

Canada Labour Code
Part II
Occupational Health and Safety

Lonnie Brant
appellant

and

Correctional Service Canada
respondent

May 18, 2007

This matter is decided by Appeals Officer Richard Lafrance

For the appellant

Michel Bouchard, CSN Ontario Union Advisor

For the respondent

Richard Fader, Counsel, Justice Canada, Treasury Board Secretariat,
Legal Services

- [1] This matter concerns an appeal made by Kevin Kunkel on August 8, 2006 pursuant to subsection 129(7) of the *Canada Labour Code*, Part II. In accordance with the same subsection, Mr. Lonnie Brant who had refused to work on August 2, 2006 assigned Mr. Kunkel to act on his behalf. Mr. Brant is employed as a Correctional Officer by Correctional Service Canada at Warkworth Institution in Campbellford, Ontario. The appeal is against a decision of absence of danger rendered by Health and Safety Officer Bob Tomlin (HSO) on August 3, 2006, following his refusal to work on August 2, 2006.
- [2] Mr. Brant alleged that a danger was being created by the fact that he could be scheduled to be the armed officer on an escort and that he had not been properly trained or given the protocol on how to conduct himself as the armed officer. He alleged that his leaving the place could also place the other staff at a risk of danger due to staff shortage and the reduced ability to respond to emergencies in the institution.

- [3] HSO Tomlin decided that there was absence of danger because the correctional officer had received core training as well as 12 years of re-qualification training on the use of sidearm. Therefore, he considered that the officer was knowledgeable in the use of the weapon as well as experienced in conducting escorts, having conducted many unarmed escorts over the course of his career.
- [4] On May 15, 2007 Michel Bouchard, CSN Union Advisor and spokesperson for Kevin Kunkel and Lonnie Brant, in an Email addressed to the Case Management Officer, Occupational Health and Safety Tribunal Canada, notified the Appeals Officer of his intention to withdraw the appeal the latter had initiated against the decision of HSO Tomlin. He stated in his Email that the health and safety issues of concern had been adequately addressed.
- [5] Considering the above and having reviewed the case file, I duly note the stated intention of the appellant. This appeal is thus withdrawn and this case is closed.

Richard Lafrance
Appeals Officer

Summary of Appeals Officer's Decision

Decision: CAO-07-0016

Appellant: Lonnie Brant

Respondent: Correctional Service Canada

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

Keywords: Escort, revolver, training

Summary:

On August 8, 2006 Kevin Kunkel on behalf of Lonnie Brant, appealed a decision of no danger following a work refusal on August 2, 2006. On May 15, 2006, the applicant withdrew the appeal. The case is therefore close.