



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

Correctional Service Canada  
*applicant*

and

Union of Correctional Officers  
*union*

and

Todd Campbell  
*health and safety officer*

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Decision No. 01-019  
August 13, 2001

- [1] On April 16, 2001, health and safety officer Todd Campbell conducted an investigation following a refusal to work in the work place operated by Correctional Service Canada in Agassiz. On April 16, 2001, the officer issued a direction (appended) to the employer under paragraph 145(2)(a) of the *Canada Labour Code*, Part II, requiring that the employer comply with section 124 of Part II.
- [2] On April 18, 2001, Correctional Service Canada appealed the direction issued April 16. On July 10, 2001, the employer informed the appeals officer that it was withdrawing its appeal of the above-mentioned direction.

[3] As the appeals officer responsible for this case, I confirm that Correctional Service Canada withdrew its appeal of the direction issued April 16, 2001 by health and safety officer Todd Campbell under paragraph 145(2)(a) of the *Canada Labour Code*. This case is closed.

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Serge Cadieux  
Appeals Officer

APPENDIX**IN THE MATTER OF THE CANADA LABOUR CODE  
PART II - OCCUPATIONAL HEALTH AND SAFETY****DIRECTION TO THE EMPLOYER UNDER PARAGRAPHS 145(2)(a) and (b)**

On April 16, 2001, the undersigned safety officer conducted an investigation following a refusal to work made by Pierre Quinton, Joseph Bouvier, Susan M. Dickson, Dinah-Lee Hnetka, Kimberly Knapp, Barry Powley, Juan Verville and Alan Weingerger in the work place operated by Correctional Service Canada, being an employer subject to the *Canada Labour Code*, Part II at 4732 Cemetary Road, Agassiz, B.C., the said work place being sometimes known as Kent Institution.

The said health and safety officer considers that the performance of an activity constitutes a danger to an employee while at work:

*Canada Labour Code*, Part II section 124

*124. Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.*

**Correctional Officers (as listed above) are being asked to remove inmates from A, B and C blocks of institution without a thorough weapons search of all 72 cells within these blocks being conducted. This constitutes a danger to the Correctional Officers given that a blade made out of plexiglass was found on an inmate two days earlier (14 April 2001).**

Therefore, you are HEREBY DIRECTED, pursuant to paragraph 145(2)(a) of the *Canada Labour Code*, Part II, to protect any person from the danger immediately.

Issued at Agassiz, B.C. this 16<sup>th</sup> day of April 2001.

Todd Campbell  
Health and Safety Officer

To: Mr. Paul T.L. Urmson  
Warden  
Correctional Service Canada  
Kent Institution  
P.O. Box 1500  
4732 Cemetary Road  
Agassiz, B.C. V0M 1A0

## **SUMMARY OF APPEALS OFFICER DECISION**

**Decision No.:** 01-019

**Applicant:** Correctional Service Canada

**Respondent:** Union of Canadian Correctional Officers

**KEY WORDS:** Refusal to work, living units, assault, verbal threats.

**PROVISIONS:** C.L.C.145(2)(a)(b)

### **SUMMARY:**

On April 16, 2001, health and safety officer Todd Campbell conducted an investigation following a refusal to work in the work place operated by Correctional Service Canada in Agassiz. On April 16, 2001, the officer issued a direction (appended) to the employer under paragraph 145(2)(a) of the *Canada Labour Code*, Part II, requiring that the employer comply with section 124 of Part II. On July 10, 2001, the employer informed the appeals officer that it was withdrawing its appeal of the above-mentioned direction. The appeals officer closed the file.