

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

Correctional Service Canada  
*appellant*

and

UCCO-SACC-CSN  
*respondent*

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Decision No.: 06-038  
November 3, 2006

This case was decided by Appeals Officer Richard Lafrance.

**For the Appellant**

Mel Sater, Counsel, Correctional Service Canada  
Harvey Newman, Senior Counsel, Treasury Board Legal Services  
Richard Fader, Counsel, Treasury Board Legal Services

**For the Respondent**

Michel Bouchard, Union Advisor, UCCO-SACC-CSN

**Health and Safety Officer**

Chris Mattson, Labour Program, Human Resources and Skills Development Canada

- [1] This case concerns an appeal made on January 20, 2004 under the *Canada Labour Code*, Part II, subsection 146(1), by Richard Fader, Counsel for Correctional Service Canada, against a direction issued by Health and Safety Officer (HSO) Chris Mattson following his investigation of the work refusal by Mr. Bernard Jones.
- [2] According to HSO Mattson's report, on January 12, 2004, Mr. Jones refused to work because the maximum security inmates were out in a yard, that was divided in two, without sufficient surveillance. Management instructed the guard to observe the inmates through windows that only allowed a small portion of the yard to be visible.

- [3] Further to his investigation, HSO Mattson issued a direction to the employer under paragraphs 145.(1)(b) of the *Canada Labour Code* as follows:

“The said health and safety officer is of the opinion that the following provision(s) of the *Canada Labour Code*, Part II, is being contravened:

Section 124

To improve the observation of inmates while in Assessment Special Needs and Mental Health Cloister yard area.

You are HEREBY DIRECTED, pursuant to paragraph 145(1)(b) of the *Canada Labour Code*, Part II, within the time specified by the health and safety officer, to take steps immediately to ensure that the contravention does not continue or reoccur.

- [4] On March 31, 2005, Mel Sater, Counsel for Correctional Service Canada, sent a letter to this Office indicating that Correctional Service Canada was withdrawing its appeal of the direction.
- [5] Considering the written request to withdraw the appeal and having reviewed the file, I accept and declare this case closed.

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Richard Lafrance  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** 06-038

**Appellant:** Correctional Service Canada

**Respondent:** UCCO-SACC-CSN

**Key Words:** Withdrawal, observation of inmates

**Provisions:** *Canada Labour Code*: 146(1)

### **Summary:**

On January 20, 2004, Correctional Service Canada appealed a direction issued following a work refusal. On March 31, 2005, Correctional Service Canada withdrew its appeal of the direction. The case is therefore close.