

CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

Canadian Pacific Railway
applicant

and

Kevin Sarafin
employee

and

Douglas A. Gould
health and safety officer

Decision No. 03-003
February 20, 2003

- [1] On October 11, 2002, health and safety officer Douglas A. Gould conducted an investigation of a refusal to work at Canadian Pacific Railway in Calgary, Alberta. The employee, Mr. Kevin Sarafin refused to work because the Blue Flag rules in force at his work place did not permit him to use a personal lock and key for locking out switches under Blue Flag Protection. On October 12, 2002, the health and safety officer decided that a danger existed and issued a direction pursuant to paragraph 145(2)(a) of the *Canada Labour Code*, Part II.
- [2] On October 18, 2002, Mr. James Cunningham appealed the direction rendered on October 12, 2002. However, on January 28, 2003 Mr. Glen Wilson, Legal Services of the Canadian Pacific Railway informed the Canada Appeals Office that the company was withdrawing its appeal of the above-mentioned direction.

[3] As the appeals officer seized of this case, I confirm that Canadian Pacific Railway withdrew its appeal of the direction issued by health and safety officer Douglas Gould. This case is closed.

Douglas Malanka
Appeals Officer

SUMMARY OF APPEALS OFFICER DECISION

Decision No.: **03-003**

Applicant: Canadian Pacific Railway

Employee: Kevin Sarafin

KEY WORDS: Refusal to work, Blue Flag Protection.

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

SUMMARY:

On October 11, 2002, health and safety officer Douglas A. Gould conducted an investigation on a refusal to work at Canadian Pacific Railway in Calgary, Alberta. The employee, Mr. Kevin Sarafin, refused to work because the Blue Flag rules in force at his work place did not permit him to use a personal lock and key for locking out switches under Blue Flag Protection. On October 12, 2002, the health and safety officer decided that a danger existed and issued a direction pursuant to paragraph 145(2)(a) of the *Canada Labour Code*, Part II.

The appeals officer confirmed that Canadian Pacific Railway withdrew its appeal of the direction issued by health and safety officer Douglas Gould. The appeals officer closed the file.