

**Case No.: 2006-24**

**Canada Labour Code  
Part II  
Occupational Health and Safety**

Michel Lafontaine & Union of  
Canadian Correctional Officers –  
CSN (UCCO-SACC)  
*appellant*

and

Correctional Service of Canada  
Federal Training Centre  
(Quebec City)  
*respondent*

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Decision No.: CAO-07-011  
March 27, 2007

This case was decided by appeals officer Katia Néron.

**For the Appellant**

Robert Deschambault, CSN  
Chantal Coulombe, local president, Federal Training Centre (FTC),  
Union of Canadian Correctional Officers – CSN (UCCO-SACC)

**For the Respondent**

Richard Fader, counsel – Treasury Board Secretariat

**Health and Safety Officer**

Mario Thibault, Human Resources and Social Development Canada, Labour Directorate,  
Montreal, Quebec

- [1] This case concerns an appeal pursuant to subsection 129(7) of the *Canada Labour Code*, Part II, by Chantal Coulombe of the Union of Canadian Correctional Officers – CSN (UCCO-SACC). This appeal was filed on July 2, 2005, on behalf of correctional officer (CO) Michel Lafontaine, employed at the Correctional Service of Canada's Federal Training Centre, Laval, Quebec.

[2] Around 3:05 p.m. on June 27, 2005, Mr. Lafontaine refused to supervise single-handedly, without the assistance of another CO, approximately 80 inmates in one of the FTC's buildings. Mr. Lafontaine stated that his safety was in danger because of the following reasons:

- The FTC buildings are physically separate from each other. Given this separation, it would take too much time for another CO to intervene to help him in an emergency, thereby placing him in a dangerous situation;
- An emergency would oblige the other COs to leave unattended the buildings where they themselves had been assigned alone to supervise the inmates, which also represented an unacceptable risk;
- The "minimum-security" code assigned to the inmates that Mr. Lafontaine had to supervise should not be considered as representative of the real level of supervision needed, particularly in the case of young inmates who were gang members and whose supervision was more difficult and increasingly dangerous or in the case of inmates on heavy medication, such as methadone, who also required closer supervision. Furthermore, when some of the inmates were escorted outside the FTC, this escort was deemed to require "constant supervision" involving two COs;
- Several of the inmates that Mr. Lafontaine had to supervise had been transferred to the FTC, an institution surrounded by enclosure walls topped with barbed wire and equipped with motion detection cameras as well as with watchtowers on the four corners, as in a medium-security institution, because such inmates could not be accepted in another minimum-security institution where the level of supervision was rated "strict" with less demanding requirements.

[3] On June 27, 2005, as a result of the employer's inability to resolve the matter, health and safety officer (HSO) Mario Thibault investigated Mr. Lafontaine's continued refusal to work.

[4] HSO Thibault decided that Mr. Lafontaine was not in danger at the time of his investigation for the following reasons:

- A risk analysis had been performed before deciding to reduce the staffing levels in the FTC's buildings, including the one where Mr. Lafontaine worked;
- A daily analysis of the incidents at the FTC having an impact on inmate supervision was performed by FTC management and employees;
- The incidents reported by the employees did not have a negative impact on them and the COs had received the necessary training to deal with such incidents;

- A report produced by the FTC's local health and safety committee mentioned that the FTC's inmate population was more or less the same as that in the region's other two minimum-security institutions, in terms of inmate characteristics, such as age, sentence length and nature of offences committed. HSO Thibault therefore concluded that the level of supervision required for inmates in the FTC's buildings was not higher than that for the other two institutions;
- A procedure had been established to respond to emergencies and this procedure required immediate intervention in response to any triggering of the portable personal alarm device given to each CO performing supervisory duties in FTC buildings;
- Emergency simulations were performed twice a year to ensure ongoing readiness to respond rapidly to emergencies, as well as adequate and rapid use of portable personal alarms;
- During previous simulations, the response time was approximately five minutes;
- The FTC is a minimum-security institution;
- The enclosure walls and the camera surveillance system were a holdover from the time when the establishment was a medium-security institution and had been only retained for budgetary reasons;
- At the time of HSO Thibault's investigation, Mr. Lafontaine was being assisted by another level 2 correctional officer (CO2).

[5] HSO Thibault confirmed his decision of no danger in writing on June 30, 2005.

[6] On February 12, 2007, Mr. Robert Deschambault of the CSN gave written notification to withdraw the appeal submitted by Mr. Lafontaine.

[7] On the basis of the parties' written submissions and HSO Thibault's investigation report included in the file, I hereby accept the withdrawal of the appeal brought by Mr. Lafontaine and confirm that this file is closed.

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Katia Néron  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** CAO-07-011

**Appellant:** Michel Lafontaine and Union of Canadian  
Correctional Officers – CSN (UCCO-SACC)

**Respondent:** Correctional Service of Canada

**Key Words:** Absence of danger, without assistance, response time, security level, withdrawal

**Provisions:** *Canada Labour Code: 129(7)*

**Summary:**

On July 2, 2005, an employee of the Correctional Service of Canada lodged an appeal against a decision of no danger rendered by a health and safety officer. On February 12, 2007, the employee's representative withdrew the appeal and the appeals officer closed the file.