

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

Case No.:2007-22
Decision No.:TSSTC-09-017

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

Maritime Employers' Association
Port of Montréal
appellant

and

Longshoremen's Union, CUPE
Local 375
respondent
and

Montreal Gateway Terminals
Partnership
intervenor

DATE May 4, 2009

This case was heard by Appeals Officer Jean-Pierre Aubre.

André C. Giroux
For the appellant
Not represented
For the respondent
Philippe Vachon
Catherine Pronovost
For the intervenor

**TRANSLATION/
TRADUCTION**

Canada 

- [1] The following decision constitutes the written version of the decision made verbally on April 24, 2009.
- [2] This appeal was heard in Montréal by the undersigned Appeals Officer on April 22 and 23, 2009. This appeal had been filed on August 6, 2007 by the Maritime Employers' Association, Port of Montréal, in response to a direction issued on July 9, 2007 under *Canada Labour Code, Part II (Code)*, paragraphs 145(1)(a) and (b) by Health and Safety Officer François de Champlain.
- [3] The direction in question directed the appellant to cease contravening subsection 134.1(1) of the *Code* in terms of the obligation to set up a health and safety steering committee, and ordered it to set up such a committee.
- [4] At the closing of the discussions on April 23, 2009, I indicated to the parties present that I was prepared to immediately make my decision on the appeal, subject to drafting the full reasons in support of this decision at a later time, and I rendered the decision verbally on April 24, 2009, as indicated above.
- [5] This decision is as follows.
- [6] The appeal is allowed, and the direction in question is annulled, the main reason being that the appellant, the Maritime Employers' Association, Port of Montréal, is not an employer that normally has the three hundred or more direct employees that establish its obligation to set up such a health and safety steering committee.
- [7] The full reasons in support of this decision will be forwarded to the parties in due time and place.

Jean-Pierre Aubre
Appeals Officer