

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

Gilles Poirier  
Operator (Driver)  
*appellant*

and

Ottawa-Carleton Regional  
Transit Commission  
*respondent*

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Decision No.: 06-031  
September 11<sup>th</sup>, 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 Gilles Poirier, an employee of Ottawa-Carleton Regional Transit Commission, Ottawa, Ontario, against a decision of absence of danger rendered by health and safety officer (HSO) Birgit Barca on May 4<sup>th</sup>, 2006.
- [2] On December 23<sup>rd</sup>, 2005, the employee refused to work for the reason described in the Investigation report and decision of HSO Birgit Barca:

Statement of the refusal to work:

*The view is blocked by equipment on the table (dash) of the board (dashboard). The employee feels that the newly installed MDT (Mobile Data Terminal) would block his view of a child walking in front of the bus.*

- [3] On September 1<sup>st</sup>, 2006, Alison Longmore, counsel for the Amalgamated transit union, advised the Canada Appeals Office on Occupational Health and Safety that Gilles Poirier wished to withdraw his appeal, dated January 3<sup>rd</sup>, 2006 for the following reason:

*The Technical Advisory Committee at OC Transpo considered this issue and as a result, The Employer has decided to move the GPS equipment to the front of the fare boxes. This decision effectively removes the danger that had concerned Mr. Poirier and it is for this reason that he is withdrawing his appeal.*

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

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Pierre Guénette  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** 06-031

**Appellant:** Gilles Poirier – Operator (Driver)

**Respondent:** Ottawa-Carleton Regional Transit Commission

**Keywords:** Withdrawal, compliance

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

### Summary:

On December 23<sup>rd</sup>, 2005, Mr. Poirier refused to work because the newly installed MDT would block his view of a child walking in front of the bus. On September 1st, 2006, Alison Longmore, counsel for the union, advised the Canada Appeals Office that the employer had decided to move the equipment to the front of the fare boxes removing the danger that had concerned Mr. Poirier, he then withdrew his appeal.