

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

Case No.: 2006-48
Decision No.: OHSTC-08-023

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

Mark Calderone & PSAC
appellant

and

Canada Revenue Agency
respondent

September 4, 2008

This matter is decided by Appeals Officer Michael Wiwchar.

For the appellant

Ms. Lisa Addario, Legal Counsel, Public Service Alliance of Canada

For the respondent

Ms. Donna Martineau, Senior Labour Relations Technical Advisor, Canada Revenue Agency

- [1] This matter concerns an appeal on July 26, 2006 by Mark Calderone, an employee, made pursuant to subsection 129(7) of the *Canada Labour Code*, Part II (*Code*). Mr. Calderone appealed the decision of health and safety officer (HSO) Serge Marion rendered on July 18, 2006 regarding a refusal to work on July 6, 2006.
- [2] The appellant refused to work because he alleged being bitten by insects or that allergens were present in the work place controlled by Canada Revenue Agency, the employer. These reasons were stated in the refusal to work registration form completed by Mr. Calderone on July 6, 2006.
- [3] The HSO conducted an investigation and concluded that a danger did not exist in accordance with subsection 129(4) of the *Code*.
- [4] On August 29, 2008, Ms. Lisa Addario wrote to Mr. Michel Parent, A/Case Management Officer at the Occupational Health and Safety Tribunal Canada, informing him that in view of recent circumstances Mr. Calderone wished to withdraw his appeal.
- [5] Considering the above and having reviewed the file, this appeal is withdrawn and this case is closed.



Michael Wiwchar
Appeals Officer

SUMMARY OF APPEALS OFFICER DECISION

<u>Decision</u>	OHSTC-08-023
<u>Appellant</u>	Mark Calderone
<u>Respondent</u>	Canada Revenue Agence
<u>Provisions</u>	
<i>Canada Labour Code</i>	128, 129(4), 129(7),
<u>Keywords</u>	no danger, insect bites, allergens.

SUMMARY

On July 26, 2006, Mr. Calderone appealed a decision of absence of danger rendered by health and safety officer S. Marion following his investigation into the circumstances. On August 29, 2008, Ms. Lisa Addario, on behalf of the appellant, advised that in view of recent circumstances, Mr. Calderone was withdrawing his appeal. Therefore, the appeal is withdrawn and this case is closed.