



Occupational Health and Safety Council

NOTICE OF APPEAL

All parts of this form must be properly completed for the appeal to be registered.

You must attach and send a copy of the OHS officer's Decision Letter to this form.

Before completing this form, you are strongly advised to read the Rules of Procedure of the Occupational Health and Safety Council (available at http://work.alberta.ca/occupational-health-safety/6446.html).

APPELLANT (please print) Pyramid Corporation		
Name Ron Hanson		
Address 2308 8th Street		
City and Postal Code	Edmonton, AB T5E 7Z2	Valid Email ron.hanson@pyramidcorporation.com
Home Phone (780) 406-3329	Business Phone (780) 955-4580	Fax (780) 955-5077
I choose to receive communications from the OHS Council (including the final decision) by:		
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address		
RESPONDENT (please print) Occupational Health and Safety		
Name (Company and Responsible Individual) Shawn Hutchinson		
Address 10th Floor South Tower 5th St. Plaza 10030 109 St.		
City and Postal Code	Edmonton, AB T5J 3E4	Valid Email shawn.hutchinson@gov.ab.ca
Home Phone	Business Phone (780) 638-4337	Fax (780) 427-0999

What are you appealing? (Please check one. Complete a separate Notice of Appeal for each matter being appealed.)

- Order of an Officer (*section 16 of the OHS Act*)
- Administrative Penalty (*section 16 of the OHS Act*)
- Cancellation/Suspension of License or Permit (*section 16 of the OHS Act*)
- Ruling from an Imminent Danger Complaint Investigation (*section 35 of the OHS Act*)
- Ruling from a Disciplinary Action Complaint Investigation (*section 37 of the OHS Act*)

APPEAL FORMAT

Do you request an oral hearing OR an appeal by written submissions?

- Written submissions only (no opportunity to cross-examine witnesses)
- Face-to-face, in-person oral hearing (may increase costs and time to final appeal decision)

1. List the specific reasons or grounds for this appeal.

Section 18 subsection (1)

At the time of the incident Pyramid photographed the immediate and surrounding area of the scene where the worker fell. (south west corner of building)

At the time of the incident it was believed the worker shimmied down from a position he was previously to a lower position where he fell. The immediate scene was secured with red ribbon and tagged. Pyramid moved a featherlight ladder from the surrounding are to assist in the investigation and take more photos. Pyramid latter learned in the investigation the worker used that ladder in that location to climb up on a ledge to move to the position where he fell. Prior to OH&S arrival and investigation, Pyramid replaced the ladder to where it was at

Section 18 subsection (1)

At the time of the incident Pyramid photographed the immediate and surrounding area of the scene where the worker fell. (south west corner of building)

At the time of the incident it was believed the worker shimmied down from a position he was previously to a lower position where he fell. The immediate scene was secured with red ribbon and tagged. Pyramid moved a featherlight ladder from the surrounding are to assist in the investigation and take more photos. Pyramid latter learned in the investigation the worker used that ladder in that location to climb up on a ledge to move to the position where he fell. Prior to OH&S arrival and investigation, Pyramid replaced the ladder to where it was at the time of the incident (as per previous photos) and expanded the perimeter of the scene containment red tape.

2. Do you have any relevant evidence that was not shared with the OHS officer which you want Council to consider in your appeal? If so, send one hard copy of this new evidence to the Respondent and four copies to the OHS Council Clerk as soon as possible. In the space below, please state how this new evidence is relevant to your appeal and why, with ordinary diligence, it could not have been shared with the OHS officer(s) in the original investigation.

3. On what *date* did you receive the OHS officer's Decision Letter?

02-Mar-2016

5. If you request an oral hearing, a *half day* is normally the maximum hearing time allocated to each party in the appeal. How will you use that maximum half day of time to put in your case at the oral hearing?

6. What specific business dates in the next three months will you and your witnesses be *unavailable* to participate in an oral hearing?

7. Please indicate what relief you are seeking from this appeal.

If you are appealing an OHS officer's Order, Suspension or Cancellation:

- Revoke the Order, Suspension or Cancellation
- Vary the Order, Suspension or Cancellation

If you are appealing an OHS Administrative Penalty:

- Revoke the Administrative Penalty
- Vary the Administrative Penalty

If you are appealing a ruling from an Imminent Danger Complaint Investigation (note your request for a review may be dismissed for reasons set out in paragraph V(h) of the Rules of Procedure):

- Require the Employer to eliminate the Imminent Danger

If you are appealing a Disciplinary Action Complaint Investigation (note your request for a review may be dismissed for reasons set out in paragraph V(h) of the Rules of Procedure):

- Reinstatement to your former employment under the same terms and conditions under which you were formerly employed.
- Cessation of disciplinary action.
- Payment of money up to the equivalent wages that you would have earned if you had not been dismissed or had not received disciplinary action.
- Removal of any reprimand or other reference to the matter from employment records

If you want to withdraw this appeal at any time before the final decision is rendered, you may do so by filing with the Council Clerk, the *Notice of Withdrawal of Appeal* form available at <http://work.alberta.ca/occupational-health-safety/6446.html>

Please return this Notice of Appeal, signed and dated to:

By Post:

Director of Inspection
Occupational Health and Safety Council
1100, 10405 Jasper Avenue
Edmonton, Alberta T5J 3N4

By Fax: (780) 412 – 8701

By Email: JSTL.OHSC@gov.ab.ca

Note: The Appellant is responsible to ensure this Notice of Appeal is received by OHS Council within 30 days of receipt of the OHS officer's Decision Letter (attached).

Please note: this document, once completed and filed with the Council, will be shared with other parties involved in this appeal and publicly posted on OHS Council's website along with other filed documents and the final appeal decision.

I certify that the information provided in this Notice of Appeal is true and accurate to the best of my knowledge.



Signature of Appellant

02-Mar-2016

Date

Contact Report

Government of Alberta

Occupational Health and Safety

10030 107 Street, Edmonton, Alberta, T5J 3E4

Occupational Health and Safety Contact Centre 1-866-415-8690 (24 hrs)

Name PYRAMID CORPORATION	Inspection Location Pyramid Corporation, 2308-8 Street, Nisku, AB, T9E 7Z2
Representative/Title Ron Hanson / Director HSE	Site Description Pump house 614 RA 1000 located in yard of the property
Phone Number: (780) 955-4580	Inspection Completed by: Shawn Hutchinson
Fax Number: (780) 955-5077	Date & Time of Contact: March 02, 2016 12:30 PM
Email Address: ron.hanson@pyramidcorporation.com	

Contact Activities

Item	Details	Date
Investigation	This OHS lead investigator noted during the review of picture 5005 obtained through a Section 19 Demand that the feather lite ladder used at the worksite by the injured worker had been moved after the scene was secured by the employer but before OHS attended the scene.	March 02, 2016

Orders Issued

Item	Details	Date
Order Open 01	<p>This order is made under the authority of Section 9 of the Alberta Occupational Health & Safety Act.</p> <p>OBSERVATION(S)/FINDING(S):</p> <p>It was observed by this OHS investigator during a review of pictures submitted by the employer in a section 19 demand that in picture 5005 the feather lite ladder used at the worksite by the injured worker had been moved after the scene was secured by the employer but before OHS attended the scene.</p> <p>REQUIREMENT:</p> <p>The employer is required to prove to this OHS investigator that it is aware and will not in the future disturb the scene of an accident reported under subsection (1).</p> <p>APPLICABLE OHS LEGISLATION:</p> <p>Serious Injuries and Accidents - Serious Injuries and Accidents RSA 2000 cO-2</p>	Compliance Date March 18, 2016

Item	Details	Date
	<p>18</p> <p>18(1) If an injury or accident described in subsection (2) occurs at a work site, the prime contractor or, if there is no prime contractor, the contractor or employer responsible for that work site shall notify a Director of Inspection of the time, place and nature of the injury or accident as soon as possible.</p> <p>(2) The injuries and accidents to be reported under subsection (1) are</p> <p>(a) an injury or accident that results in death,</p> <p>(b) an injury or accident that results in a worker's being admitted to a hospital for more than 2 days,</p> <p>(c) an unplanned or uncontrolled explosion, fire or flood that causes a serious injury or that has the potential of causing a serious injury,</p> <p>(d) the collapse or upset of a crane, derrick or hoist, or</p> <p>(e) the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.</p> <p>(3) If an injury or accident referred to in subsection (2) occurs at a work site or if any other serious injury or any other accident that has the potential of causing serious injury to a person occurs at a work site, the prime contractor or, if there is no prime contractor, the contractor or employer responsible for that work site shall</p> <p>(a) carry out an investigation into the circumstances surrounding the serious injury or accident,</p> <p>(b) prepare a report outlining the circumstances of the serious injury or accident and the corrective action, if any, undertaken to prevent a recurrence of the serious injury or accident, and</p> <p>(c) ensure that a copy of the report is readily available for inspection by an officer.</p> <p>(4) The prime contractor, contractor or employer who prepared the report referred to in subsection (3) shall retain the report for 2 years after the serious injury or accident.</p> <p>(5) A report prepared under this section is not admissible as evidence for any purpose in a trial arising out of the serious injury or accident, an investigation or public inquiry under the Fatality Inquiries Act or any other action as defined in the Alberta Evidence Act except in a prosecution for perjury or for the giving of contradictory evidence.</p> <p>(6) Except as otherwise directed by a Director of Inspection, an occupational health and safety officer or a peace officer, a person shall not disturb the scene</p>	

Item	Details	Date
	of an accident reported under subsection (1) except insofar as is necessary in (a) attending to persons injured or killed, (b) preventing further injuries, and (c) protecting property that is endangered as a result of the accident.	

Comments:

If you have any questions or concerns please contact me at 780-638-4337 or by e-mail at shawn.hutchinson@gov.ab.ca

This Contact Report was delivered electronically to: Ron Hanson on March 02, 2016

Issued by Occupational Health and Safety

- Orders can be appealed within 30 days of the date of service.
- The Alberta Occupational Health and Safety Regulation requires that Orders Issued be posted in a conspicuous place as soon as practicable until conditions have been met.