

Canada Labour Code
Part II
Occupational Health and Safety

Bell Canada
(employer)

and

Daniel Bissonnette
applicant

Decision No. 05-001
4 January 2005

This case was heard by appeals officer Richard Lafrance.

For the applicants

Alain Paradis – health and safety representative

Syndicat des communications, de l'énergie et du papier (CTM-FTQ-CTQ)

Alain Portelance – President

Syndicat des communications, de l'énergie et du papier (CTM-FTQ-CTQ)

Daniel Bissonnette

Employee

For the employer

Reno Vaillancourt – legal counsel for Bell Canada

Yves Darcy – assistant director, labour relations

Health and safety officer

Jessica Tran, Labour Program, Human Resources and Skills Development Canada, Montreal
[No. QC8864]

- [1] This case concerns an appeal filed on 7 November 2003 pursuant to subsection 129(7) of the *Canada Labour Code* (the *Code*), Part II, by Daniel Bissonnette, an employee of Bell Canada (employer).
- [2] This appeal was filed following a decision **of no danger** rendered by health and safety officer Jessica Tran after her inquiry into the refusal to work by Daniel Bissonnette.
- [3] At the first hearing on 22 September 2004, officer Tran presented her report and related the facts and circumstances as she perceived them at the time of her investigation.

[4] The reason for refusal to work was described in officer Tran's report as follows:

“The fact the employer is obliging me to come to work is harmful to my health because I am still in the process of being cured. The employer is also ignoring my attending physician's recommendations to the effect that I am not currently in a fit state to work because of my state of health.”

[5] Daniel Bissonnette was then examined by his representative and described the situation that led him to exercise his right of refusal to work.

Due to a lack of time to complete Daniel Bissonnette's cross-examination, the rest of the hearing was postponed to a later date.

[6] On 17 December 2004, the date set for the continuation of the hearing, the parties met with each other before the start of the hearing and settled their differences.

[7] After this meeting, Alain Paradis, Daniel Bissonnette's representative confirmed in writing on 20 December 2004 that the employee was withdrawing his appeal.

[8] As the appeals officer in this case, I confirm, as a result of Mr. Bissonnette's decision not to pursue his appeal and after examining the file, that this case is closed.

Richard Lafrance
Appeals Officer

Decision Summary

Decision No.: 05-001

Applicants: Alain Paradis
Alain Portelance
Daniel Bissonnette

Keywords: Refusal to work, appeal, medical condition

Provisions: *Code 129(7)*
Regulations

Summary:

The applicant appealed a decision of no danger rendered by a health and safety officer, following his refusal to work. The applicant subsequently withdrew his appeal and the appeals officer declared the case closed.