

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: Aéropro  
Jean Lesage International Airport  
Ste-Foy, Quebec  
Represented by: Jacques Paillard for: Aurèle Labbé  
President

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

In June 29, safety officer Jean-Pierre Bourget issued a direction (see appendix) under subsection 145(1) of the Canada Labour Code, Part II, to Aéropro, an aviation company. On July 16, 1997, further to a request for review of this direction by Aéropro, 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 Aéropro 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-GSVI, operated by 2553-4330 Québec Inc, being an employer subject to the Canada Labour Code, Part II, at the Roberval airport, the said work place being sometimes known as Aéropro.

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 seat 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, 1997.

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

Jean-Pierre Bourget  
Safety Officer  
No. 3141

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