

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)**

B E T W E E N :

CANADA POST CORPORATION

APPELLANT
(Respondent)

- and -

CANADIAN UNION OF POSTAL WORKERS

RESPONDENT
(Appellant)

(Style of cause continues inside cover page)

**FACTUM OF THE INTERVENER, FETCO INC. (FEDERALLY REGULATED
EMPLOYERS - TRANSPORTATION AND COMMUNICATIONS)**

(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

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PART I - OVERVIEW AND STATEMENT OF FACTS

A. Overview

1. In this appeal, the Canadian Union of Postal Workers (“CUPW” or the “Respondent”) argues that section 125(1)(z.12) of the *Canada Labour Code*¹ (the “Code”) requires a federal employer to ensure that a work place health and safety committee or representative inspects locations that are *not* under the employer’s control. In the decision under review, an experienced appeals officer of the Occupational Health and Safety Tribunal Canada reached the opposite conclusion: In his expert view, the inspection obligation only applies to work places that an employer controls.

2. The intervener, FETCO Inc. (Federally Regulated Employers - Transportation and Communications) (“FETCO”), is the principal representative of employers in Canada’s federal sector. The outcome of this appeal will have a direct impact on all of FETCO’s members’ legal obligations and day-to-day practices concerning work place health and safety.

3. FETCO submits that the appeals officer’s decision is reasonable.

4. First, the appeals officer’s conclusion that the inspection duty only applies to locations under an employer’s control is consistent with other relevant provisions in Part II of the *Code*. In particular, sections 135(1), 135(7)(k), 136(1), and 136(5)(j) of the *Code* limit the inspection duties of a work place health and safety committee or representative to only those work place(s) that are *controlled by the employer*.

¹ *Canada Labour Code*, R.S.C. 1985, L-2.

5. Second, the day-to-day activities of private sector federal employers extend across, and into, a vast range of locations that are not under their control, including private homes and locations outside of Canada. Under the majority's reasoning in the decision below, federal employers' inspection duties would extend to these locations. This is absurd and unreasonable.

6. Third, it is settled law that the *Code* can apply extra-territorially. As a result, the Federal Court of Appeal's decision has legal implications for, and may conflict with, federal employers' and employees' activities, obligations, and interests outside of Canada.

B. Statement of Facts

7. FETCO accepts the facts as summarized in the Factum of Canada Post Corporation ("Canada Post").

PART II - STATEMENT OF POSITION ON THE QUESTION IN ISSUE

8. The appeals officer reasonably concluded that the inspection duty in section 125(1)(z.12) of the *Code* applies only to work places that are under the control of the employer.

PART III - STATEMENT OF ARGUMENT

A. The appeals officer's decision is consistent with the scheme of the *Code*

Limited role of health and safety committees and representatives

9. Section 125(1)(z.12) is only one of numerous provisions in Part II of the *Code* that address work place health and safety committees or representatives. Read together in accordance with basic principles of statutory interpretation, these provisions establish a clearly defined and

limited role for health and safety committees and representatives that does *not* extend to the inspection of work places outside of an employer's control.

10. Section 135 of the *Code* is the foundational provision concerning the role and responsibilities of a work place health and safety committee. A federal employer's obligation to establish a work place health and safety committee is set out at section 135(1):

135(1) For the purposes of addressing health and safety matters that apply to individual work places, and subject to this section, every employer shall, for each work place controlled by the employer at which twenty or more employees are normally employed, establish a work place health and safety committee and, subject to section 135.1, select and appoint its members. [emphasis added]

11. On its face, this provision requires an employer to establish a work place health and safety committee only in respect of certain work places, namely: (1) *individual* work places; (2) under the *control* of the employer; (3) at which *twenty or more employees are normally employed*.

12. In turn, section 135(7)(k) narrowly requires the work place committee to inspect the work place *for which it is established*:

135(7) A work place committee, in respect of the work place for which it is established,

[...]

(k) shall inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year; [emphasis added]

13. Similar limiting language is used in sections 136(1) and 136(5)(j) of the *Code* in respect of the appointment and duties of a health and safety representative at a work place where fewer than twenty employees are employed. As in the case of a work place health and safety committee, an employer is required to appoint a health and safety representative only at work

places *controlled by the employer*. In turn, the representative is narrowly required to inspect the workplace for which she has been appointed.

14. Section 125(1)(z.12) - the provision at issue in this appeal - imposes a complementary requirement on the employer in language that mirrors sections 135(7)(k) and 136(5)(j). Specifically, section 125(1)(z.12) requires the employer to:

125(1)(z.12) ensure that the work place committee or the health and safety representative inspects each month all or part of the work place, so that every part of the work place is inspected at least once each year; [emphasis added]

15. Accordingly, under well-established principles of statutory interpretation, section 125(1)(z.12) of the *Code* does not exist in a vacuum. Rather, it is connected to - and must be read together with - the underlying inspection duties in sections 135(7)(k) and 136(5)(j). Based on the plain wording of these provisions, section 125(1)(z.12) places a responsibility on the employer to “ensure” that the work place health and safety committee or representative fulfills the underlying inspection duties set out at sections 135(7)(k) and 136(5)(j), both of which are limited to work places under the employer’s control.

16. In other words, section 125(1)(z.12) of the *Code* does not give a work place health and safety committee or representative a wide-ranging mandate to inspect work places over which the employer has no control. Rather, the committee or representative’s inspection duty - and, as a consequence, the employer’s corresponding obligation under section 125(1)(z.12) to ensure that this inspection duty is met - is expressly limited to work places under the employer’s control.

Section 125(1) presumes control over the “work place”

17. The appeals officer’s conclusion that section 125(1)(z.12) applies only to a work place under an employer’s control is also consistent with how the term “work place” is used elsewhere in section 125(1) of the *Code*.

18. Most notably, a number of the other specific employer duties in section 125(1) of the *Code* expressly use the term “work place” and establish employer duties in this regard.² In most cases, the wording of the duty at issue *presumes* that the “work place” in question is a location over which the employer has physical control. For example, section 125(1)(z.14) provides that an employer must:

(z.14) take all reasonable care to ensure that all of the persons granted access to the work place, other than the employer’s employees, are informed of every known or foreseeable health or safety hazard to which they are likely to be exposed in the workplace;

19. It is simply not possible to interpret or apply this duty - in principle or in practice - to a location that the employer does not control. Indeed, under Justice Nadon’s reasoning on the facts in this appeal, section 125(1)(z.14) would require Canada Post to take steps to ensure that all *non-employees* who access letter carrier routes or points of call - that is, anyone who accesses the millions of kilometres that mail delivery employees travel and the millions of mail delivery addresses on private property - are made aware of foreseeable health or safety hazards.

20. Precisely the same problem arises under Justice Rennie’s approach. Even if an employer controls its employees’ work activities, the employer still has no ability to ensure that all persons granted access to a work place are informed of hazards in that work place pursuant to section

² *Canada Labour Code*, R.S.C. 1985, L-2, ss. 125(1)(e), (l), (p), (u), (w), (y), (z.03), (z.04), (z.07), (z.11), (z.14), (z.16), and (z.17).

125(1)(z.14) of the *Code*. Only control of the work place allows the employer to meet this obligation.

21. A number of similar duties in section 125(1) govern how the employer “grants access” to, or controls entry to and exit from, the work place.³ On their face, these duties are only logically coherent and only possible to implement if the employer exercises physical control over the “work place” in question. In short, an employer has no legal or practical ability to control (or even influence) access or entry to, or exit from, a work place that is not under its control. The fact that an employer controls its employees’ work activity in such a work place does not change this. Control of the work place itself is a prerequisite for fulfilling the duty.

22. There are three provisions in the *Canada Occupational Health and Safety Regulations* (the “Regulations”) – sections 2.20, 5.17, and 17.5(1)(b) – whose application is expressly limited to work places or structures that are “controlled by the employer” or “under the employer’s control.”⁴ However, contrary to CUPW’s argument,⁵ the existence of these limitations does not mean that Parliament intended duties in section 125(1) without this language to apply to work places outside the employer’s control. In fact, a closer examination suggests that, in each case, the Governor in Council used this language to address very specific situations in which an employer may share a building with another occupant.

23. Section 2.20 recognizes that HVAC systems are often common to an entire building containing multiple tenants, so that an employer might control only the portion of the HVAC

³ *Canada Labour Code*, R.S.C. 1985, L-2, ss. 125(1)(l), (p), (w), (y), and (z.14).

⁴ *Canada Occupational Health and Safety Regulations*, SOR/86-304, ss. 2.20, 5.17, and 17.5(1)(b).

⁵ Respondent’s Factum, paras. 100-103.

system connected to its work place. This is reflected in the text of section 2.20 as it read prior to 2011:

2.20 (1) Sections 2.21 to 2.24 apply to buildings whose owner or principal tenant is an employer as defined in subsection 122(1) of the Act.

(2) Despite subsection (1), where the employer is not the principal tenant in the building but occupies a portion of the building in which there is an HVAC system over which the employer has control, sections 2.21 to 2.24 apply to that portion of the building.

24. The language of section 2.20 has since been simplified so that it centres on control of work places rather than buildings, but it addresses the same situation and has the same effect: It ensures that where an employer has shared occupancy of a building, it is responsible only for the portion of the HVAC system for work places under its control.

25. Similar considerations underlie section 5.17, which concerns record-keeping for boilers and other systems. As with HVAC systems, there is often one boiler system shared among multiple tenants or employers in a building. The language of section 5.17 clarifies that an employer must keep inspection records only for those boiler systems under its control.

26. Finally, section 17.5(1), which concerns emergency procedures, expressly contemplates a situation in which a building may contain the employees of multiple employers. In light of this, section 17.5(1)(b) clarifies that, although the employer is required to prepare a variety of emergency procedures, it is not required to prepare emergency procedures relating to a hazardous spill if the risk of that occurring lies solely in a work place controlled by another employer.

27. Based on the foregoing, the appeals officer's decision that the inspection duty in section 125(1)(z.12) of the *Code* only applies to "work places" under an employer's control is consistent with the broader scheme of Part II of the *Code*.

B. The appeals officer's decision is sensitive to the reality of federal work places

28. The appeals officer's determination that the inspection duty in section 125(1)(z.12) of the *Code* only applies to work places under the control of an employer is also sensitive to the realities of work in the federal sector.

29. In particular, the appeals officer's decision is sensitive to the fact that federal employers' activities extend across, *and into*, a vast range of locations that are *not* under their control, including private homes and locations outside of Canada.

30. This reality is clearly reflected in the case law of courts and other adjudicators called upon to address federal sector labour and employment issues. For example, recent case law has addressed federal sector employees working in the following locations:

- Field technicians in the telecommunications sector working *inside* private homes;⁶
- CBC journalists reporting from special events (such as the Olympics) that take place outside of Canada;⁷
- The pilots of a federal helicopter operation based around the world, including in: Bangladesh, Myanmar, Thailand, Vietnam, Philippines, Brunei, Malaysia, India, Azerbaijan, Georgia, India, Kazakhstan, Pakistan, Libya, Chad, Cameroon, Guinea, Equatorial Guinea, Namibia, Republic of Benin, Angola, Mozambique, South Africa, Ecuador, and Venezuela.⁸

31. Under Justice Nadon's interpretation of section 125(1)(z.12) of the *Code* in the decision below, and under Justice Rennie's interpretation where the employer controls the work activity, a

⁶ *Telus Communications Inc. v. Telecommunications Workers' Union*, 2013 ABQB 355, para. 2 (upheld in 2014 ABCA 199); *Telus Communications Co. and TWU (Mendez), Re*, 2016 CanLII 61445 (Hornung) (ON LA), pages 2, 7.

⁷ See, generally, *Canadian Broadcasting Corp. v. Canadian Media Guild, Unit II*, [2005] C.L.A.D. No. 499.

⁸ *CHC Global Operations, a Division of CHC Helicopters International Inc.*, 2007 CIRB 396 at para. 12; *Global Helicopter Pilots Association v. CHC Global Operations (2008) Inc*, 2009 CIRB 459 at para. 14.

workplace health and safety committee or representative would be *required* to inspect these and similar locations despite the fact that there may be insurmountable legal and practical barriers to accessing such locations. Clearly, an employer has no ability at all to ensure that a work place inspection occurs in a private home, foreign country, or other location that an employer does not control if the homeowner, foreign authority, or other controlling entity refuses to allow such an inspection to occur. Parliament could never have intended to establish an obligation that is impossible for an employer to fulfill.

32. Both the appeals officer and the Federal Court recognized this basic problem in the specific context of Canada Post's letter carrier routes and points of call. As described above, when applied to the federal sector more broadly, the appeals officer's and Federal Court's reasoning in this regard is even more compelling.

C. Impact of the Federal Court of Appeal's interpretation outside of Canada

33. The extension of the inspection duty in section 125(1)(z.12) to work places that an employer does not control would be particularly concerning in light of the fact that the *Code* can apply extra-territorially.

34. In *CHC Global*,⁹ the Federal Court of Appeal recognized that the *Code* can be applied to employees performing work outside of Canada so long as they are employed by a federally-regulated employer.¹⁰ In reaching this conclusion, this Court recognized that such employees may also be subject to the regulatory authority of another country, but suggested that this was not

⁹ *CHC Global Operations (2008) Inc. v. Global Helicopter Pilots Association*, 2010 FCA 89 (“*CHC FCA*”).

¹⁰ *CHC FCA* at para. 29.

problematic given that Part I of the *Code* (the Part at issue in *CHC Global*) addresses the employees' relationship with the employer and their terms and conditions of employment.¹¹

35. Based on *CHC Global*, Part II of the *Code* can apply extra-territorially. However, unlike Part I of the *Code*, Part II mainly addresses the broader physical environment in which employees perform their duties, not the narrow legal relationship between the employer and employees. As a result, the application of Part II of the *Code* to employee's work activities in foreign jurisdictions could give rise to conflicts between, on one hand, the principles and requirements of Part II of the *Code* and, on the other, any laws or regulations applicable to the physical work environment in that foreign jurisdiction.

36. In any event, in combination with the extra-territorial reach of the *Code*, the extension of the inspection duty in section 125(1)(z.12) of the *Code* to locations that are *not* under the employer's control could result in a situation in which federal employers are required to ensure the inspection of all of the many far-flung locations in foreign jurisdictions where an employee may travel to perform a duty. In light of the limiting wording of section 125(1)(z.12) of the *Code* and the related provisions discussed above, Parliament cannot have intended this result.

PART IV - COSTS

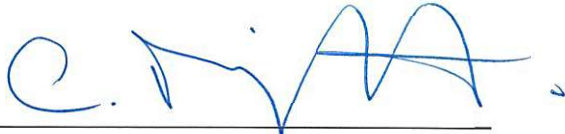
37. FETCO does not seek costs and requests that none be awarded against it.

PART V - ORDER SOUGHT

38. FETCO has been granted permission to present oral argument not exceeding five (5) minutes at the hearing of the appeal, and does not request a further order.

¹¹ *Ibid.*

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 12th day of October, 2018.



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PART VI - TABLE OF AUTHORITIES

	Authority	Paragraph(s)
CASES		
1.	<i>Canadian Broadcasting Corp. v. Canadian Media Guild, Unit II</i> , [2005] C.L.A.D. No. 499	30
2.	<i>CHC Global Operations, a Division of CHC Helicopters International Inc.</i> , 2007 CIRB 396	30
3.	<i>CHC Global Operations (2008) Inc. v. Global Helicopter Pilots Association</i> , 2010 FCA 89	34, 35
4.	<i>Global Helicopter Pilots Association v. CHC Global Operations (2008) Inc.</i> , 2009 CIRB 459	30
5.	<i>Telus Communications Inc. v. Telecommunications Workers' Union</i> , 2013 ABQB 355 (upheld in 2014 ABCA 199)	30
6.	<i>Telus Communications Co. and TWU (Mendez), Re.</i> , 2016 CanLII 61445 (Hornung) (ON LA)	30
LEGISLATION		
7.	<i>Canada Labour Code</i> , R.S.C. 1985, c. L-2., ss. 125(1) , 135(1) , 135(7) , 136(1) , and 136(5) .	1, 4, 8-21, 27-28, 31, 33, 36
8.	<i>Canada Occupational Health and Safety Regulations</i> , SOR/86-304, ss. 2.20 , 5.17 , and 17.5(1)(b) .	22-26

PART VII - STATUTES AND RULES RELIED ON

1. The [Canada Labour Code](#), R.S.C. 1985, c. L-2:

<p>PART II OCCUPATIONAL HEALTH AND SAFETY</p>	<p>PARTIE II SANTÉ ET SÉCURITÉ AU TRAVAIL</p>
<p>Specific duties of employer</p> <p>125 (1) Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity,</p> <p>[...]</p> <p>(e) make readily available to employees for examination, in printed or electronic form, a copy of the regulations made under this Part that apply to the work place;</p> <p>[...]</p> <p>(l) provide every person granted access to the work place by the employer with prescribed safety materials, equipment, devices and clothing;</p> <p>[...]</p> <p>(p) ensure, in the prescribed manner, that employees have safe entry to, exit from and occupancy of the work place;</p> <p>[...]</p> <p>(u) ensure that the work place, work spaces and procedures meet prescribed ergonomic standards;</p>	<p>Obligations spécifiques</p> <p>125 (1) Dans le cadre de l'obligation générale définie à l'article 124, l'employeur est tenu, en ce qui concerne tout lieu de travail placé sous son entière autorité ainsi que toute tâche accomplie par un employé dans un lieu de travail ne relevant pas de son autorité, dans la mesure où cette tâche, elle, en relève :</p> <p>[...]</p> <p>e) de mettre à la disposition des employés, de façon que ceux-ci puissent y avoir effectivement accès sur support électronique ou sur support papier une copie des règlements d'application de la présente partie qui sont applicables au lieu de travail;</p> <p>[...]</p> <p>l) de fournir le matériel, l'équipement, les dispositifs et les vêtements de sécurité réglementaires à toute personne à qui il permet l'accès du lieu de travail;</p> <p>[...]</p> <p>p) de veiller, selon les modalités réglementaires, à ce que les employés puissent entrer dans le lieu de travail, en sortir et y demeurer en sécurité;</p> <p>[...]</p> <p>u) de veiller à ce que le lieu de travail, les postes de travail et les méthodes de travail soient conformes aux normes réglementaires</p>

<p>[...]</p> <p>(w) ensure that every person granted access to the work place by the employer is familiar with and uses in the prescribed circumstances and manner all prescribed safety materials, equipment, devices and clothing;</p> <p>[...]</p> <p>(y) ensure that the activities of every person granted access to the work place do not endanger the health and safety of employees;</p> <p>[...]</p> <p>(z.03) develop, implement and monitor, in consultation with the policy committee or, if there is no policy committee, with the work place committee or the health and safety representative, a prescribed program for the prevention of hazards in the work place appropriate to its size and the nature of the hazards in it that also provides for the education of employees in health and safety matters;</p> <p>(z.04) where the program referred to in paragraph (z.03) does not cover certain hazards unique to a work place, develop, implement and monitor, in consultation with the work place committee or the health and safety representative, a prescribed program for the prevention of those hazards that also provides for the education of employees in health and safety matters related to those hazards;</p> <p>[...]</p> <p>(z.07) ensure the availability in the work place of premises, equipment and personnel necessary for the operation of the policy and work place committees;</p> <p>[...]</p>	<p>d'ergonomie;</p> <p>[...]</p> <p>w) de veiller à ce que toute personne admise dans le lieu de travail connaisse et utilise selon les modalités réglementaires le matériel, l'équipement, les dispositifs et les vêtements de sécurité réglementaires;</p> <p>[...]</p> <p>y) de veiller à ce que la santé et la sécurité des employés ne soient pas mises en danger par les activités de quelque personne admise dans le lieu de travail;</p> <p>[...]</p> <p>z.03) en consultation avec le comité d'orientation ou, à défaut, le comité local ou le représentant, d'élaborer et de mettre en oeuvre un programme réglementaire de prévention des risques professionnels — en fonction de la taille du lieu de travail et de la nature des risques qui s'y posent —, y compris la formation des employés en matière de santé et de sécurité, et d'en contrôler l'application;</p> <p>z.04) relativement aux risques propres à un lieu de travail et non couverts par un programme visé à l'alinéa z.03), en consultation avec le comité d'orientation ou, à défaut, le comité local ou le représentant, d'élaborer et de mettre en oeuvre un programme réglementaire de prévention de ces risques, y compris la formation des employés en matière de santé et de sécurité relativement à ces risques, et d'en contrôler l'application;</p> <p>[...]</p> <p>z.07) de mettre à la disposition du comité d'orientation et du comité local les installations, le matériel et le personnel dont ils ont besoin dans le lieu de travail;</p> <p>[...]</p>
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<p>(z.11) provide to the policy committee, if any, and to the work place committee or the health and safety representative, a copy of any report on hazards in the work place, including an assessment of those hazards;</p> <p>(z.12) ensure that the work place committee or the health and safety representative inspects each month all or part of the work place, so that every part of the work place is inspected at least once each year;</p> <p style="text-align: center;">[...]</p> <p>(z.14) take all reasonable care to ensure that all of the persons granted access to the work place, other than the employer's employees, are informed of every known or foreseeable health or safety hazard to which they are likely to be exposed in the work place;</p> <p style="text-align: center;">[...]</p> <p>(z.16) take the prescribed steps to prevent and protect against violence in the work place;</p> <p>(z.17) post and keep posted, in a conspicuous place or places where they are likely to come to the attention of employees, the names, work place telephone numbers and work locations of all of the members of work place committees or of the health and safety representative;</p> <p style="text-align: center;">[...]</p>	<p>z.11) de fournir au comité d'orientation, ainsi qu'au comité local ou au représentant, copie de tout rapport sur les risques dans le lieu de travail, notamment sur leur appréciation;</p> <p>z.12) de veiller à ce que le comité local ou le représentant inspecte chaque mois tout ou partie du lieu de travail, de façon que celui-ci soit inspecté au complet au moins une fois par année;</p> <p style="text-align: center;">[...]</p> <p>z.14) de prendre toutes les précautions nécessaires pour que soient portés à l'attention de toute personne — autre qu'un de ses employés — admise dans le lieu de travail les risques connus ou prévisibles auxquels sa santé et sa sécurité peuvent être exposées;</p> <p style="text-align: center;">[...]</p> <p>z.16) de prendre les mesures prévues par les règlements pour prévenir et réprimer la violence dans le lieu de travail;</p> <p>z.17) d'afficher en permanence dans un ou plusieurs endroits bien en vue et fréquentés par ses employés les nom, numéro de téléphone au travail et lieu de travail des membres des comités locaux et des représentants;</p> <p style="text-align: center;">[...]</p>
<p>Work Place Health and Safety Committees Establishment mandatory</p> <p>135 (1) For the purposes of addressing health and safety matters that apply to individual work places, and subject to this section, every employer shall, for each work place controlled by the employer at which twenty or more employees are normally employed, establish a work place health and safety committee and,</p>	<p>Comités locaux de santé et de sécurité Constitution obligatoire</p> <p>135 (1) Sous réserve des autres dispositions du présent article, l'employeur constitue, pour chaque lieu de travail placé sous son entière autorité et occupant habituellement au moins vingt employés, un comité local chargé d'examiner les questions qui concernent le lieu de travail en matière de santé et de sécurité; il</p>

<p>subject to section 135.1, select and appoint its members.</p>	<p>en choisit et nomme les membres sous réserve de l'article 135.1.</p>
<p>Duties of committee</p> <p>135 (7) A work place committee, in respect of the work place for which it is established,</p> <p style="text-align: center;">[...]</p> <p>(k) shall inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year; and</p> <p style="text-align: center;">[...]</p>	<p>Attributions du comité</p> <p>135 (7) Le comité local, pour ce qui concerne le lieu de travail pour lequel il a été constitué :</p> <p style="text-align: center;">[...]</p> <p>k) inspecte chaque mois tout ou partie du lieu de travail, de façon que celui-ci soit inspecté au complet au moins une fois par année;</p> <p style="text-align: center;">[...]</p>
<p>Health and Safety Representatives Appointment of health and safety representative</p> <p>136 (1) Every employer shall, for each work place controlled by the employer at which fewer than twenty employees are normally employed or for which an employer is not required to establish a work place committee, appoint the person selected in accordance with subsection (2) as the health and safety representative for that work place.</p>	<p>Représentants en matière de santé et de sécurité Nomination</p> <p>136 (1) L'employeur nomme un représentant pour chaque lieu de travail placé sous son entière autorité et occupant habituellement moins de vingt employés ou pour lequel il n'est pas tenu de constituer un comité local.</p>
<p>Duties of representative</p> <p>136 (5) A health and safety representative, in respect of the work place for which the representative is appointed,</p> <p style="text-align: center;">[...]</p> <p>(j) shall inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year;</p> <p style="text-align: center;">[...]</p>	<p>Fonctions d'un représentant</p> <p>136 (5) Le représentant, pour ce qui concerne le lieu de travail pour lequel il est nommé :</p> <p style="text-align: center;">[...]</p> <p>j) inspecte chaque mois tout ou partie du lieu de travail, de façon que celui-ci soit inspecté au complet au moins une fois par année;</p> <p style="text-align: center;">[...]</p>

2. The [Canada Occupational Health and Safety Regulations](#), SOR/86-304:

<p align="center">PART II - PERMANENT STRUCTURES</p> <p align="center">DIVISION III</p> <p align="center">HVAC Systems</p> <p>Application</p> <p>2.20 Sections 2.21 to 2.24 apply to every work place that is equipped with an HVAC system and that is under the employer's control.</p>	<p align="center">PARTIE II - OUVRAGES PERMANENTS</p> <p align="center">SECTION III</p> <p align="center">Systèmes CVCA</p> <p>Application</p> <p>2.20 Les articles 2.21 à 2.24 s'appliquent à l'égard de tout lieu de travail muni d'un système CVCA et sur lequel l'employeur a entière autorité.</p>
<p align="center">PART V - BOILERS AND PRESSURE VESSELS</p> <p>Records and Reports</p> <p>5.17 The employer shall keep and maintain a record of every boiler, pressure vessel and pressure piping system to which this Part applies and that is under the employer's control.</p>	<p align="center">PARTIE V - CHAUDIÈRES ET RÉSERVOIRS SOUS PRESSION</p> <p>Rapports et registres</p> <p>5.17 L'employeur doit tenir un registre des chaudières, réservoirs sous pression et réseaux de canalisations sous pression qui sont assujettis à la présente partie et qui sont sous sa responsabilité.</p>
<p align="center">SCHEDULE V - SUBJECTS TO BE INCLUDED IN THE COURSES</p> <p align="center">PART XVII</p> <p align="center">Safe Occupancy of the Work Place</p> <p>Emergency Procedures</p> <p>17.5 (1) Every employer shall, after consultation with the work place committee or the health and safety representative and with the employers of any persons working in the building to whom the Act does not apply, prepare emergency procedures</p> <p align="center">[...]</p> <p>(b) if there is a possibility of an accumulation, spill or leak of a hazardous substance in a work</p>	<p align="center">ANNEXE V - SUJETS INSCRITS AUX COURS</p> <p align="center">PARTIE XVII</p> <p align="center">Séjourner en sécurité dans un lieu de travail</p> <p>Procédures d'urgence</p> <p>17.5 (1) L'employeur doit, après avoir consulté le comité local ou le représentant et les employeurs des personnes non visées par la Loi qui travaillent dans le bâtiment, établir les procédures d'urgence :</p> <p align="center">[...]</p> <p>b) à prendre s'il y a risque d'accumulation, de déversement ou de fuite d'une substance dangereuse dans le lieu de travail qu'il dirige;</p>

<p>place controlled by the employer, to be implemented in the event of such an accumulation, spill or leak;</p> <p>[...]</p>	<p>[...]</p>
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