

Canada Labour Code
Part II
Occupational Health and Safety

D. Wereley
applicant

and

Securicor Canada Limited
respondent

Decision No. 05-013
March 30, 2005

These appeals made pursuant to subsection 129(7) of the *Canada Labour Code* were decided by Douglas Malanka, appeals officer.

- [1] On March 5, 2003 at approximately 00:30 hours, armed guard D. Wereley refused to carry out his stop at the Bank of Nova Scotia in Ottawa, Ontario. Following the employer's unsuccessful effort to resolve the matter, health and safety officer (HSO) Serge Marion arrived to investigate into D. Wereley's continued refusal to work. D. Wereley complained to HSO Marion that a danger existed because Securicor had reduced the crew size for the shift from three persons to two, such that there was no driver to remain with their vehicle while the crew conducted the stop. D. Wereley wrote:

I felt that at this location I can't be guarded properly when I exit the building. It's a gang neighbourhood where robberies are common. I can't maintain visual contact with my partner because where he guards (the area where he can safely see the different angles) he is too far away from me and I can't see him when I leave. I am exposed in the high traffic area (Tim Horton's [*sic*]) with my back turned to the Tim Horton's [*sic*] entrance. It is a stop where coin is often unloaded and this prolongs the time I am exposed.

- [2] Following his investigation, HSO Marion decided that a danger did not exist for D. Wereley and confirmed his decision in writing on March 5, 2003.
- [3] On March 13, 2003, D. Wereley appealed the decision of HSO Marion pursuant to subsection 129(7) of the *Code* to an appeals officer.
- [4] On February 3, 2005, D. Wereley wrote to withdraw the appeal of the decision of HSO Marion. No longer being employed at Securicor, D. Wereley indicated not having any further interest in the appeal.

[5] On that basis, and in the absence of any reason for doing otherwise, I have accepted the withdrawal and closed the file on this appeal.

Douglas Malanka
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: 05-013

Appellants: D. Wereley

Respondent: Securicor Canada Limited

Provisions: *Canada Labour Code* 129(7)
Regulation

Key Words: Refusal to work, crew reduction, driver, 2-person-off crew, S-Series vehicle, unsecured vehicle, ambush, armed robbery, danger,

Summary:

The applicant withdrew the appeals made pursuant to 129(7) of the *Code* and the appeals officer closed the file.