

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

Case No.: 2007-04
Decision No.: OHSTC-08-030

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

Rico Pelosi
appellant

and

G4S Cash Services
respondent

December 5, 2008

This case was decided by Appeals Officer Douglas Malanka.

Appearance for the appellant

Marisa Pollock, Counsel, Sack Goldblatt Mitchell LLP

Appearance for the respondent

Ben Ratelband, Counsel, McCarthy Tétrault LLP

- [1] This case involves an appeal made pursuant to subsection 129(7) of the *Canada Labour Code* Part II (the Code). R. Pelosi, Custodian with G4S Cash Services, Armoured Car Service, appealed the finding of health and safety officer Robert Maklan that a danger did not exist in connection with his refusal to work. R. Pelosi refused to work because he was of the opinion that the lap belt on the rear passenger seat in the vehicle he had to occupy for the work was inadequate for safety.
- [2] Hearings were held on October 15, 2007, February 21 and 22, 2008, and September 23, 2008. A future hearing date was planned to complete the appeal review.
- [3] On November 24, 2008, M. Pollock wrote to Mr. Michel Parent, A/Case Management Officer, Occupational Health and Safety Tribunal Canada, to confirm that parties had agreed to a settlement on the matter and to request leave of the appeals officer to withdraw the appeal.
- [4] M. Pollock provided a copy of the settlement for information which appears to address the hazard connected with R. Pelosi's refusal to work.
- [5] Considering the above and having reviewed the file, this appeal is withdrawn and this case is closed.



Douglas Malanka
Appeals Officer

SUMMARY OF APPEALS OFFICER DECISION

<u>Decision</u>	OHSTC-08-030
<u>Appellant</u>	Rico Pelosi
<u>Respondent</u>	G4S Cash Services
<u>Provisions</u>	
<i>Canada Labour Code</i>	128, 129(7)
<u>Keywords</u>	danger, lap seat belt, armoured vehicle

SUMMARY

R. Pelosi, Custodian with G4S Cash Services, Armoured Car Service, refused to work because he held that the lap belt on the rear passenger seat in the vehicle he had to occupy for the work was inadequate for safety.

On November 24, 2008, M. Pollock wrote to Mr. Michel Parent, A/Case Management Officer, Occupational Health and Safety Tribunal, to confirm that parties had agreed to a settlement on the matter and to request leave of the appeals officer to withdraw the appeal.

The appeal officer accepted the request to withdraw the appeal and closed the file.