my decision that a **danger does not exist**.

Therefore please be advised that, pursuant to subsection 129(7) of the Code, the aforementioned employee is not entitled under section 128 of the Code to continue to refuse.

The employee(s), or a person designated by the employee(s), may appeal this decision in writing to an appeals officer of the Occupational Health and Safety Tribunal Canada (OHSTC) within ten (10) days after receiving this notice of the decision, pursuant to subsection 129(7) of the Code. The OHSTC may be contacted at [ohstc-tsstc.gc.ca](http://ohstc-tsstc.gc.ca).

Finally, please be advised that an Investigation Report and Decision will be provided to the employer and employee(s) as soon as possible.

Yours truly,

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Elizabeth Porto  
Official Delegated by the Minister of Labour  
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HAND DELIVERED

June 11, 2019

Site No.: V1665  
Assignment No.: MODC00723

The Bell Telephone Company of Canada Or Bell Canada  
380 COLLEGE ST.  
Belleville, Ontario  
K8P 5H5

Attention: Stacy Aimola and David Robichaud

On May 16, 2019, I visited the work place located at 380 COLLEGE ST., Belleville, Ontario, K8P 5H5 for the purpose of conducting an investigation.

The attached written direction is being issued to address violations of the *Canada Labour Code*, Part II, that were identified during this visit.

Please be advised that pursuant to subsection 145(8) of the *Canada Labour Code*, Part II, you are required to inform me in writing, no later than June 25, 2019, of the measures taken to comply with the attached direction, and to provide a copy of that written response to the Work Place Health and Safety Committee and the policy health and safety committee, if one exists.

Also, please be advised that, pursuant to subsection 145(5) of the *Canada Labour Code*, Part II, the employer shall, without delay, cause a copy of this direction to be posted and give a copy of it to the Work Place Health and Safety Committee and the policy health and safety committee, if one exists.

Finally, pursuant to subsection 146(1) of the *Canada Labour Code*, Part II, you may request, within thirty days of the date of the direction being issued or confirmed in writing, a review by the Occupational Health and Safety Tribunal Canada, who may be contacted at [www.ohstc-tsstc.gc.ca](http://www.ohstc-tsstc.gc.ca). However, pursuant to subsection 146(2) of the *Canada Labour Code*, Part II, the request does not relieve you from complying with the direction unless otherwise ordered by a Tribunal appeals officer on application by the employer, employee or trade union.

Yours sincerely,

Elizabeth Porto  
Official Delegated by the Minister of Labour  
Health and Safety Officer / Id. No.: ON0153  
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IN THE MATTER OF THE *CANADA LABOUR CODE*  
PART II – OCCUPATIONAL HEALTH AND SAFETY

DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)

On May 16, 2019, the undersigned Official Delegated by the Minister of Labour conducted an investigation in the work place operated by The Bell Telephone Company of Canada Or Bell Canada, being an employer subject to the *Canada Labour Code*, Part II, at 380 COLLEGE ST., Belleville, Ontario, K8P 5H5, the said work place being sometimes known as BELL CANADA.

The said Official Delegated by the Minister of Labour is of the opinion that the following provisions of the *Canada Labour Code*, Part II, have been contravened:

**No. 1:**

Section 124 of the *Canada Labour Code*, Part II

**The employer has failed to ensure that employees can be rescued from a manhole in situations where self-rescue is not possible.**

**No. 2:**

Paragraph 125(1)(w) of the *Canada Labour Code*, Part II

Paragraph 11.3(d) of the *Canada Occupational Health & Safety Regulations*

**Employer does not specify the protection equipment and emergency equipment to be used by a person who takes part in the rescue of a person from a confined space or in responding to other emergency situations in the confined space.**

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(a) of the *Canada Labour Code*, Part II, to terminate the contraventions no later than July 12, 2019.

Further, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(b) of the *Canada Labour Code*, Part II, to take steps to ensure that the contravention does not continue or reoccur, no later than July 12, 2019.

Issued at Toronto ON, this 11<sup>th</sup> day of June, 2019.

Elizabeth Porto  
Official Delegated by the Minister of Labour  
Health and Safety Officer  
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