

CANADA LABOUR CODE  
PART II  
OCCUPATIONAL SAFETY AND HEALTH

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

Applicant: International Longshoremen's Association  
Saint John, N.B.  
Represented by: Robert Breen

Respondent: Forest Products Terminal  
Saint John, N.B.  
Represented by: Bruce Harding

Mis-en-cause: Luc Sarrazin  
Safety Officer  
Human Resources Development Canada

Before: Serge Cadieux  
Regional Safety Officer  
Human Resources Development Canada

On November 21<sup>st</sup>, 1997 safety Officer Luc Sarrazin conducted an inquiry in the work place operated by Forest Products Terminal Corporation Ltd. following the refusal to work made by eight (8) employees. The employees in question had refused to wear hard hats alleging this situation created a danger to them while at work. An investigation into the refusals to work resulted in a decision of no danger by the investigating safety officer. Nonetheless, as safety officer Luc Sarrazin investigated an accident involving an employee that had been injured at work, he noticed that all employees at this work place were not wearing head protection where head injuries could occur. Following discussions regarding this issue with all parties concerned, the safety officer issued a direction to the employer under paragraph 145(2)(a) of the Canada Labour Code, Part II (the Code) on November 27<sup>th</sup> 1997.

On December 1<sup>st</sup>, 1997 the International Longshoremen's Association (I.L.A.) requested a review of the direction. A significant amount of time has elapsed in this case due to the fact that the I.L.A. had also presented their case before the Canada Industrial Relations Board (the Board) following the decision of no danger issued by the safety officer investigating the employees' refusals to wear hard hats. Furthermore, the I.L.A. requested that the Office of the Regional Safety Officer delay the hearing process in order for the Board to hear their case and render a decision. The I.L.A. argued that the outcome of the hearing before the Board would impact on the revision before the RSO and the need to proceed with the review of the direction. The Regional Safety Officer agreed with the postponement of a hearing date.

On August 18, 1999, the I.L.A. informed the Office of the Regional Safety Officer that following the decision of the Board, it was withdrawing its request for review. As the Regional Safety Officer responsible for the review of this direction I am confirming that the International Longshoremen's Association has withdrawn its request for review of the direction issued by Luc Sarrazin on November 27<sup>th</sup>, 1997 under paragraph 145(2)(a) of the Code. This file is closed.

Issued on September 16, 1999.

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(2)(a)

On November 21<sup>st</sup>, 1997, the undersigned safety officer conducted an inquiry, following the refusal to work made by Samuel Mcguire, Gary Douglas Barron, Steven Savoie, Howard Lord, John Gavin, Pat Walsh, Allison Richard, and Ellory Lerox, in the work place operated by FOREST PRODUCTS TERMINAL CORPORATION LTD., being an employer subject to the Canada Labour Code, Part II, at Navy Island, P.O. Box 3518, Station "B", SAINT JOHN, N.B., the said work place being sometimes known as Forterm.

The said safety officer considers that a condition in any place constitutes a danger to an employee while at work:

**The employees were not wearing protective headwear nor footwear at any time of inquiry**

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

Luc Sarrazin  
Safety Officer

To: FOREST PRODUCTS TERMINAL CORPORATION LTD.  
FOREST PRODUCTS TERMINAL CORP.  
Navy Island  
P.O. Box 3518, Station "B"  
SAINT JOHN, NB E2M 4Y1

**SUMMARY OF REGIONAL SAFETY OFFICER DECISION**

**Applicant:** International Longshoremen's Association  
Saint John, N.B.

**Respondent:** Forest Products Terminal Corporation  
Saint John, N.B.

**KEYWORDS**

Headwear, footwear.

**PROVISIONS**

Code: 145(2)(a)

Reg: n/a

**SUMMARY**

A safety officer gave a direction to Forest Products Terminal Corporation respecting the failure of its employees to wear hard hats. The International Longshoremen's Association requested a review of the direction but withdrew its request subsequently to a decision rendered by the Canadian Industrial Relations Board respecting this issue. The file was closed.