



IN THE MATTER OF THE *CANADA LABOUR CODE*
PART II – OCCUPATIONAL HEALTH AND SAFETY

DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)

On September 23, 2022, the undersigned Senior Investigator conducted an investigation in the work place operated by Mohawks of Kanesatake, being an employer subject to the *Canada Labour Code*, Part II, at 681, rue Ste-Philomene Kanesatake Mohawk Territory, Oka, Quebec, the said work place being sometimes known as Mohawk Council of Kanesatake.

The said Senior Investigator is of the opinion that the following provisions of the *Canada Labour Code*, Part II, have been contravened:

Paragraph : 125.1a) Canada Labour Code, Part II (CLC)
section : 10.26.2 Canada Occupational Health and Safety Regulation (COHSR)

- 1- The employer did not develop, implement, or manage, in consultation with the Policy Committee or, in the absence of the Policy Committee, the Workplace Committee, an **Asbestos exposure management program**, prior to the activity of removing asbestos-containing materials conducted on August 12, 2022. On that day, while persons were removing floor tiles from the gymnasium at Ratihente High School, the employer failed to implement the requirements of paragraphs (a) through (f).

Paragraph : 125.1b) Canada Labour Code, Part II (CLC)
Subsection : 10.26.4 (2) Canada Occupational Health and Safety Regulation (COHSR)

- 2- On August 12, 2022, the employer failed to ensure that asbestos residues or debris, floor tiles from the Ratihente High School gymnasium, were placed in a container referred to in Section 10.26.11.

Paragraph : 125.1a) Canada Labour Code, Part II (CLC)
Subsection : 10.26.8 (1) Canada Occupational Health and Safety Regulation (COHSR)

- 3- On August 12, 2022, the employer failed to ensure that a qualified person performed air sampling for the presence of airborne asbestos fibers during any work activity involving the presence of asbestos containing materials.

Therefore, 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 November 8th, 2022.

Issued at Montreal, this 11th day of October, 2022.



Régis Tremblay
Senior Investigator
Official Delegated by the Head of Compliance and Enforcement
Id. No.: ON2228
National Toll Free: 1-800-641-4049
www.labour.gc.ca / www.travail.gc.ca

À : John Canatonquin
Mohawks of Kanesatake
681, rue Ste-Philomene Kanesatake Mohawk Territory
Oka (Québec) J0N 1E0

c.c. Victor Bonspile