

Canada Labour Code
Part II
Occupational Health and Safety

Correctional Service Canada
applicant

and

Public Service Alliance of Canada
union

Decision No.: 06-014
April 13, 2006

This case was decided by Appeals Officer Richard Lafrance.

For the Applicant

Richard E. Fader
Justice Canada

For the Union

Jeff Bennie, National Health and Safety Officer

Health and Safety Officer

Jack Almond, Labour Program, Human Resources and Skills Development Canada
Calgary, Alberta / NWT / Nunavut

- [1] This case concerns an appeal made on January 13, 2005 under the *Canada Labour Code*, Part II, subsection 146(1), by Richard E. Fader, Counsel for Correctional Service Canada, against five directions issued by Health and Safety Officer (HSO) Jack Almond following his investigation of the death of Louise Pargeter, employee of Correctional Service Canada.
- [2] According to HSO Almond's investigation report, on the morning of October 6, 2004, Louise Pargeter, a Parole Officer working for Correctional Service of Canada, went to complete a home visit with a parolee at his apartment. She was later found dead by the RCMP at the parolee's apartment.

[3] Further to his investigation, HSO Almond issued five directions to the employer under paragraphs 145.(1)(a)(b) of the *Canada Labour Code* as follow:

1. Section 124 of Part II of the *Canada Labour Code*.

The investigation indicated that the employer did not ensure that the health and safety of employee, Louise Pargeter, was protected while she conducted a home visit by herself to a parolee's residence on October 6, 2004. No policies or procedures existed specific to employee health and safety relating to assessing hazards prior to home visit or when visits are conducted alone to a parolee's residence by an employee.

2. Paragraph 125.(1)(z) of Part II of the *Canada Labour Code*.

The investigation indicated that the employer did not ensure that employees who have supervisory or managerial responsibilities were trained in health and safety or informed of their responsibilities under the *Canada Labour Code*, Part II.

3. Paragraph 125.(1)(z.01) of Part II of the *Canada Labour Code*.

The investigation indicated that the employer did not ensure that the health and safety representative, Katherine Koski, for the said workplace, was informed of her responsibilities under the *Canada Labour Code*, Part II.

4. Paragraph 125.(1)(z.09) of Part II of the *Canada Labour Code*.

The investigation indicated that the employer did not have health and safety policies or programs developed at the time of the incident involving employee, Louise Pargeter, on October 6, 2004, to address health and safety hazards a Parole Officer may encounter during a visit to a parolee's residence. The hazard in this situation involved the visit by a female Parole Officer, Louise Pargeter, alone, to the residence of a parolee having a criminal history of violence and sexual assault.

5. Paragraph 125.(1)(s) of Part II of the *Canada Labour Code*.

The investigation indicated that the employer did not take the necessary measures to ensure that employee, Louise Pargeter, was informed of every known or foreseeable health and safety hazard to which she was likely to be exposed when she visited the residence of a parolee on October 6, 2004. The information provided to the employee was based on the contents of the case management file for the parolee. This information is pertinent to public safety not the health and safety of an employee.

- [4] On April 6, 2006, the employer's attorney, Mr. Richard Fader, sent a letter to this office indicating that Correctional Service Canada was withdrawing its appeal of the five instructions.
- [5] Considering the written request to withdraw the appeal and having reviewed the file, I accept this request for withdrawal and declare this case closed.

Richard Lafrance
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: 06-014

Applicant: Correctional Service Canada

Union: PSAC – Jeff Bennie – National Health and Safety Officer

Key Words:

Provisions: *Canada Labour Code:* 145.(1)(a)(b), 125.(1)(z)(z.01)(z.09) and 125.(1)(l)

Summary:

This case concerns an appeal made on January 13, 2005 by Correctional Service Canada, against five directions issued by Health and Safety Officer (HSO) Jack Almond following his investigation of the death of Louise Pargeter, a Parole Officer working for Correctional Service of Canada.

According to the HSO's investigation report, the employee in question went to complete a home visit with a parolee at his apartment. She was later found dead by the RCMP at the parolee's apartment. The HSO issued five directions against the employer.

On April 6, 2006, the employer contacted the Appeals Officer to withdraw its appeal of the five instructions.

Considering the written request to withdraw the appeal and having reviewed the file, the Appeals Officer accepted the request for withdrawal and declared the case closed.