

Case No.: 2007-26
Decision No.: OHSTC-08-013

Canada Labour Code
Part II
Occupational Health and Safety

Scott Huizinga
appellant

and

Correctional Service Canada
respondent

June 18, 2008

This case was decided by Appeals Officer Pierre Guénette.

For the appellant

Scott Huizinga, Correctional Officer II, Warkworth Institution

For the respondent

Karen Clifford, Counsel, Treasury Board, Legal Services

- [1] This matter concerns an appeal made by Scott Huizinga on August 24, 2007 pursuant to subsection 129(7) of the *Canada Labour Code*, Part II (the *Code*). The appeal was against a decision of absence of danger rendered by health and safety officer Debra D'Souza (HSO D'Souza) on August 15, 2007, following her investigation of the refusal to work of Scott Huizinga on July 31, 2007.
- [2] According to the refusal to work registration form, Scott Huizinga refused to work because "(...) the fire standard to be applied to the living unit at Warkworth Institution is not being applied, excessive fire loads and hazards to be found in many of the cells within the Institution and fire safety systems such as electrical remote release devices on exit doors do not exist".
- [3] On completion of the investigation of the refusal to work, HSO D'Souza determined, pursuant to subsection 129(4) of the *Code*, that danger did not exist as defined under the *Code*.

- [4] Prior to the hearing, a mediation session was held on June 3 and 4, 2008 between both parties involved in this appeal and a mediator from the Occupational Health and Safety Tribunal Canada. As a result of the mediation process, the parties achieved a settlement agreement.
- [5] On the same day, Scott Huizinga confirmed in writing that he was withdrawing his appeal.
- [6] Considering the above and having reviewed the file, I accepted the withdrawal and declare this case closed.

Pierre Guénette
Appeals Officer

Summary of Appeals Officer Decision

Decision: OHSTC-08-013

Appellant: Scott Huizinga

Respondent: Correctional Service Canada

Provisions: *Canada Labour Code*, Part II 128, 129(4) and 129(7)

Keywords: Fire standards, living units, cells, refusal to work, danger, mediation, withdrawal.

Summary:

On July 15, 2007, Scott Huizinga refused to work on the basis that the fire standard is not applied in the living units of the Warkworth Institution.

Following an investigation of the said work refusal, health and safety officer D'Souza decided on August 15, 2007, that a danger did not exist. On August 24, 2007, Scott Huizinga appealed the decision of absence of danger rendered by health and safety officer D'Souza.

On June 3 and 4, 2008 the parties proceeded to mediation with the assistance of a mediator from the Occupational Health and Safety Tribunal Canada and came to an agreement.

On June 4, 2008, S. Huizinga confirmed in writing that he was withdrawing his appeal. Therefore, the Appeals Officer considers the above and closes the case.