

**Canada Labour Code**  
**Part II**  
**Occupational Health and Safety**

Pierre-Alexandre Lacasse  
*applicant*

and

United Parcel Service Canada Ltd.  
*employer*

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Decision No.: 06-013  
April 11, 2006

This case was heard by Pierre Guénette, appeals officer.

- [1] This case deals with an appeal submitted orally on February 13, 2006 by Pierre-Alexandre Lacasse, a driver employed by United Parcel Service Canada Ltd., under subsection 129(7) of the *Canada Labour Code*, Part II.
- [2] This appeal follows a decision of no danger issued on that day by health and safety officer Mario Thibault, as a result of the employee's refusal to work on February 8, 2006.
- [3] According to the report submitted by health and safety officer Thibault, the employee refused work for the following reasons:

[TRANSLATION]

Following the threats to which another driver was submitted at that address, I believe that my health and safety is endangered, even more so because no investigation or measure whatsoever were taken as a result of those threats. They had been made to the UPS officer on the spot, driver Stéphane Lalonde. When I refused on a few past occasions to deliver parcels at that address, the supervisor, or the employer's representative, ordered other drivers to make the delivery, without telling them about the dangers or the refusals taking place. Consequently, I believe that the employer failed to his duties. The threats concerned armed assaults! On Thursday February 9, Mr. Trottier threatened to suspend me if I did not make the parcel delivery.

- [4] I retain the following from health and safety officer Thibault's investigation:
1. More than two years before Mr. Lacasse's refusal to work, an incident supposedly took place between the customer and a driver (Mr. Lalonde). The driver did not make a complaint. Also, there is no police report on the incident.
  2. The health and safety committee was never asked to examine the incident that took place between Mr. Lalonde and the customer.
  3. The employees informed the employer about the incident that took place between the customer and Mr. Lalonde in January 2006 only.
  4. No similar incident like the one described by Mr. Lalonde and Mr. Lacasse ever happened between the customer and any other driver, before or after that incident.
  5. Mr. Lacasse never met the customer.
- [5] Following his investigation, health and safety officer Thibault examined the following facts to render his decision:
- [TRANSLATION]
1. No similar incident like the one described by Mr. Lalonde and Mr. Lacasse ever happened between the customer and any other driver, before or after that incident.
  2. Nobody questioned the above mentioned statement made by the employer during the investigation.
- [6] Consequently, health and safety officer Thibault decided that there was no danger. He confirmed and gave his decision in writing to Pierre-Alexandre Lacasse and to the employer.
- [7] On April 3, 2006, Pierre-Alexandre Lacasse decided to withdraw his appeal.
- [8] Consequently, I hereby accept Pierre-Alexandre Lacasse's withdrawal of appeal and I confirm that the file is closed.

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Pierre Guénette  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** 06-013

**Applicant:** Pierre-Alexandre Lacasse

**Employer:** United Parcel Service Canada Ltd.

**Key Words:** Decision, refusal to work, threats, parcel delivery

**Provisions:** *Code:* 129(7)

**Summary:**

The applicant appealed a no danger decision issued by a health and safety officer following his refusal to work. The applicant later withdrew his appeal and the appeals officer closed the file.