

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

Case No.: 2006-54
Decision No.: OHSTC-08-020

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

S. Huizinga
appellant

and

Correctional Service Canada
Warkworth Institution
respondent

August 26, 2008

This case was decided by Appeals Officer Pierre Guénette.

For the appellant

Michel Bouchard, CSN Ontario Advisor

For the respondent

Richard Fader, Counsel, Department of Justice Canada

- [1] This case concerns an appeal made by S. Huizinga on September 6, 2006 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 on August 25, 2006 by health and safety officer Bob Tomlin (HSO Tomlin) following his investigation of the refusal to work of S. Huizinga on August 22, 2006. S. Huizinga mandated Michel Bouchard, CSN Ontario Advisor to represent him during this appeal process.
- [2] According to the Refusal to Work Registration form, S. Huizinga refused to work because the units, where he is working, are unsafe due to no escapes hatches, no lexan on the windows and outdated safety glass in the control posts of the Warkworth Institution.
- [3] On completion of the investigation of the refusal to work, HSO Tomlin determined, pursuant to subsection 129(4) of the *Code*, that there was absence of danger as understood in Part II of the *Code*.
- [4] On August 22, 2008, Michel Bouchard informed by e-mail to the A/Case Management Officer of the Occupational Health and Safety Tribunal Canada that S. Huizinga was withdrawing his appeal with regards to the decision of absence of danger rendered by HSO Tomlin, because the employer has begun the installation of the escape hatches.
- [5] Considering the above and having reviewed the file, I accept the withdrawal and declare this case closed.


Pierre Guénette
Appeals Officer

SUMMARY OF APPEALS OFFICER DECISION

Decision OHSTC-08-020

Appellant S. Huizinga

Respondent Correctional Service Canada

Provisions

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

Keywords unsafe, escape hatches, control posts, danger, withdrawal.

SUMMARY

On August 22, 2006, S. Huizinga appealed a decision of absence of danger rendered by Health and Safety Officer Tomlin further to his investigation of the said work refusal by S. Huizinga. On August 22, 2008, Michel Bouchard on behalf of the appellant withdrew the appeal. The case is therefore close.