

## 11-30-1997 Cape Breton Canada - Francois Carrière RCMP PSD Hull Search – Equipment OOA

On November 30, 1997 Frank Carriere was diving in Cape Breton as part of a police team carrying out a drugs search on the hull of a bulk carrier. He ran out of air, tried buddy sharing, got separated and lost in bad visibility. His body was recovered the next day. Cause of death was drowning due to a leaking mask and possible contaminated air. The RCMP prosecuted and fined. Now they use S/S equipment.



### Constable Frank Carriere

<http://canada.odmp.org/officer/1-constable-frank-carriere>

#### Royal Canadian Mounted Police Federal

End of Watch: Sunday, November 30, 1997

#### Biographical Info

**Age:** 41

**Tour of Duty:** Not available

**Badge Number:** 41129



#### Incident Details

**Cause of Death:** Drowned

**Date of Incident:** Sunday, November 30, 1997

**Incident Location:** Nova Scotia

**Weapon Used:** Not available

**Suspect Info:** Not available



Constable Carriere of the Royal Canadian Mounted Police Dive Team was stationed in Nova Scotia at the time of his death. Constable Carriere drowned while assisting Canadian Customs inspectors during the inspection of ship at Cape Breton, Nova Scotia.

He was inspecting the hull of the ship when he disappeared. He reported being low on air and then contact was lost despite a search by the other officers. It appears that having released his weight belt, he had floated up and become jammed under the flat bottom of the hull. His death was due to drowning. His body was recovered the next day, December 1, 1997.

He is survived by his wife and two teenage children.



ASSOCIATION  
DES MEMBRES DE LA  
POLICE MONTÉE  
DU QUÉBEC INC.

## The RCMP is Above the Law Says Lawyer

[http://imedianorthside.com/action/vol5\\_no1/loi\\_e.html](http://imedianorthside.com/action/vol5_no1/loi_e.html)

by **Mike Funicelli**

Joel Pink, a lawyer representing the RCMP and the Solicitor General's Department, maintains his clients are above the law when it comes to safety in the work place. The case revolves around the death of 41 year old RCMP diver Constable Francois Carrière who drowned while searching for drugs around the hull of a gypsum freighter in November 1997 in Cape Breton. Following an investigation by Human Resources Development Canada (HRDC) into Carrière's death, HRDC levied six charges against the Solicitor General's Department. The charges are under Part II of the Canada Labour Code (CLC) and they include



Mike  
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removing evidence without authorization from a safety officer, failing to produce documents, failing to produce witness statements to HRDC investigators, failing to properly train, equip and supervise Carrière during the dive, and failing to ensure that every employee understood the safety hazards involved. Carrière's family has since

launched a civil suit against the RCMP and the Solicitor General's Department. The CLC matter has now been adjourned until July 23, 1999.

*What is unnerving about this situation is that there is absolutely no apparent desire from our management or even our 'company union' to make someone accountable for your health & safety.*

This case may end up having widespread implications on the rights of every RCMP member in terms of health & safety in the workplace. The RCMP Associations from BC, Ontario and Quebec, with the support and assistance of other Police Associations, successfully fought two earlier attempts by the Federal Government (1994 & 1996) to have members of the RCMP excluded from the statutory provisions of the CLC. Bills C-58 & C-30 would have removed members of the RCMP from the statutory provisions of the CLC. While the RCMP Associations were struggling to defend your interests, the DSRR's readily accepted the Force's offer to include new administrative policies that would deal with health & safety in the workplace, and along with management they promoted them as being equal to or better than the provisions under Part II CLC. These policies are found at AM II.19.

What is unnerving about this situation is that there is absolutely no apparent desire from our management or even our 'company union' to make someone accountable for your health & safety. Yet the situation is quite different if your behaviour is found to be inconsistent with the Code of Conduct. The crucial differences between RCMP administrative policies and a federal statute such as the CLC are mechanisms of accountability contained therein. While administrative policies have no force of law, the CLC contains a regime to ensure compliance, enforcement and prosecution on either party, employers and employees. Just ask yourself these questions. If the Force thought that administrative policies were an adequate mechanism to ensure proper accountability about your health & safety, why then does it need to have a Code of Conduct, contained in Regulations of a federal statute such as the RCMP Act, to address any behavioural transgression on your part? How come RCMP management and 'company union' representatives were promoting administrative policies as a better vehicle to address your health & safety in the workplace, but would not entertain a similar change to deal with professional transgressions? If it is good for the goose it should be good for the gander, right? Why would the RCMP not want to replace the Code of Conduct (which is included in the Regulations of the RCMP Act) with administrative policies and some internal committees to deal with unprofessional conduct instead? Why did the RCMP advance, as evidence of its accountability the External Review Committee, when it promoted the passage of Bills C-58 or C-30 when the result of these amendments would have reduced that same accountability? Why would the RCMP's 'company union' support less accountability?

The answers to these questions are simple. They are found in values all too rare these days: transparency and accountability. It is much more difficult to have to explain in an open tribunal, to an independent external body with binding authority, why an organization failed to protect the safety in the workplace of its employees, than if things were kept 'in house'. Inversely, it is much easier to keep things under wraps inside an organization, having an important issue bounce around from one internal committee to another indefinitely with no one looking over your shoulder. AM II.19 does nothing to permit an outside agency to scrutinize a situation concerning occupational health and safety in the workplace. Instead it relies on regional committees to make non-binding recommendations to senior management. By contrast, the CLC provides mechanisms for external investigators to review certain situations, order the Employer to comply, and failing that, the CLC can levy charges for an eventual prosecution. What would the public think if some regional committee of the RCMP was able to make non-binding recommendations on Code of Conduct charges behind closed doors? You should not expect any lesser degree

of accountability from your employer or your representation system when it comes to health and safety issues in the workplace.

In fairness, since the Carrière incident the RCMP says it has improved the diving standards. Carrière's sudden death in 1997 sparked an exercise of scrutiny into the RCMP's standards. Some of the safety measures include the following:

- All dive teams follow occupational diving standards, more specifically the CSA's standards on diving operations.
- A person will tend surface indicator floats, which are used to indicate the way out for a diver, full-time on the surface.
- Divers are equipped with spare tanks known as "Pony Bottles" which will carry an additional 1,000 pounds of air for the divers.
- Stringent safety procedures are followed for each dive.
- Hazard and emergency measures are discussed before each dive.
- There is improved equipment maintenance and record keeping.

Sadly, the improvement into the RCMP's diving standards resulted from the death of a member, and the statutory protection of the CLC. A/Comm Bishop stated: "The only bright spot in this otherwise dark time is that it has forced us to re-examine our health and safety standards and to take action to ensure that all our programs meet the highest possible standards."

## **RCMP to be tried over death of police diver**

<http://www.cbc.ca/news/canada/rcmp-to-be-tried-over-death-of-police-diver-1.183930>

Jul 29, 1999 4:12 PM ET Last Updated: Nov 10, 2000 CBS News

A judge in Nova Scotia has ruled the Canada Labour Code applies to the RCMP. The decision means the force must stand trial in the death of a police diver in the Bras d'Or Lakes in 1997.

The officer was searching the hull of a gypsum freighter when he died.

The RCMP is facing six charges under the Canada Labour Code.

A federal lawyer argued the health and safety provisions of the code do not apply to the Mounties. The force says it will appeal the ruling.

**Decision No: 98-003**

**CANADA LABOUR CODE PART II OCCUPATIONAL SAFETY AND HEALTH**

Review under section 146 of the Canada Labour Code, Part II of a direction issued by a safety officer

Applicant: Royal Canadian Mounted Police (RCMP) "H" Division Halifax, Nova Scotia  
Represented by: Chief/Superintendent S.A. Duncan

Respondent: Mr. Murray Brown Royal Canadian Mounted Police

Mis en cause: W.D. Gallant Safety Officer Human Resources Development Canada

Before: Serge Cadieux Regional Safety Officer Human Resources Development Canada

**Background**

On November 30, 1997, constable L.J.F. Carriere of the RCMP was conducting an underwater search of a vessel with other members of the force when he suffered a fatal accident. The cause of death was determined to be drowning. The safety officer's report informs us that a hazardous occurrence investigation was initiated and information relating to the accident was gathered particularly as it concerned the use of certain diving equipment. The safety officer considered the use of this equipment to constitute a danger to employees at work and issued a direction (see APPENDIX) to the RCMP under paragraph 145(2)(a) of the Canada Labour Code, Part II (the Code) to protect any person from the danger identified in the direction.

On January 5, 1998, Mr. D.L. Bishop, Assistant Commissioner, requested a review of the direction to HRDC's (Human Resources Development Canada) regional staff. The request was properly forwarded to the Office of the Regional Safety Officer for action. In a follow-up letter dated March 10, 1998, Mr. Bishop withdrew the request for review of the direction on behalf of the RCMP.

As the Regional Safety Officer seized of the request for review, I am confirming that the Royal Canadian Mounted Police "H" Division has withdrawn its request to have the direction, issued on December 23, 1997, by safety officer W.D. Gallant, reviewed. I am no longer seized of this case. I declare this file closed.

Issued on April 21, 1998.

Serge Cadieux

Regional Safety Officer

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

DIRECTION TO THE EMPLOYER UNDER PARAGRAPH 145(2)(a)

On December 23, 1997, the undersigned safety officer conducted an investigation into the fatal accident of Cst. L.J.F. Carriere that occurred on November 30, 1997, at the Little Narrows Gypsum Plant. The ROYAL CANADIAN MOUNTED POLICE (RCMP), is an employer subject to the Canada Labour Code Part II.

The said safety officer considers that the use or operation of the machine or thing constitutes a danger to an employee while at work:

The use of an AGA mask without a reserve supply, independent of the primary air supply is a danger.

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(2)(a) of the Canada Labour Code, Part II, to protect any person from danger immediately.

Issued at Sydney, this 23rd day of December, 1997.

W.D.GALLANT  
Safety Officer  
1829

TO:

ROYAL CANADIAN MOUNTED POLICE (RCMP)  
P.O. Box 2286  
Halifax Nova Scotia  
B3J 3E1

**Decision No. 98-003**

SUMMARY OF REGIONAL SAFETY OFFICER DECISION

**Applicant:** Royal Canadian Mounted Police (RCMP)

**Respondent:** Mr. Murray Brown Royal Canadian Mounted Police

**KEYWORDS** Diving, RCMP, withdraw.

**PROVISIONS** Code: 145(2)(a).

**SUMMARY** A direction was issued to the RCMP following the drowning of an officer during a diving operation. The request for review was withdrawn before the case was heard. The file was closed.





**The Canadian Coast Guard honours two RCMP members by dedicating vessels in their name**

<http://www.rcmp-grc.gc.ca/on/news-nouvelles/2014/14-06-19-vessels-navires-eng.htm>

On February 10, 2011, the Department of Fisheries and Oceans announced that two of their new vessels were going to be named in honour of RCMP heroes, Constable J.L. François Carrière and Corporal Robert Gordon Teather.

The vessels will be dedicated during official ceremonies which will take place on Friday, June 20th in Toronto and Thursday, June 26, 2014 in Sault Ste Marie, Ontario.

**Watch the RCMP in Ontario Twitter feed @RCMPONT for live coverage of the dedications.**

**Their stories**

**Corporal Robert Gordon Teather**

Corporal Robert Gordon Teather C.V. was a member of the Royal Canadian Mounted Police diving team in Surrey, British Columbia. Corporal Teather rescued two fishers trapped in the hull of their capsized boat. This heroic rescue occurred in the early morning hours of September 26, 1981. Corporal Teather passed away November 14, 2004. For his actions, Corporal Teather was awarded the Cross of Valour (C.V.)



For a more extensive biography of Cpl. Teather please visit [Canada's National RCMP Graves Inspection and Maintenance Information Website](#) dedicated to honouring and maintaining RCMP history.

### **Constable J.L. François Carrière**

The vessel is named after Constable J.L. François Carrière, a member of the Royal Canadian Mounted Police in Cape Breton, Nova Scotia. Constable Carrière died on November 30, 1997, while conducting an underwater search of a vessel believed to be smuggling illegal drugs. Constable Carrière is listed on the Royal Canadian Mounted Police [Roll of Honour](#).



“Named after a true Canadian hero, our Government is proud to accept this vessel into the Canadian Coast Guard fleet,” said The Honourable Keith Ashfield. “The sacrifice made by Constable J. L. François Carrière serves to remind us of the thousands of men and women who put themselves in harm’s way every day in order to protect our great nation.”

### **Quick Facts**

- The Hero Class vessels are named for decorated soldiers, veterans and police officers as well as employees of Fisheries and Oceans Canada and the Canadian Coast Guard
- By naming these after Canadian heroes, the Government of Canada hopes to encourage future generations to learn about Canadian history, culture and geography.
- The CCGS Constable Carrière and CCGS Corporal Teather were built in Halifax, Nova Scotia by Irving Shipbuilding Inc.
- The CCGS is 43m long, has a maximum speed of 25 knots and is served by 14 CCG officers, crew and program staff. At cruising speed of 14 knots, it has a maximum range of 2000 nautical miles and can spend up to two weeks at sea without re-provisioning.



THURSDAY, FEBRUARY 23, 2012

**In Memory of Reg.#41129, Constable J. L. F. Carriere**

[http://maintainourmemories-rcmpgraves.blogspot.com/2012\\_02\\_01\\_archive.html](http://maintainourmemories-rcmpgraves.blogspot.com/2012_02_01_archive.html)



**Carriere**

**In Memory of Reg.#41129, Constable J. L. F. Carriere**

**RCMP Honour Roll # 193**

**'Friends Not Forgotten'**