

Case No.: 2005-65
Decision No.: CAO-07-017

Canada Labour Code
Part II
Occupational Health and Safety

Douglas Stewart Sanford and Union of
Canadian Correctional Officers – Syndicat
des agents correctionnels du Canada –
Confédération des syndicats nationaux
(UCCO-SACC-CSN)
appellant

and

Correctional Service Canada
respondent

May 24, 2007

This case was decided by Appeals Officer Pierre Guénette.

For the appellant

Ron Hutchinson, Correctional Officer

For the respondent

Richard E. Fader, Counsel, Treasury Board, Legal Services

Jennifer Champagne, Counsel, Treasury Board, Legal Services

- [1] This case concerns an appeal made on December 22, 2005 under the *Canada Labour Code*, Part II, subsection 129(7), by Douglas Stewart Sanford (D. Sanford), against a decision of absence of danger rendered by health and safety officer Bob Tomlin (HSO Tomlin) following his investigation of the work refusal of Laurie Normington (L. Normington), Correctional Officer at Warkworth Institution on December 7, 2005.
- [2] According to HSO Tomlin's Investigation Report and Decision, on December 7, 2005 an escort of up to 12 inmates from the Transitional Unit was scheduled to be taken to the canteen building. L. Normington stated to HSO Tomlin that there was insufficient staff being assigned to conduct a transition unit escort to the canteen building safely and there was insufficient protective equipment provided to conduct these escorts and this situation presented a danger to her and others.

- [3] Further to his investigation, HSO Tomlin determined on December 19, 2005 that a danger does not exist, beyond that which is a normal condition of employment.
- [4] On May 16, 2007, Laurie Normington and Ron Hutchinson sent a letter to the Occupational Health and Safety Tribunal Canada indicating that they decided to withdraw the appeal.
- [5] Considering the written request to withdraw the appeal and having reviewed the file, I accept this request for withdrawal and declare this case closed.

Pierre Guénette
Appeals Officer

Summary of Appeals Officer's Decision

Decision: CAO-07-017

Appellant: Douglas Stewart Sanford and Union of Canadian Correctional Officers – Syndicat des agents correctionnels du Canada – Confédération des syndicats nationaux (UCCO-SACC-CSN)

Respondent: Correctional Service Canada

Provisions: *Canada Labour Code*, 128, 129(7)

Keywords: Work refusal, absence of danger, escort, inmates, protective equipment, danger, normal condition of employment, withdrawal.

Summary:

On December 22, 2005 an appeal was made of a decision of absence of danger following the refusal to work of a Correctional Officer. On May 16, 2007, the Correctional Officer withdrew her appeal of the decision. The case is therefore close.