

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: Les Blindés Loomis Ltée
Montreal, Quebec
Represented by: Suzanne Thibaudeau
Counsel

Interested Party: André Faubert
Security guard
Messenger, Les Blindés Loomis Ltée
Represented by: Pierre Grenier
Counsel

Mis-en-cause: Laurent Gallant
Safety Officer
Labour Canada

Before: Serge Cadieux
Regional Safety Officer
Labour Canada

On March 23, 1992, André Faubert, a messenger for Les Blindés Loomis Ltée, refused to work at 4405 St. Catherine East in Montreal, Quebec pursuant to the Canada Labour Code, Part II. The reason given by Mr. Faubert was that the absence of a guard to watch him during pick up and transportation of the money at this place constituted a danger for him at work. Safety officer Laurent Gallant subsequently investigated and upheld Mr. Faubert's refusal. He issued a direction to Les Blindés Loomis Ltée which is the subject of a request for review by that company.

Being the Regional Safety Officer reviewing that direction, I conducted an investigation into the matter. A visit of the premises where Mr. Faubert refused to work took place on July 2, 1992. All interested parties were represented during the visit.

Owing to the absence of Me Thibaudeau, it was agreed during the visit to postpone the hearing of this case. It was also agreed that I would first render my decision in the Loomis and Guilbault case, an almost identical case to this one. On considering the reasons for that decision, the parties would decide what course to follow in Mr. Faubert's case.

I rendered my decision in Loomis and Guilbault on August 31, 1992 and rescinded the direction of the safety officer. The decision was appealed to the Federal Court, Trial Division, by Mr. Guilbault's attorneys on September 28, 1992. The Office of the Regional Safety Officer was notified on January 13, 1993 of Mr. Guilbault's withdrawal from his application for judicial review of the Regional Safety Officer's decision.

Following that withdrawal, Les Blindés Loomis Ltée notified me on March 1, 1993 that it was withdrawing its request for review of the direction issued to it by safety officer Laurent Gallant, on April 6, 1992. Accordingly, I find that I am no longer seized of this matter. I declare the case closed.

March 2, 1993

Serge Cadieux
Regional Safety Officer