

Canada Labour Code
Part II
Occupational Health and Safety

Paul Morrissette
applicant

and

Aeroguard Inc.
respondent

Decision No.: 06-021
July 13th, 2006

This case was decided by Pierre Guénette, appeals officer.

- [1] This case concerns an appeal pursuant to subsection 129(7) of the *Canada Labour Code*, Part II, by Paul Morrissette, an employee of Aeroguard Inc., Calgary, Alberta, against a decision of absence of danger rendered by health and safety officer Bryan Lloyd on March 1, 2005.
- [2] On February 28, 2005, the employee refused to work for the reason described in the Investigation Report and Decision of health and safety officer Bryan Lloyd:

Statement of the refusal to work:

On numerous occasions I have been requested by company supervisors and APLs to go to the Customs area to conduct baggage inspections. At those times, I have repeatedly advised the supervisors and APLs that I refused to perform any baggage searches due to the lack of adequate safety procedures/equipment, such as x-raying the contents of the baggage and the lack of a properly functioning EDT machinery in the Customs area. I have serious concerns that I might be **involuntarily** exposed to explosives, anthrax, hazardous chemicals or other dangers due to a lack of proper detection equipment within the Customs area. Supervisors and APLs in question and the Assistant Manager have, still, ordered me to go and perform the function despite my protests. As such, I must file a “RIGHT TO REFUSE” under provisions of para 128(1) of Part II, of the *Canada Labour Code*.

[3] On May 30, 2006, Mr. Paul Morrissette advised verbally the Canada Appeals Office on Occupational Health and Safety that he wished to dismiss his appeal, dated March 17, 2005. This has been confirmed in a letter sent to him on June 30, 2006.

[4] I hereby accept Mr. Morrissette's withdrawal and confirm that this file is closed.

Pierre Gu nette
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: 06-021

Appellants: Paul Morrissette

Respondent: Aeroguard Inc.

Keywords: Refusal to work, baggage searches, safety procedures/equipment, x-ray machines, Explosive Detection Trace machine, anthrax, hazardous chemicals.

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

Summary:

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