

Orders Issued after Trainee Conductor's Death Not Suspended During Appeal



A trainee rail conductor and a conductor were operating the rail switch to ensure the oncoming cars were delivered along the correct rail line. During the course of the switching, the conductor and trainee got separated and couldn't see each other. So the conductor supervised the trainee via radio. After the trainee made the switch, he entered the other track. But because he didn't correctly align the rail switches, he was in the track of the oncoming cars, which struck and killed him. In the incident investigation, an inspector issued orders to CN as to the training of trainee conductors and their supervisors. CN asked for the orders to be suspended pending its appeal of them. But the OHS Tribunal refused, ruling that CN failed to show it would suffer significant harm if forced to comply with the orders [*Canadian National Railway Company v. Teamsters Canada Rail Conference*, [2014] OHSTC 23, Dec. 12, 2014].