

Case No.: 2006-55  
Decision No.: CAO-07-040

**Canada Labour Code**  
**Part II**  
**Occupational Health and Safety**

Syndicat des débardeurs de Québec,  
Canadian Union of Public Employees,  
local 2614  
*appellant*

and

Arrimage du St-Laurent  
*respondent*

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November 15, 2007

This case was decided by Appeals Officer Katia Néron.

**For the appellant**

Steve Bargoné, Counsel, CUPE union advisor

**For the respondent**

Michel Brisebois, director of human resources, Arrimage du St-Laurent

- [1] This case is an appeal filed pursuant to subsection 129(7) of the *Canada Labour Code, Part II* by Stéphan Arsenault, president, Syndicat des débardeurs de Québec, Canadian Union of Public Employees (CUPE), local 2614. The present appeal was filed on September 18, 2006 on behalf of Mario Dubé, Maurice Gilbert and Karl Fortier, all longshoremen in the port of Québec.
- [2] On August 29, 2006, at about 8:15 a.m., Mario Dubé, Maurice Gilbert and Karl Fortier had been assigned as #1, #2 and #4 onboard crane operators aboard the MV *Vamand Wave*, then docked in area 103 of the port of Québec, the work place of Arrimage du St-Laurent. Noting that the chairs provided in the cranes for the operators had been modified and were of the [translation] “office chair” type with no mechanism for adjusting the arm’s length from the controls, all three longshoremen refused to work since, in their opinion, it was dangerous for them to operate the cranes aboard the vessel.
- [3] The same day, following his investigation, Health and Safety Officer (HSO) Gilles Marcotte found that there was no danger to the employees, and confirmed his decision in writing.

- [4] On November 7, 2007, counsel Steve Bargoné indicated in writing that the appeal filed by Mr. Arsenault had been withdrawn.
- [5] On the basis of the HSO Marcotte's investigation report included in the file, the Appeals Officer hereby accepts the withdrawal of the appeal filed by Mr. Arsenault and confirms that the case is closed.

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Katia Néron  
Appeals Officer

## Summary of Decision by Appeals Officer

**Decision No.:** CAO-07-040

**Appellant:** Syndicat des débardeurs de Québec, Canadian Union of Public Employees,  
local 2614

**Employer:** Arrimage du St-Laurent

**Provisions:** *Canada Labour Code*, 129(7)

**Key words:** No-danger decision, refusal to work, absence of mechanism to adjust arm's length  
from controls on chairs installed for operators of three onboard cranes

### Summary:

On September 18, 2006, Stéphan Arsenault, president, Syndicat des débardeurs de Québec, filed an appeal pursuant to subsection 129(7) of the *Canada Labour Code, Part II* on behalf of Mario Dubé, Maurice Gilbert and Karl Fortier.

On November 7, 2007, counsel Steve Bargoné indicated in writing that the appeal filed by Mr. Arsenault had been withdrawn. The case is therefore closed.