

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: Air Satellite
Baie-Comeau Airport
Baie-Comeau, Quebec
Represented by: Edith Fournier
Director of Operations

Interested party: Jean-Pierre Bourget
Safety Officer
Transport Canada
and
Jean-Marc Juteau
Safety Officer
Human Resources Development Canada

Before: Serge Cadieux
Regional Safety Officer
Human Resources Development Canada

On June 29, 1997, safety officer Jean-Pierre Bourget issued a direction (see appendix) under subsection 145(1) of the Canada Labour Code, Part II, to Air Satellite inc., an aviation company. On July 16, 1997, further to a request for review of this direction by Air Satellite, a hearing was held in St-Jean-sur-Richelieu. I subsequently inspected the equipment installed by Dynamair, which is the subject of the direction contested, on board a Cessna 310 aircraft.

Decision

On the basis of my findings at the time of my investigation and the points of law that will be explained at a later date in the reasons for my decision, I have decided that the direction issued was not warranted under the circumstances.

For this reason, **I RESCIND** the direction issued under subsection 145(1) of the Canada Labour Code, Part II, to Air Satellite by safety officer Jean-Pierre Bourget on June 29, 1997.

Decision rendered on July 16, 1997.

Serge Cadieux
Regional Safety Officer

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

DIRECTION TO THE EMPLOYER UNDER SUBSECTION 145(1)

On June 29, 1997, the undersigned safety officer conducted an inquiry regarding the Cessna 310 aircraft, registration number C-GGTF, operated by Air Satellite Inc., being an employer subject to the Canada Labour Code, Part II, at the Matagami airport, the said work place being sometimes known as Air Satellite.

The said safety officer is of the opinion that the following provisions of the Canada Labour Code, Part II, are being contravened:

Paragraph 125(p) of the Canada Labour Code, Part II, and paragraph 6.3(b) of the Aviation Occupational Safety and Health Regulations.

The size of the radio console (Aeropointer Radio Console), which is installed between the pilot's and co-pilot's seats, interferes with the safe operation of the safety belt attachment.

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1) of the Canada Labour Code, Part II, to terminate the contravention no later than July 16, 1996 (sic).

Issued at Val-D'Or, this 29th day of June 1997.

Jean-Pierre Bourget
Safety Officer
No. 3141

To: Air Satellite
Baie-Comeau Airport
Pointe-Lebel, Quebec
G5C 2S6